

**MEETING**

**STRATEGIC PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 13TH MARCH, 2024**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF STRATEGIC PLANNING COMMITTEE (Quorum 6)**

Chairman: Councillor Nigel Young  
Vice Chairman: Councillor Richard Barnes

**Councillors**

Claire Farrier	Paul Lemon	Shuey Gordon
Philip Cohen	Richard Cornelius	
Rishikesh Chakraborty	Eva Greenspan	

**Substitute Members**

Danny Rich	Arjun Mittra	Tony Vourou
Mark Shooter	Elliot Simberg	Michael Mire

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions 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 8 March 2024 at 10AM. Requests must be submitted to [StrategicPlanning.Committee@Barnet.gov.uk](mailto:StrategicPlanning.Committee@Barnet.gov.uk)

**Andrew Charlwood – Head of Governance**

**ASSURANCE GROUP**

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

Governance Service contact: [StrategicPlanning.Committee@barnet.gov.uk](mailto:StrategicPlanning.Committee@barnet.gov.uk)  
Media Relations contact: Tristan Garrick 020 8359 2454

*Please consider the environment before printing.*

*If needed, attendees are requested to print any specific agenda report(s). Committee Agendas are available here: <https://barnet.moderngov.co.uk/>*

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and other interests	
4.	Dispensations Granted by the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Land Formerly Known As British Gas Works Albert Road Barnet - 23/3964/FUL - New Barnet	11 - 168
7.	Whalebones, Wood Street, EN5 4BZ - 23/4117/FUL - High Barnet	169 - 262
8.	Any item(s) that the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone [StrategicPlanning.Committee@barnet.gov.uk](mailto:StrategicPlanning.Committee@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

## Decisions of the Strategic Planning Committee

20 February 2024

Members Present:-

AGENDA ITEM 1

Councillor Nigel Young (Chair)  
Councillor Richard Barnes (Vice-Chair)

Councillor Claire Farrier	Councillor Richard Cornelius
Councillor Rishikesh Chakraborty	Councillor Eva Greenspan
Councillor Paul Lemon	Councillor Shuey Gordon

Also in attendance

Councillor Philip Cohen  
Councillor Dean Cohen  
Councillor Joshua Conway  
Councillor Edith David  
Councillor Alison Moore  
Councillor Ammar Naqvi  
Councillor Alex Prager

Apologies for Absence  
Councillor Philip Cohen

**COUNCILLOR NIGEL YOUNG, CHAIR OF THE STRATEGIC PLANNING COMMITTEE OPENED THE MEETING.**

**1. MINUTES OF THE LAST MEETING**

**RESOLVED** that the minutes of the previous meeting held on 17 January 2024 be agreed as a correct record.

**2. ABSENCE OF MEMBERS**

Apologies had been received from Councillor Philip Cohen, for whom Councillor Danny Rich substituted.

**3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

There were no pecuniary interests declared.

In relation to item 6 (Golders Green Eruv), Councillor Eva Greenspan declared that she had been involved in getting the Eruv established in 1989.

In relation to items 7 (Building 9 and Hendon Library) and 8 (Ravensfield House):

Councillor Eva Greenspan advised the Committee that she had been the Chair of the Committee when the Hendon Hub items first came to Committee in 2022. She advised the Committee that she would approach both applications with an open mind.

Councillor Claire Farrier also declared that she was on the Committee when the Hendon Hub items, first came to Committee in 2022. She advised the Committee that she would approach both applications with an open mind.

Councillor Rishikesh Chakraborty declared that he had been a longstanding campaigner against the Hendon Hub and advised the Committee that he would remove himself from the meeting when the items were being considered and would not participate or vote.

**4. REPORT OF THE MONITORING OFFICER (IF ANY)**

None.

**5. ADDENDUM (IF APPLICABLE)**

The Committee noted the updated information contained within the published addendum in relation to agenda items 8 and 9.

**6. GOLDERS GREEN ERUV - BETWEEN NORTH CIRCULAR ROAD, FINCHLEY ROAD AND HENDON WAY 23/4742/FUL - GOLDERNS GREEN**

The Planning Officer presented the report.

Councillor Dean Cohen addressed the Committee in support of the application.

Rabbi Zimmerman, on behalf of the applicant, addressed the Committee in support of the application.

Following discussion, the Committee moved to the vote. Votes were recorded as follows:

For – 9 (approval)

Against – 0 (approval)

Abstention – 0 (approval)

**RESOLVED** that the application be approved and the Committee grants delegated authority to the Director of Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations set out in the report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**COUNCILLOR RISHIKESH CHAKRABORTY LEFT THE COMMITTEE ROOM.**

**7. BUILDING 9 AND HENDON LIBRARY, THE BURROUGHS, LONDON, NW4 4BQ - 23/2869/FUL & 23/2907/LBC - HENDON**

The Planning Officer presented the report.

David Pixner addressed the Committee in objection of the application regarding 23/2869/FUL.

Ben Samuel addressed the Committee in support of the application 23/2869/FUL.

Councillor Alex Prager addressed the Committee in objection of the application 23/2869/FUL.

Christopher Tennant, the agent for the applicant, addressed the Committee in support of applications 23/2869/FUL and 23/2907/LBC.

Brad Blitz addressed the Committee in objection of the application regarding 23/2907/LBC.

Following discussion, the Committee requested that an informative be added to any permission granted that the library should be used for public library purposes only. Councillor Richard Cornelius moved this proposal and Councillor Eva Greenspan seconded it which was agreed with 6 votes for and 2 votes against. The Committee then voted on the applications. Votes were recorded as follows:

23/2869/FUL:

For – 8 (approval)

Against – 0 (approval)

Abstention – 0 (approval)

23/2907/LBC:

For – 8 (approval)

Against – 0 (approval)

Abstention – 0 (approval)

**RESOLVED** that the applications be approved subject to an agreement or unilateral undertaking and addition of the above informative AND the Committee grants delegated authority to the 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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**8. RAVENSFIELD HOUSE, FENELLA BUILDINGS, 1 - 3 BURROUGHS PARADE AND 3 EGERTON GARDENS, THE BURROUGHS, LONDON, NW4 4BD - 23/2868/FUL - HENDON**

The Planning Officer presented the report and addendum.

Aliza Medina addressed the Committee in objection of the application.

Ameet Jogia addressed the Committee in objection of the application.

Christopher Tennant, the agent for the applicant, addressed the Committee in support of the application.

Following discussion, the Committee moved to vote on Officer recommendations.

For – 4 (approval)

Against – 4 (approval)

Abstention – 0 (approval)

The Chair used his casting vote to vote in favour of the application and therefore the application was APPROVED.

**RESOLVED** that the applications be approved subject to an agreement or unilateral undertaking AND the Committee grants delegated authority to the Director of Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations set out in the report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**RESOLVED** that the application, being of strategic importance to London, be referred to the Mayor of London. As such, any resolution by the committee will be subject to no direction, to call in or refuse the application being received from the Mayor of London.

**COUNCILLOR RISHIKESH CHAKRABORTY RETURNED TO THE COMMITTEE ROOM.**

**IN ACCORDANCE WITH COMMITTEE PROCEDURE RULE 15.1.2, THE CHAIR ADVISED THE COMMITTEE THAT HE WOULD EXTEND THE MEETING UNTIL 10:30PM.**

**9. LAND FORMERLY KNOWN AS BRITISH GAS WORKS ALBERT ROAD BARNET - 23/3964/FUL - NEW BARNET**

The Planning Officer presented the report and addendum.

John Dix addressed the Committee in objection of the application.

Pete Redshaw addressed the Committee in support of the application.

Councillor Philip Cohen addressed the Committee in objection of the application.

Theresa Villiers, Member of Parliament for Chipping Barnet Constituency, addressed the Committee in objection of the application.

Mark Jackson, the agent for the applicant, addressed the Committee in support of the application.

Having reached the maximum time for the meeting, the Committee agreed to adjourn the meeting and continue the application at the next meeting or at a special meeting. Officers advised Members that when the Committee reconvened that consideration of the application would recommence with the only remaining matters being the committee discussion on the item and voting. There would be no officer presentation or speakers on the item. It was noted that only Members who had sat at this committee meeting would be able to participate in the discussion and vote on this item.

**RESOLVED** that the Committee agree to adjourn and defer consideration of the remaining elements of this item to a special meeting or the next scheduled meeting.

The meeting finished at 10.29 pm

This page is intentionally left blank



**Location** Land Formerly Known As British Gas Works Albert Road Barnet

**Reference(s):**

23/3964/FUL

Received: 12<sup>th</sup> September 2023

Accepted: 21<sup>st</sup> September 2022

**Ward:**

New Barnet

Expiry: 21<sup>st</sup> December 2023

**Case Officer:** James Langsmead

**Applicant:** Citystyle Fairview VQ LLP

**Proposal(s):**

Construction of a residential-led, mixed use development to provide 420no. residential units (Use Class C3) and 346.2 sqm of commercial space (Class E) across 11no. buildings ranging from 4 to 8 storeys in height, and basement level. New public realm with communal landscaped amenity areas, removal of existing elevated footbridge and creation of new pedestrian routes, 291no. car parking spaces, including car club and accessible provision, secure cycle parking, servicing and other associated development

**AGENDA ITEM 6**

### **APPLICATION SUMMARY**

Agenda Item 9 (Victoria Quarter, Albert Road) of the Planning Committee meeting of 20<sup>th</sup> February 2024 was presented to Members by Officers. The Committee was then addressed by:

- John Dix (representing resident group: New Barnet Community Association - Objection);
- Pete Redshaw (Local resident – Support);
- Cllr Philip Cohen (Ward Councillor – Objection);
- Rt Hon MP Theresa Villiers (Local MP – Objection)
- Mark Jackson (representing Fairview, as the applicant – Support)

Due to reaching the maximum time allowed for the meeting at 10:30pm, the Committee agreed to adjourn the meeting. The Committee resolved to defer the item to the next scheduled meeting to facilitate full and proper consideration of outstanding matters of the item (i.e. Members debate, including questions to Officers, and subsequently Members determination of the application).

It was advised that only Members who had sat at the committee meeting of 20<sup>th</sup> February 2024 would be able to participate in the discussion and to vote on this item.

The original Officer Report to 20<sup>th</sup> February 2024 Strategic Planning Committee, which recommended the application for approval, subject to conditions and a Section 106 agreement is included as Appendix 1. The addendum to the Officer Report is included as Appendix 2.

Since the 20<sup>th</sup> February 2024 Strategic Planning Committee Meeting, the applicant has provided additional written representation in response to the matters raised at the meeting which provide further clarification on existing details within the application.

This information is considered below.

## **Applicant Representations / Information**

### **Applicant Representation:**

In the first instance, I would like to confirm that all units meet the nationally described space standard and either Part M4(2) or M4(3) of the Building Regulations.

#### Daylight

It is important to reiterate that the BRE guidelines are not meant to be a strict set of rules nor an instrument of planning policy. The BRE states that the document is purely 'guidelines' and should be used sensibly and flexibly and balanced against other factors as daylight is only one of the many considerations in site layout design. This flexible approach is echoed in the NPPF 2023 and the London Housing SPG to ensure that sites are fully optimised for housing with the NPPF 2023 making it clear that efficient use of sites should not be hampered by such technical constraints.

Every effort has been made throughout the design development to optimise the internal daylight levels. The latest scheme design draws upon the site layout / design principles set by the previously consented scheme in respect of Blocks C, D, E & F. It is considered that this scheme adopts an appropriate balance between natural lighting and other important design factors such as overheating, balcony provision and privacy to ensure a high-quality living accommodation for the future residents.

Overall, the daylight within this scheme is considered to perform well for a large residential apartment scheme on a site which has been allocated for regeneration. Indeed, the GLA Stage 1 Report commended the high proportion of dual aspect units and the high level of compliance against the BRE 2022 guidelines. The provision of internal kitchen-diners was raised as a concern at committee. It is considered that a condition could be imposed that allows for further scrutiny of this detail, to potentially modify layouts, or amend the enclosure strategy of this element.

#### Overheating

Building Regulation Document O requires the modelling of units to have closed windows where night-time noise is over 40dB. This is equivalent to the sound of a refrigerator humming. Because the windows are closed for modelling purposes, they require cooling units to be installed.

The residents within the scheme will have a choice to open their windows. This allows for natural ventilation and consequently, a reduction in the internal temperature of the room.

All units situated along the western boundary, facing the railway, feature a dual aspect. The internal layout of these units has been designed to ensure that the sleeping accommodation is positioned away from the edge facing the railway.

#### Affordability

The consented scheme included 18 units that were proposed to be Affordable Rent. The proposed application includes 66 units that are London Affordable Rent. The difference between these tenures potentially saves households up to £239.23 a week or £12,439 a

year in rent.

Due to significant insulation, the Victoria Quarter apartments will typically expect to have heating bills that are 50% lower than older comparable schemes. Victoria Quarter is Fairviews most energy efficient project to date with good airtightness, low heat loss and an efficient district heat network.

Should the resident choose to have the windows closed and utilise the cooling system, the additional cost of the cooling will depend on the thermostat settings but is expected to range between £0.70 - £1.00 per day in the summer months. By contrast the homes will be cheaper to heat in the winter, through the improved energy efficiency, so on average the costs will at least even out. Overall energy costs are expected to be cheaper compared to apartments from as recently as a few years ago.

In conclusion, this application has adopted the design approach of the Original Permission, which was supported by the local community, but has rightly prioritised the delivery of affordable homes, and the affordability of those homes within this approach. Technical standards have evolved significantly since the Original Permission, and the daylight and the overheating methodologies under the updated 2022 guidelines are harder to achieve and are competing elements within the design process. The levels of compliance in the proposed scheme are considered good for large residential apartment scheme and is considered to strike an appropriate balance between technical requirements and design intent.

#### Officer Comments:

In respect of the Applicant's comments on nationally described space standards and M4(2) and M4(3) accessible units, Officers acknowledge and have no comments to make. These matters have been addressed by Officers in the public consultation response section, and in paras 2.1.17 to 2.1.20 of the Officer Report (Appendix 1); and, further in the Addendum to the Officer Report (Appendix 2).

In respect of the applicant's comments on daylight, Officers have addressed the Local Planning Authority's position on BRE Guidelines in the consultation response section, and the *Sunlight and Daylight* section of the report (under paras 2.1.53 – 2.1.59) in Appendix 1.

The information provided in the applicant's representation does not change Officers' views on the scheme's acceptability in terms of daylight and sunlight. BRE Guidelines are a guide and not an instrument policy, further paragraph 129(c) of the National Planning Policy Framework is clear that:

*“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”*

Although currently under consultation until the end of March 2024, Government are also looking to strengthen Paragraph 129(c) of the NPPF, by adding additional wording to the effect that: significant weight should be given to the benefits of delivering as many homes as possible. At this point, this bears little weight as it is a consultation, however, the existing paragraph still adds positive weight to the current Officer assessment.

Officers note the suggestion of a possible condition to address the lack of daylight in enclosed kitchen-dining rooms within a number of the units. Members should consider and discuss whether this would address the concerns raised at the previous planning committee.

In respect of the Applicant's comments on Overheating, Officers have addressed overheating in the consultation response section and the Overheating section (paras 2.1.60 to 2.1.77) of the Officer report in Appendix 1.

In respect of the Applicant's comments on Affordability (i.e. the running costs of heating/cooling), this is neither a planning policy consideration or material planning consideration. As per Officer comments in the Addendum response to Officer report (Appendix 1) under the consultation section, operating costs are not reasonably under the control of the Local Planning Authority (LPA), as these are influenced by variables (e.g. rising/falling energy/fuel prices in response to economic trends and availability) outside of the LPA's control. Notwithstanding, Officers note that the benefits of an efficient district heat network combined with quality building materials (with good insulative qualities) would result in what appears to be both a reasonably sustainable and affordable residential development for residents of all tenures across the scheme.

### **Conclusion / Recommendation**

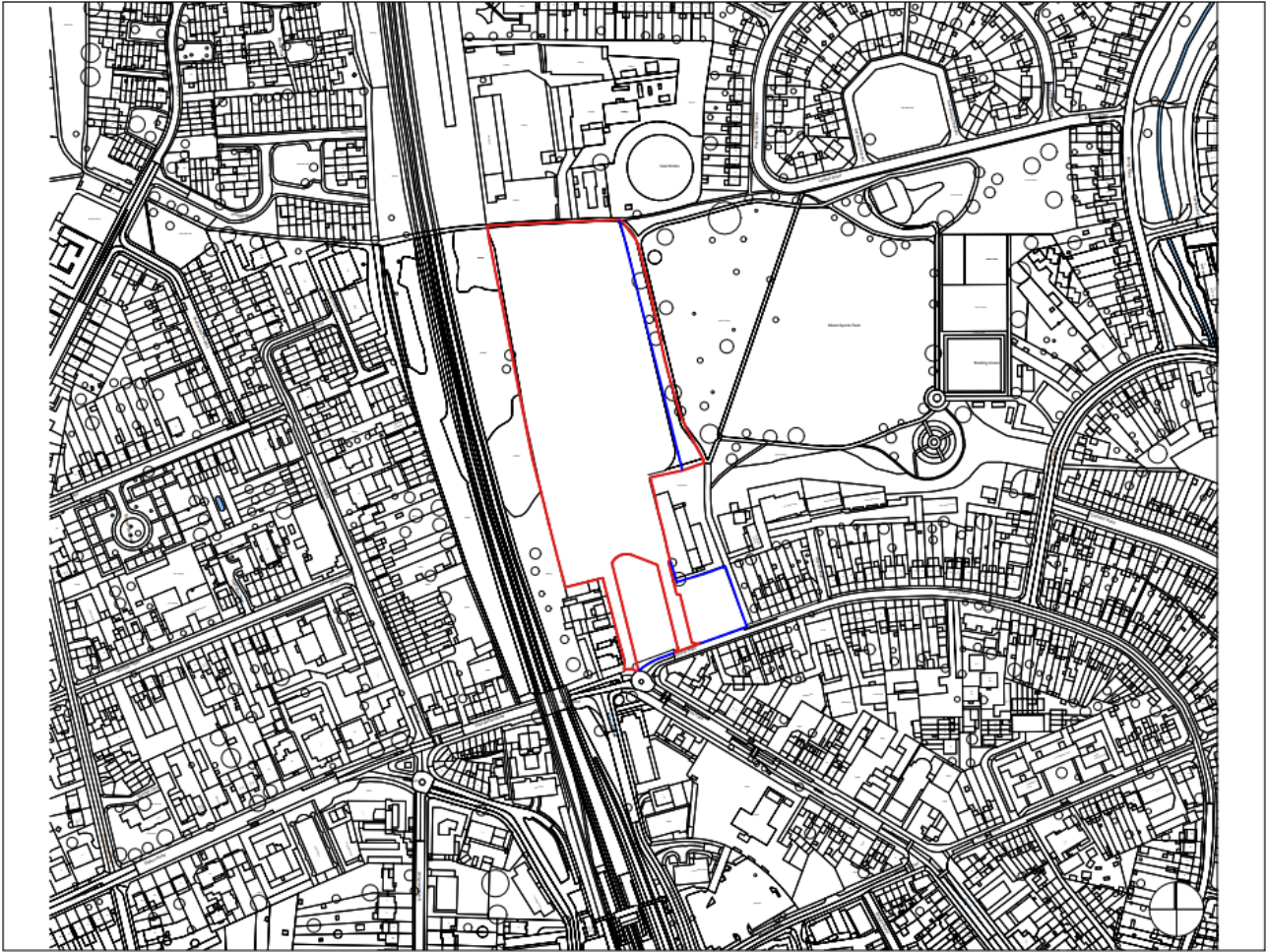
In light of the above, Officers consider the clarifications provided within the representation does not materially alter the principle of the proposed scheme, and therefore does not alter the Officer's original recommendation to the Committee.

As such, the Officer recommendation on the application remains:

Approve subject to a Section 106 Agreement and conditions

AND the Committee grants delegated authority to the Director of 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).

**Site Location Plan(s):**



**APPENDIX 1:  
20<sup>th</sup> FEBRUARY 2024 - OFFICER REPORT TO COMMITTEE**

**Location** Land Formerly Known As British Gas Works Albert Road Barnet

**Reference(s):** 23/3964/FUL Received: 12<sup>th</sup> September 2023  
Accepted: 21<sup>st</sup> September 2022

**Ward:** New Barnet Expiry: 21<sup>st</sup> December 2023

**Case Officer:** James Langsmead

**Applicant:** Citystyle Fairview VQ LLP

**Proposal(s):** Construction of a residential-led, mixed use development to provide 420no. residential units (Use Class C3) and 346.2 sqm of commercial space (Class E) across 11no. buildings ranging from 4 to 8 storeys in height, and basement level. New public realm with communal landscaped amenity areas, removal of existing elevated footbridge and creation of new pedestrian routes, 291no. car parking spaces, including car club and accessible provision, secure cycle parking, servicing and other associated development

### **OFFICER'S RECOMMENDATION**

Approve subject to a Section 106 Agreement and conditions

AND the Committee grants delegated authority to the 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).

### **RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of seeking to secure the following:

1. Legal Professional Costs Recovery
  - i. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. Enforceability
  - i. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Indexation
  - i. All financial contributions listed to be subject to indexation.
4. Off-site Highway Improvement Works
  - i. The applicant shall, at its own expense, implement the following off-site

highways improvement works (including but not limited to) to mitigate the impact of the development, with agreement of the Highways Authority. These works shall be undertaken under S278 of the Highways Act 1980.

- a) Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road
- b) Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction) near Albert Road West
- c) Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south-east of East Barnet Road and Lytton Road junction
- d) Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works
- e) Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton Road

#### 5. Highway Improvements

- i. The details of the highway works will consist but not limited to cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction; proposed development block entrances; the proposed car parking laybys throughout the development and proposed footways/cycle ways including new footpaths (adopted, unadopted and proposed for adoption).
- ii. Albert Road East and Albert Road West: All drawings relating to the highway layouts for Albert Road West and the adopted section of Albert Road East are for indicative purposes only. Detailed design of any improvements to the footway and carriageway as well as parking/traffic restrictions to be introduced in these areas are to be agreed as part of the s278 process.
- iii. Due to the scope of works proposed on the section of Victoria Road fronted by the development, suitable reinstatement works including resurfacing of the highways (including footways) should be undertaken and implemented by the developer at their own costs, but approved and supervised by Local Highway Authority. The approved works shall be completed at the applicant's expense based on an agreed layout with 4 the Council, following the formation of a combined agreement under S38 and S278 of the Highways Act 1980 between the London Borough of Barnet and the Developer.
- iv. The proposals will require the stopping-up of areas of adopted highway under s247 of the Town and Country Planning Act, 1990 and road adoption under s38 of Highways Act, 1980. Details of the areas to be stopped up or adopted as highway will be subject to approval of the Highway Authority.
- v. All proposed designs and improvements must be accompanied by acceptable Road Safety Audits statements.

#### 6. Feasibility Study

- i. Financial Contribution of £25,000 towards a Feasibility Study on improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. To include all reasonably accessible Public Transport (PT) stops (Bus/Rail/LUL, and including New Barnet, Cockfosters and High Barnet stations) within a 20 minute walk or 10 minute cycle ride. The study to be based on TfL's Healthy Streets toolkit and



principles.

## 7. Feasibility Study Outcomes

- i. Financial Contribution towards the implementation of the outcomes of the Feasibility Study to a capped ceiling of £100,000 and triggered for delivery prior to occupation of any unit on the site

## 8. Section 278 Highway Works

- i. 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. Travel Plan

The applicant shall enter into a strategic level Travel Plan for the residential and commercial uses on the site that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to occupiers of the residential and commercial units as follows:

- i. Residential Travel Plan (RTP):
  - Residential TP Statement (RTPS) that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACEs compliant and contains targets to be submitted and approved by Council at least 6 months prior to 1st occupation.
  - iTRACE compliant monitoring to be completed within 5 months of 1st occupation and updated RTPS to be submitted for approval within 6 months of occupation. 5
  - iTRACE compliant monitoring to be completed in years 1,3,5 and then every other year until 5 years after the 1st occupation of the final unit.
  - RTPS to be revised and RTPS Review submitted for approval within 2 months of monitoring being completed.
  - RTPS to be re-submitted for approval prior to each phase.
  - RTPS Champion to be in place at least 3 months prior to occupation and for lifespan of RTP.
  - At least 4 car club space to be provided.
  - Welcome pack for all first occupants.
  - 2x a year for 5 years Dr Bike maintenance sessions for residents.
- ii. Commercial Travel Plan (CTP): Should the non-residential uses have more than 20 staff then the following would be required:
  - CTP that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACE compliant to be submitted and approved by the Council within 6 months of 1st occupation of any commercial unit.
  - CTP to cover any travel movements by staff, users and visitors to any commercial unit.
  - iTRACE compliant monitoring to be completed in years 1, 3 and 5 and a revised CTP Review to be submitted for approval.
  - CTP Champion to be in place within 3 months of occupation and for the lifespan of the CTP.
  - Each commercial unit to have a Travel Plan Ambassador. If non-residential uses have less than 20 staff then the following would be required as part of

the CTP:

- CTP to include travel movements to and from the commercial units and targets, measures and actions for the commercial units.
- Each commercial unit to have a Travel Plan Ambassador.

#### 10. Residential Travel Plan Incentives Fund

- i. £300 per unit Residential Travel Plan Incentive Fund to be used by 1st occupiers to get 2 of the 3 TP incentives of the following:
  - Oyster card with £150 credit
  - Cycle shop voucher to the value of £150
  - Car club credit/membership to the value of £150

#### 11. Travel Plan Monitoring Contribution

- i. Payment of a financial contribution of £15,000 to the Council towards its costs in promoting more sustainable modes of transport and monitoring both the residential and commercial travel plans that will be submitted for the development within twenty (20) working days of commencement of development

#### 12. Controlled Parking Zone (CPZ) Review & Implementation

- i. Financial contribution towards Local CPZ review (monitoring, consultation and scoping) – sum of 25,000 (Index Linked)
- ii. CPZ Implementation - sum of £85,000 (Index- Linked) towards the implementation of a CPZ

#### 13. Traffic Management Order

- i. A contribution of £5,000 (per phase if applicable) towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs.

#### 14. Bus Service Contribution

- i. The sum of £120,000 (Index Linked) to be used to provide additional bus stops in the vicinity of the Site.

#### 15. Tree Planting and Landscaping

The applicant shall submit a detailed landscaping and management scheme for the site; including tree planting, this will be subject to a Landscape Management Plan to be submitted to the Council prior to first occupation of a unit on the site. The strategy shall include:

- i. The provision of a mix of indigenous species and tree sizes (including semi-mature species) in suitable locations including in public open spaces provided within the site to be agreed with the local planning authority.
- ii. The maintenance of trees planted along any roads to be adopted by the Council for a period of 5 years by the applicant landowner/ successor in title or nominated management company.
- iii. A financial contribution to maintain the trees on the adopted public highway thereafter shall be provided by the applicant. This figure shall be calculated in accordance with guidance from LoTAMB Commuted sums for Highway Adoption A Guidance Note 2015 as revised.

#### 16. Greenspaces

- i. Parks and Open Spaces contribution sum of up to £43,102.70 index linked towards the improvement and enhancement of Tudor Sports Ground, in lieu

of sufficient 12+ age childrens' playspace

#### 17. Affordable Housing

- i. 66 Residential Units comprising 11 x 1-bed 2 person, 20 x 2-bed four person and 3 x 3 bed four person units, 24 x 3-bed five person, 8 x 4-bed five person as London Affordable Rented Housing Units to be located on the Application Land pursuant to the Planning Permission the delivery of which is secured by Schedule 2 and which are to be transferred to a Registered Provider for housing persons in Housing Need; and
- ii. 55 Residential Units comprising 17 x 1-bed two person, 5 x 2 bed three person, 20 x 2-bed four person, 9 x 3-bed five person units and 4 x 3-bed six person as London Shared Ownership Housing Units to be located on the Application Land pursuant to the Planning Permission; and,
- iii. 22 Residential Units comprising 7 x 1-bed two person, 6 x 2 bed three person, 7 x 2-bed four person and 2 x 3-bed five person units as London Shared Ownership Housing Units to be located on the Block H Land and the Block J Land pursuant to the Gateway Planning Permission and the Block J Planning Permission

#### 18. Skills, Employment, Enterprise & Training

- i. Delivery of the following skills employment, education and training opportunities:
  - a) A minimum of 7 apprenticeships
  - b) 20 work experience places
  - c) 4 professions into employment (less than six months)
  - d) 3 progressions into employment (more than six months)
  - e) 181 school, college or university visits
  - f) 100 school or college workshops
  - g) 1 end use job to local residents
  - h) 2 supported internships

In the event that the above is not secured, then a financial payment in lieu to be secured.

#### 19. Carbon Off setting

- i. Payment of £249,476.00 index linked as a contribution to ensure that the Development achieves net zero carbon dioxide emissions, in accordance with the Mayor of London's Zero Carbon target for new developments.

#### 20. Ecology & Biodiversity

- i. Biodiversity Gain Plan submission and subsequent monitoring for 30 years

#### 21. Be Seen Energy Monitoring Guidance

- i. Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.

#### 22. Health Infrastructure Impact Mitigation

- i. First refusal of Class E commercial unit to NHS HUDU for the purposes of providing a community health facility.

#### 23. Amalgamation of extant approval S106 / Legal agreements

- i. Amalgamation to incorporate the wider Masterplan Development obligations

in one complete agreement with the current application.

24. Pedestrian Footbridge and Tunnel Works

- i. The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site, subject to agreement with Network Rail, i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance
- ii. Financial contribution towards CCTV monitoring of the pedestrian link - only under s106 and not also required under s278

25. Monitoring of the Legal Agreement

- i. A contribution (sum tbc) towards the monitoring of the S106 agreement.

**RECOMMENDATION II:**

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

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:

- D7099 rev01 Basement Masterplan
- D7130 rev09 Roof Masterplan
- D7170 rev00 Proposed Site Levels
- D7199 rev01 Basement GA Plan
- D7500 rev00 Sections
  
- 110 Planning Tenure Plans BOUND:
  - D7110 rev05 Ground Floor Tenure Plan
  - D7111 rev04 First Floor Tenure Plan
  - D7112 rev04 Second Floor Tenure Plan
  - D7113 rev04 Third Floor Tenure Plan
  - D7114 rev04 Fourth Floor Tenure Plan
  - D7115 rev04 Fifth Floor Tenure Plan
  - D7116 rev00 Sixth Floor Tenure Plan
  - D7117 rev00 Seventh Floor Tenure Plan
  
- 200 Block A GA Plans BOUND:
  - D7200 rev05 Block A GA Plans (1 of 5)
  - D7201 rev02 Block A GA Plans (2 of 5)
  - D7202 rev02 Block A GA Plans (3 of 5)
  - D7203 rev02 Block A GA Plans (4 of 5)
  - D7204 rev00 Block A GA Plans (5 of 5)
  
- 200 Block B1 GA Plans BOUND:

- D7210 rev05 Block B1 GA Plans (1 of 2)
- D7211 rev02 Block B1 GA Plans (2 of 2)
- 200 Block B2 GA Plans BOUND:
- D7215 rev05 Block B2 GA Plans (1 of 4)
- D7216 rev02 Block B2 GA Plans (2 of 4)
- D7217 rev02 Block B2 GA Plans (3 of 4)
- D7218 rev00 Block B2 GA Plans (4 of 4)
- 200 Block C GA Plans BOUND:
- D7220 rev04 Block C GA Plans (1 of 4)
- D7221 rev03 Block C GA Plans (2 of 4)
- D7222 rev02 Block C GA Plans (3 of 4)
- D7223 rev00 Block C GA Plans (4 of 4)
- 200 Block D GA Plans BOUND:
- D7225 rev04 Block D GA Plans (1 of 4)
- D7226 rev03 Block D GA Plans (2 of 4)
- D7227 rev02 Block D GA Plans (3 of 4)
- D7228 rev00 Block D GA Plans (4 of 4)
- 200 Block E GA Plans BOUND:
- D7230 rev04 Block E GA Plans (1 of 4)
- D7231 rev03 Block E GA Plans (2 of 4)
- D7232 rev02 Block E GA Plans (3 of 4)
- D7233 rev00 Block E GA Plans (4 of 4)
- 200 Block F GA Plans BOUND:
- D7235 rev04 Block F GA Plans (1 of 4)
- D7236 rev03 Block F GA Plans (2 of 4)
- D7237 rev02 Block F GA Plans (3 of 4)
- D7238 rev00 Block F GA Plans (4 of 4)
- 200 Block G1 GA Plans BOUND:
- D7240 rev04 Block G1 GA Plans (1 of 2)
- D7241 rev03 Block G1 GA Plans (2 of 2)
- 200 Block G2 GA Plans BOUND:
- D7245 rev05 Block G2 GA Plans (1 of 4)
- D7246 rev02 Block G2 GA Plans (2 of 4)
- D7247 rev02 Block G2 GA Plans (3 of 4)
- D7248 rev00 Block G2 GA Plans (4 of 4)
- 200 Block G3 G4 GA Plans BOUND:
- D7250 rev05 Block G3 G4 GA Plans (1 of 3)
- D7251 rev02 Block G3 G4 GA Plans (2 of 3)
- D7252 rev02 Block G3 G4 GA Plans (3 of 3)
- 700 Block A Elevations BOUND:
- D7750 rev04 Block A Elevation 1 of 4
- D7751 rev04 Block A Elevation 2 of 4
- D7752 rev04 Block A Elevation 3 of 4
- D7753 rev04 Block A Elevation 4 of 4
- 700 Block B1 Elevations BOUND:
- D7755 rev04 Block B1 Elevations 1 of 2
- D7756 rev05 Block B1 Elevations 2 of 2
- 700 Block B2 Elevations BOUND:
- D7758 rev05 Block B2 Elevations 1 of 2
- D7759 rev04 Block B2 Elevations 2 of 2
- 700 Block C Elevations BOUND:
- D7760 rev04 Block C Elevation 1 of 4
- D7761 rev05 Block C Elevation 2 of 4

- D7762 rev04 Block C Elevation 3 of 4
- D7763 rev04 Block C Elevation 4 of 4
- 700 Block D Elevations BOUND
- D7765 rev06 Block D Elevations 1 of 4
- D7766 rev04 Block D Elevations 2 of 4
- D7767 rev04 Block D Elevations 3 of 4
- D7768 rev04 Block D Elevations 4 of 4
- 700 Block E Elevations BOUND
- D7770 rev04 Block E Elevations 1 of 4
- D7771 rev05 Block E Elevations 2 of 4
- D7772 rev04 Block E Elevations 3 of 4
- D7773 rev04 Block E Elevations 4 of 4
- 700 Block F Elevations BOUND
- D7775 rev06 Block F Elevations 1 of 4
- D7776 rev04 Block F Elevations 2 of 4
- D7777 rev04 Block F Elevations 3 of 4
- D7778 rev04 Block F Elevations 4 of 4
- 700 Block G1 Elevations BOUND
- D7780 rev06 Block G1 Elevations 1 of 2
- D7781 rev06 Block G1 Elevations 2 of 2
- 700 Block G2 Elevations BOUND
- D7785 rev05 Block G2 Elevation 1 of 4
- D7786 rev05 Block G2 Elevation 2 of 4
- D7787 rev05 Block G2 Elevation 3 of 4
- D7788 rev05 Block G2 Elevation 4 of 4
- 700 Block G3 Elevations BOUND
- D7790 rev05 Block G3 Elevations 1 of 2
- D7791 rev05 Block G3 Elevations 2 of 2
- 700 Block G4 Elevations BOUND
- D7792 rev05 Block G4 Elevations 1 of 2
- D7793 rev05 Block G4 Elevations 2 of 2
  
- 810 ALL Elevation Details BOUND
- D7810 rev05 Block A Elevation Details 01
- D7811 rev04 Block A Elevation Details 02
- D7812 rev04 Block A Elevation Details 03
- D7815 rev05 Block B1 Elevation Details 01
- D7817 rev05 Block B2 Elevation Details 01
- D7818 rev05 Block B2 Elevation Details 02
- D7820 rev05 Block C Elevation Details 01
- D7821 rev05 Block C Elevation Details 02
- D7822 rev05 Block C Elevation Details 03
- D7823 rev06 Block C Elevation Details 04
- D7825 rev05 Block G1 Elevation Details 01
- D7827 rev04 Block G2 Elevation Details 01
- D7828 rev04 Block G2 Elevation Details 02
- D7830 rev04 Block G3 Elevation Details 01
- D7700 rev04 - Site Elevations 1
- D7701 rev05 - Site Elevations 2
  
- Landscape
- ExA\_1961\_P\_110 revP04 - Landscape GENERAL ARRANGEMENT LEGEND and KEY PLAN

- ExA\_1961\_P\_101 revP06 - GENERAL ARRANGEMENT PLAN
- ExA\_1961\_P\_111 revP05 - Landscape PLAN SHEET 1 OF 6
- ExA\_1961\_P\_112 revP05 - Landscape PLAN SHEET 2 OF 6
- ExA\_1961\_P\_113 revP05 - Landscape PLAN SHEET 3 OF 6
- ExA\_1961\_P\_114 revP05 - Landscape PLAN SHEET 4 OF 6
- ExA\_1961\_P\_115 revP05 - Landscape PLAN SHEET 5 OF 6
- ExA\_1961\_P\_116 revP05 - Landscape PLAN SHEET 6 OF 6
- ExA\_1961\_P\_200 revP03 - Landscape PLANTING SCHEDULE AND KEYPLAN
- ExA\_1961\_P\_201 revP03 - Landscape PLANTING PLAN SHEET 1 OF 6
- ExA\_1961\_P\_202 revP03 - Landscape PLANTING PLAN SHEET 2 OF 6
- ExA\_1961\_P\_203 revP03 - Landscape PLANTING PLAN SHEET 3 OF 6
- ExA\_1961\_P\_204 revP03 - Landscape PLANTING PLAN SHEET 4 OF 6
- ExA\_1961\_P\_205 revP03 - Landscape PLANTING PLAN SHEET 5 OF 6
- ExA\_1961\_P\_206 revP03 - Landscape PLANTING PLAN SHEET 6 OF 6
- EXA\_1961\_P\_710 revP03 - Landscape TYPICAL PLANTING BUILD UPS
- EXA\_1961\_P\_700 revP03 - Landscape TYPICAL TREE IN HARD
- EXA\_1961\_P\_701 rev P03 - Landscape TYPICAL TREE PIT IN SOFT
- EXA\_1961\_P\_702 rev P03 - Landscape TYPICAL TREE PIT ON PODIUM

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan.

3. Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) unless and until details of the levels of the proposed buildings, roads, footpaths, courtyards and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies D4, D5, D8 and G7 of the London Plan.

4. Notwithstanding the details shown on the plans hereby approved no above grade works shall commence until samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas (including bricks, balconies, external gates and external doors) submitted to and approved in writing by the Local Planning Authority.

The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies D4, and D8 of the London Plan (2021).

5. Notwithstanding the details shown in the drawings submitted and otherwise hereby

approved no above grade works are to commence) unless and until details (necessary details specified in brackets) of the following features and elements of the works have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding (annotated plans at a scale of not less than 1:10).
- External windows, winter gardens and doors (annotated plans at a scale of not less than 1:10). Balustrading to balconies (annotated plans at a scale of not less than 1:10).
- Door canopies (annotated plans at a scale of not less than 1:10).
- Brick detailing including projecting brickwork patterning and framework, arches, recessed panels, blind windows, brick aprons, opening reveals, and window heads (annotated plans at a scale of not less than 1:10).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Boiler flues and other external air extraction, intake and ventilation points (annotated plans at a scale of not less than 1:10).
- Any roller shutters to the commercial areas (annotated plans at a scale of not less than 1:10).
- Boundary treatments, including pedestrian gates, and gates at the site vehicular access points (annotated plans at a scale of not less than 1:10).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies D4 and D6 of the London Plan.

6. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the residential blocks hereby permitted shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify the details of the privacy screens to be installed to address privacy impacts between balconies, courtyards, amenity spaces and terraces respectively. The development shall be implemented in full accordance with the approved details and specifications prior to the occupation of the relevant block within the development and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

7. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify the details of boundary treatments to be installed as part of the development. These details shall include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with policies DM01 and DM02 of the Barnet Local Plan.

8. The commercial unit on the ground floor of the Building A hereby approved shall be occupied for uses falling within either Class E, F1, F2, or Sui generis (drinking establishments and/or with expanded food provision) of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.



Reason: To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with policies DM12 and DM13 of the Barnet Local Plan

9. Notwithstanding the potential initial uses that are permitted to occupy the commercial unit in Building A hereby approved, as specified under condition 8 of this permission, following the first occupation and commencement of the use within the commercial unit, any subsequent change to an alternative use within those specified by this permission shall require the submission of a full planning application to the Local Planning Authority for expressed planning permission.

Reason: To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan 2012.

10. Any uses approved under conditions 8 and 9 shall not be used outside of the hours of Monday to Saturday 07:00-23:00 and Sunday and Bank Holidays 10:00-18:00, unless otherwise agreed in writing by the Local Planning Authority.

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

11. a) Notwithstanding the details shown on the plans otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment and seating to be installed in the communal or public amenity space as part of the development shall be submitted to the Local Planning Authority and approved in writing. The details submitted should prioritise optimal positioning in respect of daylight and sunlight to ensure the end users benefit from the best conditions.

b) The scheme of play equipment and seating shall be implemented in full accordance with the details as approved prior to the first occupation of the relevant block within the development and the play space shall thereafter be retained.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and of Development Management Policies (Adopted) September 2012 and Policy S4 of the London Plan (2021).

12. 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) the following operations shall not be undertaken without the receipt of prior specific expressed planning permission in writing from the Local Planning Authority on the buildings hereby approved:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

13. Notwithstanding the details submitted with the application, prior to above grade works, the following details shall be submitted to and approved in writing by the Local Planning

Authority:

- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. Satisfactory points of collection; and
- iii. Details of the refuse and recycling collection arrangements
- iv. Details of vehicle sweep paths for refuse collection vehicles

The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the relevant block within the development is occupied and the development shall be managed in accordance with the approved details.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan (2012).

14. 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.

a) 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.

The Statement shall be informed by the findings of the submitted air quality assessment (PLANNING STAGE AIR QUALITY ASSESSMENT, produced by Anderson Acoustics, ref: 6761\_002R\_6 -0\_AG, September 2023; Rev 3.0) in respect of air quality impacts of the 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 SI1 and D14 of the London Plan 2021.

15. No work to occur on Victoria Recreation Ground until the detailed design of connections

and associated construction programme and management and maintenance program are agreed in writing by the council. Thereafter, the works shall be undertaken in accordance with the details hereby approved.

Reason: To ensure there is no unacceptable impact to the council's asset and its continued use as well as to ensure appropriate connections and measures to protect trees and habitat, in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

16. Prior to the occupation of the development, a Car Parking Provision and Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. The number, location and layout of car parking spaces (including car club spaces),
- ii. The allocation of car parking spaces;
- iii. On site parking controls
- iv. The enforcement of unauthorised parking; and
- v. Disabled parking spaces
- vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

The Car Parking Management Plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

17. Prior to occupation of the relevant block within the development hereby permitted, the approved development shall make provision for cycle parking and cycle storage facilities in accordance with the London Plan (2021). A scheme shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained and made available for use thereafter.

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

18. Prior to occupation a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

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.

19. 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 the 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 the completion of the development.

Reason: To ensure that the road is maintained in a suitable condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

20. 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policy DM04 of Barnet’s Local Plan (2012).

21. The noise mitigation measures against road and railway noise set out in the Noise Impact Assessment (Ref: 19-6526 Rev J; produced by Syntegra; September 2023) shall be implemented in their entirety prior to the first occupation of the relevant block within the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and D14 of the London Plan 2021.

22. The level of noise emitted from the plant machinery 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 developments within the scheme and existing neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

23. No above grade 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. The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021.

24. No residential units shall be occupied 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 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.

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.

25. a) Notwithstanding the details submitted, prior to carrying out any above grade works, an air quality assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved 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) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before the relevant block within the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1 of the London Plan 2021.

26. No above grade works shall begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved in writing by the Local Planning Authority. The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and

maintained and replaced in whole or in part so often as occasion may require. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings in accordance with Policy DM04 of the Barnet Local Plan (2012); and policy D14 of the London Plan (2021).

27. No extraction ventilation system associated with any food and/or beverage commercial operator (including restaurants, takeaway or food preparation establishment) in connection with Building A shall be installed, until an odour assessment report, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by a suitably qualified and competent consultant(s).

This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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

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

28. Before development of Block A commences above grade, a report shall be carried out by a competent acoustic consultant and submitted to the LPA for approval that assesses the likely noise impacts from the proposed commercial use in Block A. The report shall also clearly outline necessary mitigation measures for the development to reduce these noise impacts to acceptable levels. It shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before the use commences.

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development 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.

29. Before development commences above grade a report shall be carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant (including the Air Source Heat Pump(s) energy centre) for the Residential Blocks and mitigation measures for the development to reduce these noise impacts to acceptable levels, and shall be submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021.

### 30. Part 1

Before development commences for the relevant Block(s), 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 within 1 month following completion of the remediation.

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 Policy SD1 of the London Plan 2021.

31. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with London Plan (2021) Policy S11.

32. Access to National Grid land across the site will be maintained at all times unless otherwise agreed in writing by NG and/or its successors in title.

Reason: To ensure access is maintained in accordance Policies CS9 and DM17 of Barnet's Local Plan (2012).

33. 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 impact on local underground sewerage utility infrastructure.

34. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Reason: To mitigate any potential impact and disruption to Network Rail land and its operation.

35. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason: To mitigate any potential impact and disruption to Network Rail land and its operation.

36. Prior to commencement of works adjacent to the railway, full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence



should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with approved details.

Reason: To mitigate any potential impact and disruption to Network Rail land and its operation.

37. Prior to occupation of the development details of a trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

The trespass proof fence shall be implemented in full accordance with the approved details, and maintained as such thereafter.

Reason: To protect Network Rail assets from trespass and in the interest of public safety.

38. Prior to works above grade level, details of the design and installation of suitable vehicle incursion measures to protect Network Rail assets shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

The scheme shall be implemented in full prior to occupation of the relevant Block(s) (B1, B2, G1, G2, G3 and G4) on the west side of the site.

Reason: To protect Network Rail assets from trespass and in the interest of public safety.

39. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of development works above grade level, a detailed scheme of hard and soft landscaping and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping and means of enclosure submitted shall include but not be limited to the following:

- a. The position of any existing trees and hedges to be retained or removed
- b. Details of all tree, hedge, shrub and other planting proposed as part of the scheme and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities reflecting a majority of Mosaic species
- c. Means of planting, staking and tying of trees, including tree guards, planter depths and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use
- d. Existing site contours and any proposed alterations to these such as earth mounding
- e. Details of all proposed hard landscape, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings
- f. Timing of planting
- g. Details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site
- h. The ecological mitigations measures to be submitted and agreed.
- i. Details of lighting to be submitted agreed.
- j. Details of shrub planting to screen the surface car parks from the spine road

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.

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 and protect the amenities of the area and future and neighbouring occupiers 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 Policy G7 of the London Plan 2021

40. 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 G7 of the London Plan 2021).

41. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of development or any site works:

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 G7 of the London Plan 2021.

42. Prior to the first occupation of the hereby approved development, details of the proposed intensive green roof have been submitted to and approved in writing by the Local Planning Authority. The green roof shall be implemented in accordance with the details approved this condition prior to the first occupation of the relevant block and retained as such thereafter.

Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the

occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G1, G5, SI 13 of the London Plan 2021.

43. Prior to occupation a Landscape and Ecological Management Plan, including a tree planting scheme, intensive green roof details, long-term design objectives, management responsibilities and maintenance schedules, including replanting, for all landscaped areas within the application site boundary, ecological trends and constraints on site that might influence management, ongoing monitoring and remedial measures, outline the measures taken to minimise impacts on bats and their insect food, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved details thereafter.

Reason: This condition is necessary to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with Policy DM16 of the Development Management Policies (adopted) September 2012.

44. Prior to the occupation of the development details of the design of the planters shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the materials proposed for the primary structure and any secondary cladding. The planter shall be designed in such away that tree roots or stem growth will be unable to damage the container.

The planters shall be constructed in full accordance with the approved details, and retained as such thereafter.

Reason: To promote and protect the growth of future planted trees within the planter which represent an important amenity feature of the development, and ensure that the planters remain intact and functional for their lifetime, 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 G7 of the London Plan 2021.

45. No site works or works in connection with the development hereby approved shall be commenced until the mitigation measures as identified in Section 6 of the Updated Ecological Appraisal (Ref: 5826 UEcA vf2 JW/CL) , Aspect Ecology (November 2023) and further studies those documents may require are implemented for the wildlife species protected by law and the details of any mitigation measures including the timing of works and details of any special techniques has been submitted to and agreed in writing by the council. The mitigation and techniques hereby permitted shall be implemented and maintained thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan (2021) Policy G6.

46. Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds, common toads

and reptiles shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan (2021) Policy G6.

47. Prior to the occupation of the site an External Lighting Assessment together with full details, specifications and plans of any proposed external lighting to be installed as part of the development shall be submitted and approved in writing to the Local Planning Authority. The lighting strategy shall demonstrate that the lighting scheme will be compliant with the Bats Conservation Trust Guidance Note 08/18 "Bats and artificial lighting in the UK Bats and the Built Environment" series.

The development shall be implemented in full accordance with the approved details prior to the first occupation of the relevant block within the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided within the scheme for public safety, and to sufficiently mitigate the risk of negative light spill disturbing bats in and around the site protected species are taken into account in accordance with Policies DM01 and DM16 of the Barnet Development Management Policies (adopted) September 2012.

48. a) Prior to commencement of works on the relevant block(s), an invasive species removal plan will be submitted to and agreed in writing by the Local Planning Authority. The plan will detail the mitigation and removal strategy for preventing and eliminating the spread of Japanese knotweed (*Fallopia japonica*) on and adjacent to the site.

b) The removal plan will be implemented in full, prior to the occupation of the development, and a verification report demonstrating the complete removal of Japanese knotweed (*Fallopia japonica*) on site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent the spread of invasive plant species as listed under the Wildlife and Countryside Act 1981 (as amended) Schedule 9.

49. Prior to occupation of the development a Biodiversity Enhancement Plan shall be submitted and approved in writing by the Local Planning Authority.

The plan shall outline the location, specification, and orientation of ecological enhancement features such as, but not limited to, integrated bat roost boxes, swift nest boxes, bird nest boxes, hedgehog homes, insect hotel, hibernaculas and biodiverse plantings.

The Biodiversity Enhancement Plan shall be implemented in full within 3 months of completion of the development, and the measures shall be maintained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan (2021) Policy

G6.

50. Prior to carrying out above grade works, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- o Name and address of the person completing the Plan, and (if different) the person submitting the Plan.
- o The reference number of the planning permission.
- o A description of the development;
- o The completed biodiversity metric calculation tool, stating the version of the biodiversity metric used and showing the calculation of the pre-development and post-development biodiversity value.
- o a description of arrangements for maintenance and monitoring of habitats enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which will be maintained for at least 30 years after the development is completed).
- o how the biodiversity gain hierarchy will be adhered to, and where to the extent any actions in that hierarchy are not followed, the reason for that;
- o the relevant date for the purposes of calculating the pre-development biodiversity value of onsite habitats.
- o pre-development and post-development plans —
  - showing the location of onsite habitat;
  - drawn to an identified scale and showing the direction of North; and
- o Arrangement for compensation for any impact the development onsite has on the biodiversity of the irreplaceable habitats.

The development shall be implemented in full accordance with the details approved within the Biodiversity Gain Plan, and maintained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan (2021) Policy G6.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies D4, SI2 of the London Plan (2021).

52. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent, 90% of units shall 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 abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan and the 2016 Mayors Housing SPG.

53. Prior to carrying out above grade works of each building or part of any new building, 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.

Prior to the full occupation of the 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 September 2012.

54. The commercial and non-residential unit(s) hereby approved shall be constructed to achieve not less than BREEAM 'Very Good'. Prior to occupation of the commercial unit a Post Construction BREEAM Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan, and Policy SI2 of the London Plan (2021).

55. Prior to the commencement of the development hereby approved a strategy setting out how the development will connect to the Energy Centre shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved and each phase of the development shall not be occupied until it has demonstrated that the development has been connected to the Energy Centre, to be agreed in writing by the council.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan (2021) policies SI2 and SI3.

56. Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved, they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan and the 2016 Mayors Housing SPG.

57. Prior to works above grade level on each building block, details of any roof level structures shall be submitted to and approved in writing by the Local Planning Authority for that phase. This shall include details of roof level plant, water tanks, ventilation/extraction equipment, flues, television reception equipment, solar photovoltaic panels, any other built

structure. The details shall include a justification for the height and size of the roof level structures, their location, height above parapet level, specifications and associated enclosures, screening devices and cladding. The development shall be carried out in accordance with the approved details and no roof level structures shall be installed other than those approved.

Reason: In the interests of good design and also to ensure that the Local Planning Authority is satisfied that any roof-level structures do not have a harmful impact on the character and appearance of the area, in accordance with Policies CS05 and DM05 of the Barnet Local Plan (2012) and Policies D1, D4 and HC1 of the London Plan (2021)

58. Within 6 months of the final occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), or an address that may supersede this one along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, within 6 months of the final occupation of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with London Plan (2021) Policy SI2

59. Within 6 months of the final occupation the development/each phase of development, a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), or an address that may supersede this one along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, within 6 months of the final occupation of the development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials in accordance with London Plan (2021) Policy SI7.

60. No development other than demolition, site clearance and temporary enabling works, shall commence until a Sustainable 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 have been submitted to and approved in writing by the Local Planning Authority. The strategy shall ensure the drainage associated with the development does not impact on or cause damage to adjacent railway assets, neighbouring properties and adjacent land.

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 April 2013) and Policies SI 12 and SI 13 of the London Plan 2021.

61. Prior to above grade works details of a flood warning and evacuation strategy for basement users in the event of a flood, including details of safe refuge in the event of a flood, shall be submitted and approved in writing by London Borough of Barnet planning authority. The scheme shall proceed in accordance with these details.

Reason: To ensure that an Emergency Response and Evacuation plan has been formulated which sets a procedure for managing the risk to people and property on the site during a major flood event or alert in accordance with Technical Guidance to the Planning Policy Framework.

## Fire Safety

62. Prior to commencement of above grade works, a final Fire Statement for the relevant uses must be submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building.

The relevant uses of the development shall be carried out in accordance with the approved details.

Reason: In order to provide a safe and secure development in accordance with Policies D12 and D5 of the London Plan 2021.

## **Informatives**

### 1. Approved Pre-app NPPF

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. CIL

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

We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and->



building/planning/community-infrastructure-levy) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

### 3. Planning Obligation

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

### 4. Street naming and numbering

The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

0208 359 4500.

## 5. Considerate Contractors

Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## 6. Planting Biosecurity

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 Biosecurity, 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."

## 7. Highway Damages & Costs

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 the construction traffic. 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.

## 8. Refuse

Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle route on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement. Turning facilities for refuse collection vehicles must be provided within the site for vehicles entering the development.

## 9. Construction Management Plan

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

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o 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.

- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o 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.
- o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

## 10. Land Contamination

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.

## 11. Acoustic Consultant

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 (2023)/ National Planning Policy Guidance.

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.

## 12. Cadent Gas Informative

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## 13. Affinity Water Informative 1

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

## 14. Affinity Water Informative 2

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

## 15. Thames Water Informative 1

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### 16. Thames Water Informative 2

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

#### 17. Thames Water Informative 3

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CJames.Langsmead%40Barnet.gov.uk%7C65a81f47ff4b46f868f608dbbf5d9789%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638314180926248760%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLjCjBTRiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=xdc9GyU1SxUZ%2BluqwKdOvr91otny21Qv6G0fqQIH4Nc%3D&reserved=0>

#### 18. Thames Water Informative 4

Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our->

pipes&data=05%7C01%7CJames.Langsmead%40Barnet.gov.uk%7C65a81f47ff4b46f868f608dbbf5d9789%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638314180926248760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBjBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=xdc9GyU1SxUZ%2BluqwKdOVr91otny21Qv6G0fqQIH4Nc%3D&reserved=0

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### 19. Thames Water Informative 5

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### 20. Thames Water Informative 6

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "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. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CJames.Langsmead%40Barnet.gov.uk%7C65a81f47ff4b46f868f608dbbf5d9789%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638314180926248760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBjBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=xdc9GyU1SxUZ%2BluqwKdOVr91otny21Qv6G0fqQIH4Nc%3D&reserved=0)

development%2Fworking-near-our-pipes&data=05%7C01%7CJames.Langsmead%40Barnet.gov.uk%7C65a81f47ff4b46f868f608dbbf5d9789%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638314180926248760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBjBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=xdc9GyU1SxUZ%2BluqwKdOVr91otny21Qv6G0fqQIH4Nc%3D&reserved=0

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### 21. Network Rail: Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer

must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

## 22. Network Rail: Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

## 23. Network Rail: Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

## 24. Network Rail: Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

## 25. Network Rail: Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

## 26. Network Rail: Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

## 27. Network Rail: Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of

concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### 28. Network Rail: Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

### 29. Network Rail: Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

### 30. Network Rail: ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### 31. Network Rail: Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### 32. EA Informative

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be



obtained for any activities which will take place: • on or within 8 metres of a main river • on or within 8 metres of a flood defence structure or culvert including any buried elements • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm GMT) or by emailing [enquiries@environment@agency.gov.uk](mailto:enquiries@environment@agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### 33. Highways Informative 1:

The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk)

### 34. Highways Informative 2:

Refuse collection point should be located at a ground floor level and within 10m of the collection point. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

### 35. Highways Informative 3:

The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of works on the public highways.

### 36. Highways Informative 4:

As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

### 37. Highways Informative 5:

The surface of the highway and 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.

### **RECOMMENDATION III:**

That if the above agreement has not been completed by 30<sup>th</sup> June 2024, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, highways mitigation, improvements to parks, open spaces, and street scene, employment and training opportunities. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

## **1. MATERIAL CONSIDERATIONS**

### **1.1 Key Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan (2012). These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

Revised 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 revised on 20th December 2023. 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 Revised 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”. The Revised 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 2041. 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 development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

- 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)
- G1 (Green Infrastructure)
- G4 (Open Space)
- G5 (Urban Greening),
- G6 (Biodiversity and access to nature),
- G7 (Tree and woodlands),
- D1 (London's form, character and capacity for growth),
- D2 Infrastructure requirements for sustainable densities,
- D3 (Optimising site capacity through the design-led approach),
- D5 (Inclusive design),
- D6 (Housing quality standards),
- D7 (Accessible housing),
- D8 (Public realm),
- D11 (Safety, security & resilience to emergency)
- D12 (Fire safety)
- D14 (Noise),
- H1 (Increasing housing supply),
- H4 (Delivering affordable housing),
- H5 (Threshold approach to applications),
- H6 (Affordable housing tenure)

H7 (Monitoring of affordable housing)H10 (Housing size mix),  
H10 (Housing size mix)  
E11 (Skills and Opportunities for all)  
S1 (Developing London's Social infrastructure)  
S4 (Play and informal recreation),  
T1 (Strategic approach to transport)  
T2 (Healthy Streets)  
T3 (Transport capacity, connectivity and safeguarding)  
T4 (Assessing and mitigating transport impacts)  
T5 (Cycling), T6 (Car parking)  
T6.1 (Residential parking)  
T7 (Deliveries, servicing and construction)  
T9 (Funding transport infrastructure through planning)  
SI1 (Improving air quality),  
SI2 (Minimising greenhouse gas emission),  
SI3 (Energy Infrastructure)  
SI4 (Managing heat risk)  
SI5 (Water infrastructure),  
SI6 (Digital connectivity infrastructure)  
SI7 (Reducing waste and supporting the circular economy)  
SI8 (Waste capacity and net waste self-sufficiency)  
SI12 (Flood risk management),  
SI13 (Sustainable drainage),  
DF1 (Delivery of the plan and Planning Obligations).  
M1 (Monitoring)

### 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 (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)  
CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)  
CS3 (Distribution of growth in meeting housing aspirations)  
CS4 (Providing quality homes and housing choice in Barnet)  
CS5 (Protecting and enhancing Barnet's character to create high quality places)  
CS7 (Enhancing and protecting Barnet's open spaces)  
CS9 (Providing safe, effective and efficient travel)  
CS11 (Improving health and wellbeing in Barnet)  
CS12 (Making Barnet a safer place)  
CS13 (Ensuring the efficient use of natural resources)  
CS14 (Dealing with our waste)  
CS15 (Delivering the Core Strategy)

#### Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)  
DM02 (Development standards)

DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM06 (Barnet's heritage and conservation)  
DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

### Barnet's Local Plan (Reg 24) 2023

The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. 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.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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.

### Council Supplementary Planning Documents

- Delivery Skills, Employment, Enterprise, and Training from Development through s106 SPD (October 2014)
- Green Infrastructure SPD (October 2017)
- Planning Obligations SPD (April 2013)
- Residential Design Guidance SPD (April 2016)
- Sustainable Design and Construction SPD (April 2016)
- Affordable Housing SPD (February 2007)
- The Characterisation Study of the London Borough of Barnet (2010)
- New Barnet Town Centre Framework (November 2010)

### Mayoral Supplementary Planning Documents and Guidance:

- Barnet Housing Strategy 2015-2025
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Wheelchair Accessible Housing (September 2007)

- Planning for Equality and Diversity in London (October 2007)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- All London Green Grid (March 2012)
- Housing (March 2016)
- Affordable Housing and Viability (August 2017)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Mayor's Transport Strategy (2018)

#### National Supplementary Documents and Guidance

- National Design Guide (2021)

## **2. PLANNING ASSESSMENT**

### **2.1 Site Description**

- 2.1.1 The application site is located to the north of Victoria Road comprising of land that was formerly part of the British Gas Works site. The site is currently vacant with the former buildings, structures and hard surfacing removed. It has also been decontaminated and the basement car park has dug out in accordance with the extant Planning Permission ref: B/04834/14, which is one of three permissions granted for the site. Works have also commenced for the construction of Blocks H and J within the overlapping permissions referenced 22/5754/S73 (amended from permission ref: 17/5522/FUL; dated: 20/07/2020) and 22/5755/S73 (amended from permission ref: 16/7601/FUL; dated: 20/07/2020).
- 2.1.2 The site is located on the edge of New Barnet town centre which is to the immediate south along East Barnet Road. Adjoining the site to the east is Victoria Park (aka Victoria Recreation Ground) with the New Barnet Leisure Centre located on the eastern side of the park. The Albert Road Gas Works is located to the north with a right of access provided from Albert Road running through the site. The wooded embankment to the railway line runs along much of the western boundary, with the railway line raised 10m above the site. In the south-west corner are a number of two storey buildings including the Buildings Arms and The Railway Bell Public House. A range of two and occasionally three storey semi-detached and terrace houses are located to the south-east of the site.
- 2.1.3 Between the cleared application site and the Gas Works site to the north is an elevated, caged pedestrian walkway (approx. 3-4m above ground level) which crosses the site from east to west and provides a pedestrian route via a tunnel beneath the network rail track between Victoria Park (to the east) and Cromer Road (to the west). This is a public right of way.
- 2.1.4 The site is accessed via Albert Road which in turn is accessed off East Barnet Road/Victoria Road. The present access arrangements require that vehicles entering the site use the eastern arm of Albert Road whilst those exiting may use either arm.
- 2.1.5 The site is located approximately 200m to the north east of New Barnet Station with Great Northern and Thameslink providing regular services to Kings Cross and Luton Airport. There are a range of bus services from nearby bus stops located on East Barnet Road with services to various transport hubs. Further and circa 1.6km to the east is Cockfosters Station on the Piccadilly Line and 1.4km to the west is High Barnet on the Northern Line. The majority of the site has a Public Transport Accessibility Level (PTAL) score of 3 however this drops to 1b for a section at the northern end of

the site.

- 2.1.6 Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys with the exception being the Sainsbury's store. Beyond the railway embankment is a mixture of office, retail and residential buildings varying in height from 2 to 8 storeys around the district centre. To the west of the railway bridge on Station Road the height and massing increases with a number of large blocks extending up to 11/12 storeys in height.
- 2.1.7 The site is not within a conservation area and there are no statutory or locally listed buildings on site. The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding).

## **2.2 Relevant Planning History**

- 2.2.1 The majority of the planning history comprises of historic applications relating to the use of the site by National Grid, which are of little relevance to this current application. However, there a number of planning applications which have been granted which are relevant to the current application proposals. These are detailed below:

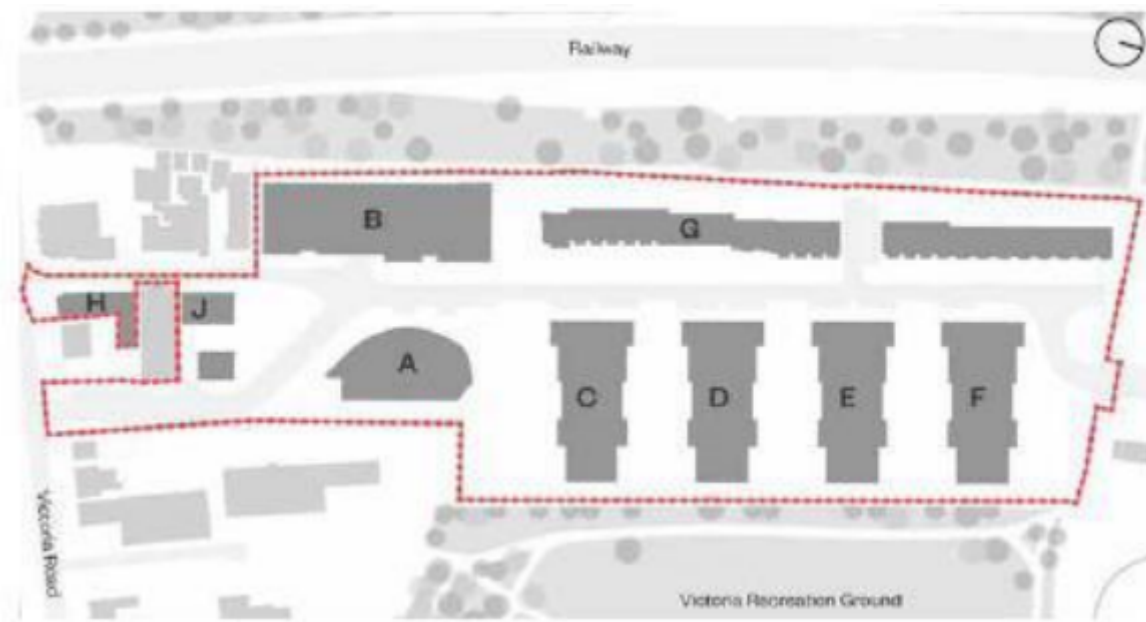
### Adjoining site:

- Application Ref: 17/6422/FUL, 9 Albert Road - Redevelopment of the site to provide a five storey building comprising 9no. self-contained flats with associated basement parking, refuse and recycling store, amenity space, cycle storage. Refused 5th December 2017, reason for refusal – insufficient evidence provided to indicate that the existing employment site has been effectively marketed for at least 12 months. Allowed at Appeal, dated 20th March 2019.
- Prior approval (20/5638/PND) was granted for the demolition of redundant gasholder and associated structures at the British Gas Works site on the 17th December 2020. The site is location to the north of the application site.

### Application site:

- B/04834/14: Residential-led, mixed-use development of the Former Albert Road Gas Works comprising the erection of 305 residential units (Use Class C3), 116 sqm of Retail floorspace (Use Class A1/A2/A3/A4) and 558 sqm of flexible Commercial floorspace (Use Class A3/D1/D2); the creation of new public open space; alterations and additions to existing highways arrangements; the removal of an existing elevated footbridge and the creation of new pedestrian routes; together with associated works including landscaping, provision of basement and surface car parking, servicing and plant area. Relocation of an existing sub-station. - **Approved following legal agreement: 01.05.2015**

The site boundary for this application is provided below:



The permission has been formally implemented and the following conditions relating to the site clearance, demolition and remediation discharged:

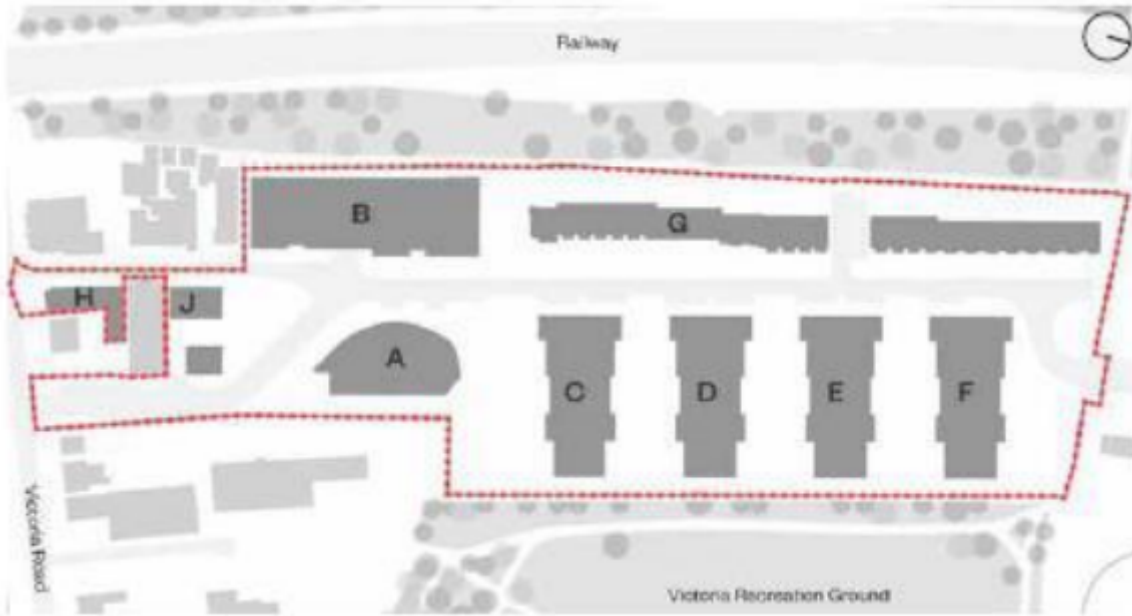
- Condition 4 – Water Course (17/1476/CON)
- Condition 5 – Hazardous Substance Revocation (16/2195/CON)
- Condition 7 – Construction and Management (17/7160/CON)
- Condition 27 – Site Waste Management plan (16/4311/CON)
- Condition 38 – Drainage (16/3626/CON & 17/3583/CON )
- Condition 40 – Demolition & Construction Method Statement (16/4336/CON)
- Condition 41 – Remediation and Verification Strategy (16/2785/CON, 17/1476/CON & 18/3278/CON)
- Condition 57 – Air Quality Assessment (16/4887/CON) Condition 59 – Tree Protection (16/3459/CON & 17/2053/CON)
- Condition 60 – Tree Method Statement (16/3459/CON)
- Condition 61 – Tree Excavations (16/3459/CON, 17/2053/CON & 17/7160/CON)
- Condition 62 – Ecology Mitigation Measures (16/2193/CON)
- Condition 63 – Site Clearance Works (16/2193/CON)
- Condition 69 – Bat Boxes (16/3565/CON)
- Condition 74 – Excavations and Earthworks (16/3894/CON)

Associated works including demolition, site remediation, sewer diversion, drainage and excavation of the basement areas for the proposed car park have commenced.

- 16/7601/FUL: Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 15 to 23 Victoria Road and 1A, 2 and 2A Albert Road) and construction of 104 residential units (Use Class C3) within Buildings A, H, J1 and J2 (an increase of 52 residential units across the Victoria Quarter Redevelopment Area), 623sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2) within Building A and Building J1, the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. Relocation of an existing sub-station. (SUBJECT TO S106 LEGAL AGREEMENT DATED 15 JULY 2020) – **Approved: 16.07.2020**



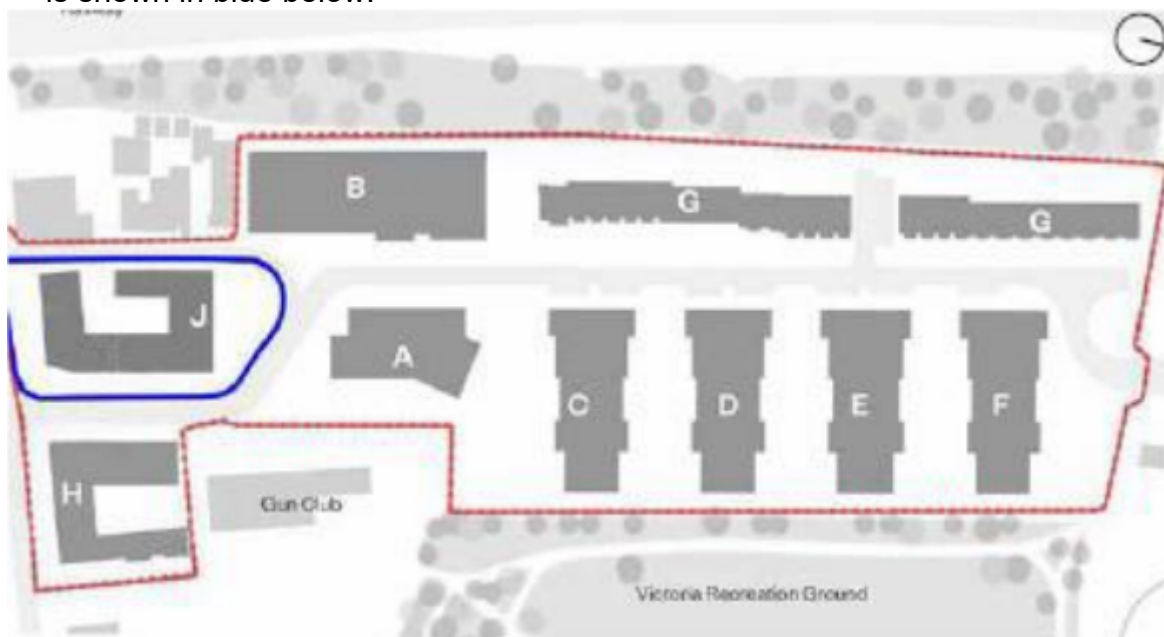
The site boundary for this application is provided below:



The permission has been formally implemented.

- 17/5522/FUL - Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 1A, 2 and 2A Albert Road and the Salvation Army Building, Albert Road) and construction of Building J to include 39 residential units (incl 2x townhouses) (Use Class C3) and 265sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. (SUBJECT TO S106 LEGAL AGREEMENT DATED 15 JULY 2020) – **Approved: 16.07.2020**

The permission has been formally implemented, and site boundary for this application is shown in blue below:



The extant planning permissions above resulted in a combined scheme which provide a total of 371 units; 18% affordable by habitable rooms; 618m<sup>2</sup> of mix use commercial floorspace; and 396 car parking spaces along with the other improvements to the surrounding area secured via legal agreement.

- 22/5754/S73 & 22/5755/S73 – These applications sought to make material amendments to 16/7601/FUL and 17/5522/FUL as follows:
  - Reduction of residential units within Block J from 39 to 37, and changes to residential unit mix.
  - A phased approach to the delivery of the site, with Blocks H and J as the initial phase. The buildings require standalone power and plant together with parking strategy to support early delivery of these blocks.
  - Review of the location of the shared ownership units in Block J
  - Road alignment and parking relocation.
  - Change to architectural detailing and stacking, to improve buildability.
  - Increase of 2 residential units within Block H from 27 to 29, and changes to residential unit mix.

The material amendments were approved (12/05/2023), and works have commenced on Blocks J and H in accordance with the approved plan.

- 20/1719/FUL: Redevelopment of the site to provide 652 residential units (Use Class C3) within 14 buildings ranging from 1 to 10 storeys and a single storey Plaza Kiosk building, with 327.6sqm of retail/commercial space and 111.3sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 392 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development – **Refused: 16.12.2020**

- Reasons:
  - 1) The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).
  - 2) The proposed development by reason of its density, design and layout, would provide an unsatisfactory standard of residential accommodation due to the poor layout of some of the proposed flats, inadequate separation distances, poor outlook, limited natural light and poor quality courtyard amenity spaces. The proposal would therefore represent a poor form of development to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of the NPPF; Policies 3.5, 7.4 and 7.6 of the London Plan (2016); Policy CS5 of the Local Plan Core Strategy (2012); Policy DM01 and DM02 of the Development Management Policies (2012); the Council's Residential Design Guidance SPD (2016); and Sustainable Design and Construction SPD (2016).

- 3) The proposed development, by virtue of the unit mix being predominantly one and two bedroom units and with no provision of four bed family units, fails to provide a genuine choice for a growing and diverse population and thus fails to meet the identified housing need in Barnet, contrary to the requirements of the NPPF; Policy 3.8 of the London Plan (2016); and Policies CS4 and DM08 of the Barnet Local Plan Core Strategy (2012) and Development Management Policies (2012).
  - 4) In the absence of a Section 106 Agreement, the application does not include a formal undertaking to enable an amendment to the Traffic Regulations Order and to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies 3.6, 3.12, 3.13, 4.3, 4.12, 5.2, 6.3, 6.9, 6.10, 7.19, 7.21, 8.2; Policies DM02, DM04, DM10, DM14, DM16, DM17; and Policies CS4, CS7, CS8, CS9, CS15 of the Development Management Policies (2012); Barnet Local Plan Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).
- 21/3676/FUL: Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development ( Amended Plans and Amended Description) – **Non-determination appeal - Dismissed<sup>1</sup>: 19.08.2022. [Inspectorate Appeal Ref: APP/N5090/W/22/3294689]**



<sup>1</sup> Further detail on this is provided within the Officer Assessment at para 2.3 of this report.

## Other Applications

- 16/7602/FUL: The provision of a resident's car park comprising 83 spaces for a temporary period of 3 years in relation to application 16/7601/FUL – **Approved: 24.07.2017**
- 17/5894/NMA: Non-material amendments to planning permission reference 16/7602/FUL dated 24/07/17 for 'The provision of a resident's car park comprising 83 spaces for a temporary period of 3 years in relation to application 16/7601/FUL.' Amendments include pre-construction design amendments to the layout of the car park – **Approved: 29.09.2017**
- 22/5928/FUL: The provision of a residents car park comprising 108 spaces for a temporary period of 3 years – **Approved 30.05.2023**
- 22/5739/NMA: Non-material amendments to planning permission reference 17/5522/FUL dated 16/07/20 for 'Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 1A, 2 and 2A Albert Road and the Salvation Army Building, Albert Road) and construction of Building J to include 39 residential units (incl 2x townhouses) (Use Class C3) and 265sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping.' Amendments include changes to the wording of the description by removing reference to the number of residential units proposed and commercial quantum – **Approved: 12.05.2023**
- 22/5741/NMA: Non-material amendments to planning permission reference 16/7601/FUL dated 16/07/20 for 'Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 15 to 23 Victoria Road and 1A, 2 and 2A Albert Road) and construction of 104 residential units (Use Class C3) within Buildings A, H, J1 and J2 (an increase of 52 residential units across the Victoria Quarter Redevelopment Area), 623sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2) within Building A and Building J1, the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. Relocation of an existing sub-station.' Amendments include changes to the wording of the description by removing reference to the number of residential units proposed and commercial quantum – **Approved: 12.05.2023**

## 2.3 Background / Previous Appeal Dismissal

- 2.3.1 As noted in the Site History section above, an application under reference no. 21/3676/FUL (Inspectorate Appeal Ref: APP/N5090/W/22/3294689; dismissed 19.08.2023), concerning redevelopment of the site to provide 539 residential units, 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) across 13 buildings ranging from 4 to 7 storeys along with 334 parking spaces and other ancillary development was previously considered by the Local Planning Authority.
- 2.3.2 The application received support from the Greater London Authority at Stage 1 referral, and Officers recommended the application for approval subject to conditions and a legal agreement. Members of the Strategic Planning Committee

resolved to refuse the application on 22<sup>nd</sup> February 2022 for the following reasons:

*1) The proposed development, by virtue of its scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies D3 & D4 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).*

*2) The proposed development by reason of its density, design and layout, would provide an unsatisfactory standard of residential accommodation due to the poor layout of some of the proposed flats, poor outlook and limited natural light. The proposal would therefore represent a poor form of development to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of the NPPF; Policies D4 & D6 of the London Plan (2021); Policy CS5 of the Local Plan Core Strategy (2012); Policy DM01 and DM02 of the Development Management Policies (2012); the Council's Residential Design Guidance SPD (2016); and Sustainable Design and Construction SPD (2016).*

*3) In the absence of a Section 106 Agreement, the application does not include a formal undertaking to enable an amendment to the Traffic Regulations Order and to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies S4, H4, H5, E11, SI2, T2, T3, T4, T5, T6, G6, G7 & DF1, Policies DM02, DM04, DM10, DM14, DM16, DM17; and Policies CS4, CS7, CS8, CS9, CS15 of the Development Management Policies (2012); Barnet Local Plan Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).*

2.3.3 Notwithstanding, a non-determination appeal (Planning Inspectorate ref: APP/N5090/W/22/3294689) was lodged by the applicants, as the application had not been determined within the statutory timeframe. The Council issued the three putative reasons for refusal for consideration by the Planning Inspector – the latter two of which were withdrawn by the Council during the appeal process, thereby leaving only the first reason for refusal relating to character and appearance impacts. However, the Planning Inspector also gave consideration to the New Barnet Community Association's (Rule Six Party) evidence, which raised various issues around living conditions and design matters. Consequently the Planning Inspector determined that the main issues were as follows:

*a) The effect of the proposed development on the character and appearance of the area, and*

*b) The effect of the proposed development on the living conditions of future*

*occupiers, with particular respect to design, sunlight and daylight, noise, overheating, parking, the quality and quantum of outdoor amenity areas, rubbish storage, the allocation of affordable housing and the proportion of family homes proposed.*

2.3.4 In summary of the Planning Inspector's assessment of the above issues, the following matters were raised in the appeal decision:

- Scale, massing, character and appearance
- Pattern and typology of development in context with Barnet Characterisation Study and New Barnet Town Centre Framework
- Views of the longer elevations from Victoria Park and the lack of a new open edge that brings activity to the park
- Views of the development from Leicester and Bulwer Road
- Approximately 30% of the dwellings would be single aspect
- Six percent of the rooms tested (i.e. over 90 rooms) would receive less than adequate daylight.
- Mechanical Ventilation Heat Recovery and active cooling systems would be required in a significant number of homes
- Quality/suitability of the children's playspace

2.3.5 In addition to the above concerns the Inspector also clarified:

- The overall PTAL rating of 3 for the site is a fair reflection of the actual transport accessibility.
- The car-parking provision ratio of 0.6 is acceptable for the site, and is in compliance with the relevant London Plan (2021) policies

2.3.6 Officers acknowledge the observations of the Planning Inspector and give due consideration to these in the relevant sections of the Officer Assessment and subsequent planning balance. Notwithstanding, this must be caveated by the fact this application concerns a materially different scheme from the dismissed scheme, and therefore not entirely comparable.

## **2.4 Proposed Development**

2.4.1 Initially the current application sought planning permission for the redevelopment of the site, comprising 420no. residential units (Use Class C3) and 279.2sqm of commercial space (Class E) across 11no. buildings ranging from 4 to 8 storeys in height, and basement level. New public realm with communal landscaped amenity areas, creation of new pedestrian routes, 295no. car parking spaces, including car club and accessible provision, secure cycle parking, servicing and other associated development.

2.4.2 The proposals form part of a wider masterplan area, with Blocks H and J (which are outside of the redline boundary – see Fig.1 below) already having planning permission (under application refs: 22/5754/S73 and 22/5755/S73) and being under construction at the time of writing. As such, cumulatively in context with these permissions, the wider development could be described and considered as follows:

*“Redevelopment of the site (including Block H and J) to provide 486 residential units, 539.5 sqm of commercial space in Blocks A and J, new public realm with communal landscaped amenity areas, creation of new pedestrian routes, 298 car parking spaces (including car club and accessible provision), secure cycle parking, servicing and other associated development.”*

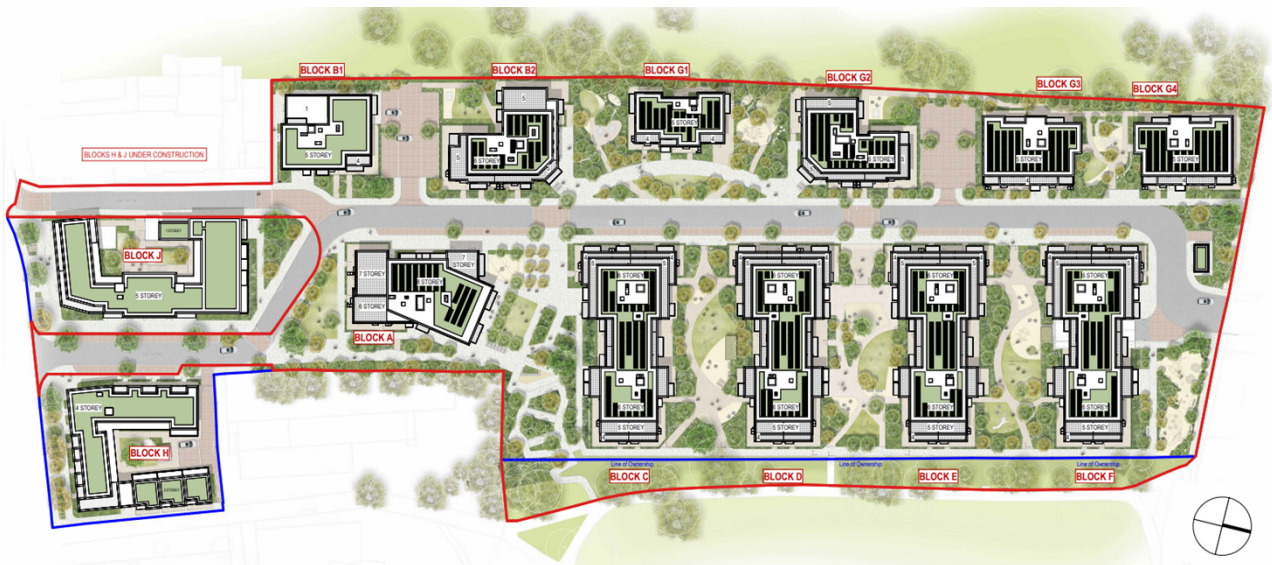


Fig. 1 Proposed Masterplan

2.4.3 During the lifetime of the application amendments to the scheme were sought and agreed with particular regard to the design, landscaping, layout, parking, commercial, and childrens play space changes. The updated documents were received 9<sup>th</sup> January 2024 and the description of the application was updated to reflect the changes, as follows:

*‘Construction of a residential-led, mixed use development to provide 420no. residential units (Use Class C3) and 346.2 sqm of commercial space (Class E) across 11no. buildings ranging from 4 to 8 storeys in height, and basement level. New public realm with communal landscaped amenity areas, removal of existing elevated footbridge and creation of new pedestrian routes, 291no. car parking spaces, including car club and accessible provision, secure cycle parking, servicing and other associated development.’*

2.4.4 The principle of development has not changed, nor has the number of residential units. There is a reduction of 4 parking spaces, an increase of approximately 66m<sup>2</sup> of Class E space, and a reference to the removal of the footbridge. These changes were reconsulted on 11<sup>th</sup> January 2024 (see Public consultation section below for details).

2.4.5 In essence, the proposals seek to address the reasons for refusal and, subsequent appeal dismissal of the previous application under reference: 21/3676/FUL (dated: 22.02.2023) as summarised in para 2.3.4 above; and, also to address some constraints of the site that have impacted the deliverability Block A under 22/5754/S73. The main differences between this application proposal and the dismissed appeal scheme are:

- A reduction in the quantum of residential units from 539 units to 486 (the overall wider masterplan figure – reduction of 53 units)
- 35% affordable housing by habitable room out of 1250 habitable rooms (35% = 439 habitable room; and inclusive of wider masterplan Blocks J & H which provide further 61 habitable rooms, in total 143 units / 461 habitable rooms)

- A change in layout and form of the buildings fronting Victoria Recreation Ground.
- Breaking up of residential blocks adjacent to the railway line
- A reduction in building heights throughout the site
- Improved block designs
- Improved public and private realm, with improved childrens playspace provision.
- Reduced parking, but in line with 0.6 ratio agreed as being acceptable in the dismissed appeal scheme.
- Less units with bedroom windows facing on to the railway line
- Changes to the overheating, daylight / sunlight and acoustic strategies.

## **2.5 Public Consultation**

2.5.1 Consultation letters were sent to 1395 neighbouring properties. The application was also advertised by Site Notice displayed 22<sup>nd</sup> September 2024; and by press notice, printed 28<sup>th</sup> September 2023. 355 responses were received. Equating to 310 comments of objection; 2 representations; and 43 comments of support.

2.5.2 The comments of objection can be summarised as follows:

### Design

- Building heights not in keeping with surrounding context
- High building/high density out of character
- Blemish views from Victoria Park
- Uniform and lacking in character
- Aesthetically Ugly
- Overbearing to Victoria Park
- Building density
- Lack of architectural variety
- Sets precedent for similar developments
- Council Urban Design Team comments have been ignored

### Amenity

- Impact on daylight to surrounding properties
- Health and wellbeing of existing residents due to change to the environment
- Increased noise from use
- Blocks will tower over surrounding 2 storey houses

### Highways

- Insufficient parking - creating parking pressure in the surrounding area
- Residents do not want Controlled Parking Zones to manage parking, as it costs them money
- Congestion - Local roads cannot take the additional traffic
- More traffic dangerous for cyclists
- Congestion - only one road in and out
- Dangerous for pedestrians

### Impact on Local Infrastructure

- Impact on local facilities, school places, doctors surgeries, ability to get health appointments etc



### Community Engagement

- Lack of Information / Errors
- Lack of information on railway tunnel replacement/energy centre proposal
- How does elevation compare to existing gas tower - previous plans showed comparative drawings
- How local infrastructure will be addressed
- Lack of clarity on how the development will be sustainable
- No information on how many charging points for cars

### Other

- Loss of park / open space
- The site has been undeveloped for too long
- Need family housing and the number of family homes is reduced under this application
- Few trees and swift boxes
- Will lead to increased crime
- Disruption in surrounding areas during construction
- Despite being refused permission building works still going ahead
- At odds with the New Barnet Town Centre Framework
- Only flats / no family homes provided
- Tower blocks lead to anti-social behaviour
- Environmentally harmful

### Impact on future occupiers

- Overcrowding
- Flats will require active cooling and do not meet daylight targets
- Lack of daylight and sunlight
- Overheating
- Single aspect flats
- Noise from trains
- Lack of open/outdoor space
- Kitchens with no windows / daylight
- Mental health impacts of living in sub-standard flats
- Lack of houses designed for elderly/disabled
- Cost of running mechanical ventilation to address overheating

2.5.3 The comments of support can be summarised as follows:

- It will improve the area
- Provide more homes for the community
- Provide local jobs
- Brownfield site suitable for new homes
- Need affordable housing options
- Current site is an eyesore
- Improve safety through passive surveillance into the park
- Need more homes to meet demand
- Rejuvenate the area

2.5.4 The comments neither supporting nor objecting can be summarised as follows:

- The site has been undeveloped for too long, it needs a high quality development
- The public should consider that there is a housing shortage and that 6 storeys

- on a brownfield site next to a station is not unreasonable.
- Developer should build as high quality development as possible, with excellent planting.
- New building next to Builders Arms is high quality with excellent planting
- The newest block on approach road isn't good and is a very generic design and adds nothing to the area architecturally
- Soundproofing should be included
- It should provide as many family units as possible.
- Developers should communicate with local businesses regarding the lets for the retail units
- Having some properties that religious jewish people can keep shabbat in would also be good
- All parking spaces should have charging points
- Keep the development open to the public
- Better services should be provided from the council tax the new homes will bring in
- How will industrial bin waste be managed
- Maximum number of affordable housing should be met
- Building requirements must be fulfilled
- Payment from developers should be ringfences to local investment
- Should not be harmful to natural habitats
- Underhand tactics of developers

2.5.5 Further consultation was undertaken with neighbouring properties from 11<sup>th</sup> January 2024 for 21 days (expiring 1<sup>st</sup> February 2024) to allow time to consider the additional and revised information received. Letters were sent to 1395 neighbouring properties, and also sent to relevant resident groups and Councillors. 96 comments were received. Equating to 97 comments of objection; 0 representations; and 1 comment of support.

2.5.6 The comments of objection can be summarised as follows:

- Cover Letter (11.01.24) includes false statements relating to: technical requirements having changed over the past decade, original permission being undeliverable as it doesn't meet Building Regs,
- Substandard accommodation proposed
- No windows to kitchens
- Many other development already underway for large complexes of flats
- Local infrastructure not able to support this many houses
- High rise nature out of character
- Local roads are of poor quality
- Impacts on parking
- Noise, overheating and low natural light levels
- Not enough family properties provided
- Not enough affordable housing provided
- Destroying parkland
- Objection to removal of trees lining the park
- Height of development will block light and result in unsightly view
- Overdevelopment
- Flooding impacts
- Against the direction of travel that the council is on to achieve Net Zero
- Inadequate outdoor space
- Single aspect flats

- Breach of London Plan Policy D3 D6 and New Barnet Town Centre Framework
- Amended plans only make minimal changes
- Architectural style out of keeping with surrounding area
- Bin store location unreasonable
- Unsustainable – massive Carbon footprint

2.5.7 The comments of support can be summarised as follows:

- Left with permanent eyesore if no development goes ahead on the site

2.5.8 Officers note the comments received in response to both rounds of consultation on the application and have addressed these both directly and indirectly, where possible, through the Officer assessment within the main body of this report under the relevant sections.

2.5.9 In regard to due process, consultation has taken place in accordance with the Council's standard protocols. Clarifications on various technical matters have been sought throughout the assessment process, and it is considered that there is sufficient detail within the application to enable Officers to make a recommendation for approval (subject to conditions and a s106 agreement), and for the Strategic Planning Committee to discuss the merits of the scheme, and make an informed resolution (i.e. to grant or refuse permission) on the planning application. There may be some outstanding queries raised by the GLA at the time of the Committee Reports publication, and/or, the time of the applications hearing at the Strategic Planning Committee, however these are matters for the London Mayor and the GLA to resolve. They will have the final opportunity to grant or refuse the application.

2.5.10 The concern raised about setting precedence is not a material planning consideration. Each application is judged on its own merits. Whilst existing developments are a material consideration, all planning applications must go through the formal planning application process and be subject to the due process against relevant policy tests and planning balance exercise.

2.5.11 The concerns about controlled parking zones are noted. Notwithstanding, the pre-text to Policy CS9 (Providing safe, effective and efficient travel) of the Local Plan Core Strategy (2012) states that *"On street parking management and controls will continue to be applied appropriately taking into consideration local conditions and issues, and to ensure the free flow of traffic, and although there will be a presumption against any new controlled parking zones (CPZs), the exception to this will be in areas close to major developments and Regeneration areas where existing controls are likely to be reviewed and additional measures may be introduced to protect the adjacent communities"*. The Inspector did raise any concerns with this approach in the agreed terms of the dismissed appeal scheme's S106. Nevertheless, it should be noted that any changes or implementation of a CPZ would be subject to a separate Highway Authority-led consultation.

2.5.12 The risk of increased crime is a speculative matter, and not something within the control of the Local Planning Authority (i.e. crime can increase for a number of reasons, not just because there will be more homes), and is therefore not a material planning consideration.

2.5.13 Construction disruption and disturbance is inevitable to a degree with many developments, however this is temporary in nature, and can be minimised and controlled with the relevant demolition, construction management and logistics plans

in place. This is to be secured by planning condition.

2.5.14 Subjective preferences for specific features (e.g. such as shabbat-friendly units), while potentially valuable, are not core planning considerations. The purpose of the planning process is to be objective and consistent to avoid discrimination and ensure fairness. It will be for the developer to consider and respond to the markets' needs.

2.5.15 Criticism of perceived developer tactics or past actions are not relevant to the planning merits of the application.

2.5.16 Specific details of the pedestrian footbridge and improvements to the railway underpass are not contained within the application, these are to be secured at a later through the legal agreement – as per the heads of terms at the top of this report.

#### 2.5.17 **Responses from Internal Consultees**

##### **Planning Policy Unit**

No comments received

##### **Affordable Housing**

No objections, subject to Affordable Housing proposals being secured by Section 106 agreement.

##### **Building Control**

No comments received.

##### **LBB Schools, skills and learning**

Concerns raised about the availability of school places within a safe statutory walking distance from the proposed development. Comments further expanded within the Officer report.

##### **Tree Officer**

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, then conditions relating to:

- Hard & Soft landscaping details;
- A tree protection and method statement, including details of on site monitoring of tree protection measures;
- An Arboricultural Method Statement relating to development at land formerly known as British Gas Works Albert Road New Barnet Barnet EN4 9SH (June 2021);
- A Tree Protection Plan 1399-KC-XX-YTREE-TPP01RevC; and,
- Landscape and ecological management
- Details of the design of the planters, including details of the materials proposed for the primary structure and any secondary cladding

## **Barnet Street Trees**

No comments received.

## **Green Spaces Team**

No objection in principle. The scheme still has a shortfall of 290m<sup>2</sup> for 12+ Play which should be secured as S106 for 12+ Play at Tudor Sports Ground. However considering the fact that the scheme does provide an over-supply of provision for under 11's play the Greenspaces Team would accept a reduced rate per square meter for the shortfall (From £297.27 per sqm to £148.63 per sqm). Victoria Recreation Ground has had significant investment in recent years and at this time does not require improved and/or additional facilities. The contribution should be allocated to Tudor Sports Ground, which is approximately a 12-15 minute walk from the application site.

## **Conservation**

No comments received.

## **Urban Design**

### Initial comments:

I cannot support the current design until suitable improvements are made, though I understand on wider planning balance the scheme might still be considered acceptable.

Changes from the approved scheme include the loss of all family townhouses, and a more urban rather than human scale character. The combined approved scheme covers three applications including a first application for the whole site (ref: B/04334/14), a second application which included revised proposals for Block A (ref. 16/7601/FUL) and a third application (ref. 17/5522/FUL) which does not affect the current application site. The originally approval scheme can be described as of good context responsive design quality as required by national and local design policy, though was by no means exceptional, i.e. it sets an appropriate rather than excessive quality benchmark. In principle, I do not object to the proposed height and massing, though it does need proportionately increased quality to still achieve a good design and to positively beauty the setting accepting its visibility.

The current scheme still possesses some notable qualities such as generously provided landscaping and amenity space linking to Victoria Recreation Ground including a new gateway plaza, and underground parking which amongst other things helps pedestrianise much of the public realm. Although the loss of family town housing is disappointing, it does mean the spine street would not be unappealingly dominated by the associated front of plot parking included in the previous approval.

Further information is requested for review including:

- a) Visual impact assessment
- b) CGIs (i) without so much screen foliage and (ii) clearly showing buildings to the north of the spine road.
- c) On and off site proposals for improving and/or future proofing foot and cycle improvements relating to the existing railway subway, including clarity on whether the

existing bridge is demolished and, if so, how proposals link up.

d) Detailed proposals for the communal bin store and collection area for blocks C-F, ensuring storage is attractively screened/enclosed and both storage and collection do not unreasonably detract from the public through route and general environs

e) Substation enclosure proposals, ensuring a attractive building befitting its prominence

Increases in density such as proposed typically require proportionately improved design qualities to achieve a good overall design, whereas current proposals are significantly worse considering the quality, arrangement and interplay of form, fenestration, detailing and materials. Forms are often ungainly arising from new floors being added through crudely detailed stepping and appear top heavy due to the overuse of plain brick on upper floors. Modelling, fenestration and detailing are credibly designed and arranged in some ways, but lacking in the kind of design narrative, hierarchy, feature interest, richness, artistry and refinement to be expected of a scheme of this scale.

For example, we can compare the approved scheme with the current scheme. Note, the proposed scheme is a storey taller but quality has been reduced and can no longer be described as good, e.g. loss of oriel windows, less/meaner sized windows and balconies, fatter window frames, loss of panelling associated with windows and front walling to the spine street, blander fenestration and colour palette, missing feature/transparent interplaying roof terrace balustrading to reduce and articular the sense of massing whilst allowing for increased social interaction, and top heavy and bland brick top floor rather than light weight feature cladding.

A change in design approach is recommended to address the [above] concerns involving (i) increased creative architectural licence / resourcing, moving from a technical to (creative) design led approach, and (ii) increased investment in design, noting the current scheme appears unreasonably 'value engineered'. Lost qualities from the approved scheme should be reconsidered.

Although refinement is recommended throughout, priorities for improvement include:

a) Block A which currently lacks both design narrative and quality despite being the most important and tallest building, noting its classified a 'tall building' in the local plan and is therefore subject to a higher design threshold.

The independent Design Review panel stated they "feel that Block A could become more architecturally distinctive, given that it stands alone and is already taller than the other blocks within the scheme. This would help the block address its key setting within the wider site and the public space around it." Proposals haven't noticeably improved since this review.

We acknowledge the design is similar to that already approved as a change to the original scheme, which represented a noticeable reduction in design quality. However, its felt it should still be a focus for this submission in helping achieve good design across the wider submission site;

b) Elevations facing Victoria Recreation Park which currently lack architectural interest befitting their prominence and repetition

The independent Design Review panel stated they "would like to see the proposed

finger blocks fronting onto Victoria Recreation Ground refined and sculpted to optimise the aspect of the homes and the levels of daylight they receive, as well as to enhance the relationship with the park.”. Proposals haven’t noticeably improved since this review.

- c) Block C’s western elevation [should] benefit[ting] its prominence facing the plaza
- d) Elevations facing onto the spine street, which are currently poor (e.g. off centre entrances to otherwise symmetrical blocks, meanly fenestrated, lack of architectural interest and crudely added top floors) to the north of the street, and in particular Block G1 which has a noticeably confused and bland design despite the layout setting this up as a centre-piece building.

The independent Design Review panel stated that “More expressive brick work would help to add interest and distinctiveness to the façades, especially along the key frontages to the park and the spine road.” Proposals haven’t noticeably improved since this review.

All main communal entrances to apartment blocks should be more consistently well located, more strongly architecturally designed to provide much needed focal qualities and, where appropriate, using parts of the wider building design to help express and draw the eye toward the entrance.

There is again in places a sense that latest proposals have not been (creatively) design led and excessive value-engineering has been undertaken in places, e.g. robust, sculpted and sitable concrete raised beds (top CGI) now replaced with flimsy looking timber supported raised beds.

Shrub planting is also recommended to screen surface car parks to the north from the spine road.

#### Follow up comments (24/01/2024):

The scheme has subtly but significantly improved informed by dialogue with the applicant including at pre-application stage which also included independent Design Review. Negotiated improvements from those originally submitted take into account the existing planning approval which provides an approved design quality benchmark, though additionally focusses on ensuring design mitigation/justification in response to the increase in density and change in dwelling types (loss of townhouses). The overall merits of the design can now be broken down as follows:

- Apart from the spine road, a car-free public realm, which will help promote visual and recreational amenity, health and wellbeing, and community wellbeing. This includes a pedestrianised edge to Victoria Road Recreation Ground, a new public square defining the key gateway to the Recreation Ground and a series of landscaped greens.
- A green and verdant place, in which landscaping (including central tree lined avenue, gateway square, green corridors, communal gardens and front gardens) significantly contributes to spatial character and liveability, helping mitigate the urban scale buildings and in keeping with the suburban context.

- The proposed density which appears well balanced considering competing issues and opportunities. The density is moderated in respect to the suburban context, though makes reasonably efficient use of a brownfield site in a sustainable location within easy walking distance of local amenities including a designated District Centre (New Barnet), the recreational ground and new Barnet Station. Knock on benefits include the promotion of sustainable transport, less reliance on the car and therefore traffic within the borough, and walkable custom to help sustain and grow local shops and services.
- Heights and massing are relatively tall for the area and slightly higher than approved, though in the most part represent what might be described as 'gentle intensification'. It should be noted, the tallest building (Block A at 8 storeys) already has approval. Negotiated improvements have sought to beautify the buildings, to ensure visual impact positively contributes to the area. In urban design terms, the height of buildings relate particularly well to the recreational ground, providing a strong sense of community presence and social engagement which no doubt will help self-police the public space, though without excessively imposing.
- All ground floor dwellings now have individual front gardens and rear patio garden spaces, which will increase private amenity and promote social and recreational interactions between both buildings and spaces, and public and private realms, contributing to increased liveability, personalisation and sense of community.
- The loss of townhouses is disappointing, though is arguably mitigated by (i) the removal of associated front of plot car parking which unappealingly dominated the streetscene in previously approved proposals, and (ii) the provision of ground floor apartments and two storey duplexes with their own front and back gardens.
- The bland and, in places, clumsy architecture of the originally submitted application has had something of a makeover, inspired by an overarching landscape and seasonal artistic concept. Most noticeably this provides feature interest and 'delight' somewhat across the development, though appropriately prioritised to help define key focal elements, such as main entrances, key frontages, building corners, and using colour for distinguish different parts of the development. It has also better organised, articulated and increased the varied interplay of the architecture to present more refined, legible and attractive buildings, streets and spaces.

In summary, following amendments, the Urban Design Officer is happy to support the scheme, on balance, subject to conditions related to materials and detailed finishes (including fine scale drawings).

### **Environmental Health**

No objections in principle, subject to conditions for construction management, contaminated land, noise and air quality.



## **Sustainable Drainage**

Further information requested on drainage strategy.

## **Property Services**

No comments received.

## **Street Lighting**

No detail of lighting design has been submitted with the application, so comments cannot be provided on this. Condition for light strategy / design recommended.

## **Strategic Highways**

The TA demonstrates that the scheme's net impact is in line with the previous submission – for a larger development. Given this I think the conclusions set out in section 3.5 of the Committee report on the 2021 application stand and that the negotiated and accepted package of improvements for the 2021 application set out in that report should be adequate mitigation for this scheme as well. I think the report on signalling the Albert Road/Victoria Road/East Barnet Road junction by Pell Frischman (Appendix I to the TA) sets out good reasons why this option is not the best approach and is likely not to be supported by TfL (including delays to bus services).

## **Traffic & Development**

No objections subject to conditions and heads of terms attached to this report. Comments detailed further within the assessment of the application.

## **Travel Plan Team**

Residential travel plan recommended. Contribution required for monitoring Travel Plan delivery – as detailed in Officer report.

## **Ecology**

Initial comments:

Further information is required prior to determination. An updated ecological site visit and Biodiversity Net Gain Assessment are required to be undertaken and submitted prior to determination. Minor amendments are required in relation to the outlined external lighting proposal to maintain the integrity of the adjacent woodland along the railway embankment.

Follow up comments 23/01/2024:

No objections, subject to conditions/obligations and informatives. Comments detailed further in Officer report.

## **Energy & Sustainability Officer**

No objections, subject to S106 Carbon Offsetting contributions. Comments detailed

in Officer report.

### **Skills and Enterprise Team**

No objections, subject to the relevant skills, education, employment and training opportunities being provided; and/or the relevant payment in lieu, where opportunities are not provided.

### **Town Centres Team**

No comments received.

### **Waste & Recycling**

No objections, subject to conditions.

## **2.5.18 Responses from External Consultees**

### **Greater London Archaeological Advisory Service (GLAAS)**

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site does not lie within an archaeological priority area and an archaeological assessment prepared for a previous scheme showed that this site had low archaeological potential. No further assessment or conditions are therefore necessary.

### **Historic England**

No comments received.

### **Metropolitan Police (Secure by Design)**

No objection, subject to a condition requiring Secured By Design certification of each block prior to occupation of the development.

### **MPS Property Services Department**

The development will have impacts on Policing and these will need to be adequately mitigated if it is to be sustainable, and the safety of the local community assured.

A financial contribution of £24,082.82 is sought, to mitigate the additional impacts of this development on wider MPS infrastructure.

### **Environment Agency**

Based on a review of the submitted information, we have no objection to the proposed development.

Flood Risk Activity Permit Informative recommended:

*The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: • on or within 8 metres of a main river • on or within 8 metres of a flood defence structure or culvert including any buried elements • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm GMT) or by emailing [enquiries@environment@agency.gov.uk](mailto:enquiries@environment@agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.*

## **Affinity Water**

### Water quality

We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough. We currently offer a discount to the infrastructure charge for each new development where evidence of a water efficiency design to a standard of 110litres (or less) per person per day is expected. The discount value for the charging period 2023/24 is £258. For more information visit [Water efficiency credits \(affinitywater.co.uk\)](http://Water efficiency credits (affinitywater.co.uk)).

### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My

Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

## Thames Water

### Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CJames.Langsmead%40Barnet.gov.uk%7C65a81f47ff4b46f868f608dbbf5d9789%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638314180926248760%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAilCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=xdc9GyU1SxUZ%2BluqwkDovr91otny21Qv6G0fqQIH4Nc%3D&reserved=0>

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "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. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CJames.Langsmead%40Barnet.gov.uk%7C65a81f47ff4b46f868f608dbbf5d9789%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638314180926248760%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAilCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C>

<mailto:developer.services@thameswater.co.uk>&sdata=xdc9GyU1SxUZ%2BluqwKdOVr91otny21Qv6G0fqQIH4Nc%3D&reserved=0

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

#### Water Comments:

No comment – water is supplied by Affinity Water.

#### **Greater London Authority**

Land use principles: The principle of residential development on this former industrial brownfield site is supported.

Affordable housing: The development is eligible to follow the Fast Track Route, with 35% affordable housing provision, split 60% London Affordable Rent and 40% Shared Ownership.

Urban Design: The development layout is broadly supported, and the increased density, over and above the extant consent, has been comfortably accommodated within the proposed building heights and massing. Detailed comments on the public realm should be addressed.

Transport: To comply with strategic transport policies, the Council will need to ensure bus stop provision and active travel measures and conditions related to cycle and car parking, as well as travel demand management, are secured. Parking provision should be less.

Other issues on sustainable development and the environment, including the energy strategy, whole life-cycle carbon, circular economy and air quality also require resolution prior to the Mayor's decision making stage.

#### **Transport for London**

Comments incorporated into Greater London Authority's Stage 1 response.

## **Network Rail**

Network Rail has no objection in principle to the development, subject to conditions and informatives.

The proposed landscaping plan includes species that we would not want to see planted in proximity to the railway boundary which is of concern. These species include Tilia Cordata and Acer Pseudoplatanus which should be removed from the planting proposals. Our requirements are outlined in the 'Landscaping' section.

## **Healthy Urban Development Unit (NHS)**

Due to the pressure on the individual surgeries, there are plans to consolidate The Addington and The Village Surgery into East Barnet Health Centre to the site of the East Barnet Health Centre. Discussions with the NHS Trusts and the ICB indicate the merging of the two surgeries is likely to provide the extra capacity requirement [of the development].

The request is the Council to secure the total capital cost of £1,437,905 within the S106 agreement to be paid on commencement and indexed linked to building costs.

The HUDU Planning Contributions Model has been used to calculate the contribution and relates solely to capital costs of mitigating the impact of the development, and the importance of ensuring that infrastructure is provided alongside development as set out in the NPPF.

A contribution for Primary Care is considered to be the minimum requirement for the development.

Follow up Comments following LPA/NHS discussions:

In lieu of the £1.4m contribution, first refusal offer of the Class E space in the development for health use would be acceptable. Terms to be agreed between applicant, NHS and Council, following application resolution at Committee.

## **London Fire & Rescue Service**

We note the proposal to include an evacuation lift, however there should be sufficient numbers of evacuation lifts provided such that, if an evacuation lift is out of service (e.g., as a result of breakdown or maintenance), there is at least one that is still available for use from all areas of the building. Utilising a firefighting lift as a dual-purpose lift will not be adequate as this lift will be in use by the fire rescue service. Therefore, we question how London Plan 2021 Policies D5 and D12 have been met in this regard.

The Applicant is advised to ensure the plans conform to Part B of Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.

*10/01/2024 – Follow up comments following receipt of additional information from applicant:*

At this stage, we understand what the client has proposed and their reasoning, however, we stand by the comments originally made for resilience purposes. If the client proceeds with two dual purpose lifts, maintenance plans and a plan of action in the event of one lift going out of service should be taken into consideration at building control stage/completion of works.

### **HSE Gateway One**

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages.

### **London Wildlife Trust**

No comments received.

### **RSPB London**

No comments received.

### **Canal and River Trust**

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

### **Cadent Gas**

No objection in principle.

We have 630mm pe LP main and 315mm pe MP main in the vicinity of the works area which will need to be protected at all times these have easements in place with BPD distances which must not be encroached upon crossed over or anything built or placed/stored on or over the pipeline in or on top of the mains or easements.

The mains may need to be diverted out of your works area depending on what the project entails.

The ground levels must not be altered over the pipelines or in the easements.

Please be aware that access to the pipeline will be required at all times in the event of an emergency or operational maintenance needs.

No mechanical excavation within 3m of the pipelines without plant protection present.

Any damage or any action that puts the pipeline at risk will be reportable to the HSE.

In order to help prevent damage to our asset/s, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your

development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

### **National Grid**

No comments received.

### **UK Power Networks**

No comments received.

### **National Amenity Societies**

No comments received.

### **East Barnet Residents Association**

I write on behalf of the East Barnet Residents' Association. We have about 800 authenticated members, and only one has said they think this site should be developed regardless of the design.

The extant planning permission [B/04834/14] which was approved in May 2015 should have been built by now, and the 351 homes would be occupied, helping with the borough's housing needs.

This revised proposal, the latest in a long series of blatant attempts to increase the developers' profits, should be rejected because as a consequence of its poor design it:

- will not have sufficient family homes and gardens
- squeezes in some totally inappropriate 1b1p bedsits
- squeezes in some kitchens with no windows
- will require many flats to have active cooling - at a time when LBB has declared a climate emergency and energy crisis!

Please refuse this proposal and suggest that the developers build the previous design ASAP.

### Officer Response:

EBRA's comments are noted, and have been addressed, where possible, directly / indirectly through the Officer assessment of the scheme below.

The developer's intentions are not material to the assessment planning merits of the scheme. The application is objectively assessed against the relevant planning policies and material planning considerations.

### **Friern Barnet & Whetstone Residents Association**

No response received.



## New Barnet Community Association

Initial response 20/10/2024:

I am writing on behalf of NBCA and the Save New Barnet Campaign to object to the above application and to request to speak at the committee meeting.

While the application has made some improvements to the previously refused scheme, there are still a number of issues which are in breach of either Barnet or London Plan policy and which were cited by the Planning Inspector at the previous scheme's planning appeal as contributing to his decision to refuse the appeal. These include:

- Overheating - Breach of London Plan Policy SI 4.
- Noise - Breach of London Plan Policy D14
- Daylight/Sunlight – Failure to meet BRE 209 (2022) Guidelines
- Single Aspect Flats – Breach of London Plan Policy D6 para 3.6.5
- Character – Breach of London Plan Policy D3 and New Barnet Town Centre Framework

As noted in the Planning Inspector's report for the refused scheme, each issue, individually, might not be a reason for refusal, but when taken together, they do not indicate that the scheme can be considered to be of good design as required by the NPPF at paragraph 126 and the NDG, particularly at paragraph 125.

Reviewing the current application, Barnet's Urban Design team have commented that: 'The sacrifice of family housing and the resulting significant increase in density suggests the need for mitigating (increased) design qualities across the application site.'

We believe that there are practical and workable solutions for most of the problems but that means the developer has to amend the application scheme. Details of each issue are set out below:

Overheating: Breach of London Plan Policy SI 4. The scheme will require 191 of the 420 flats to have an active cooling system to prevent them overheating when assessed using the London LHR Design Summer Year (DSY) 1 2020s, high emissions, 50% percentile scenario. In addition, a further 159 flats will require purge ventilation. Only 70 flats pass Part O regulation when naturally ventilated with background ventilation via an MVHR.

In the Planning Appeal refusal decision, the Inspector highlighted this issue noting that 221 of the scheme flats required cooling. In that scheme 41% of the flats need active cooling. In the current application 45% of the flats will require active cooling. Specifically the Inspector stated:

*“To my mind the necessity for active cooling systems in 221 out of 539 flats seems a large amount given that the provision of active cooling systems is the bottom of the (London Plan Policy SI 4 cooling) hierarchy and the necessity for such should presumably be limited if the hierarchy is adhered to.”*

Use of shading, such as brise soleil, orientation, layout, particularly in blocks next to the railway and addressing the noise issue could reduce the number of flats requiring active cooling.

The developer has previously rejected (on cost grounds) the suggestion to build maisonettes along the railway boundary even though this form would address the noise /overheating problem passively through orientation; whilst retaining dual aspect, all habitable rooms could face East, away from the source of noise as well as the afternoon sun.

Noise: Breach of London Plan Policy D14. Due to rail noise, a large number of the flats adjacent to the railway line will require windows that should not be opened for natural ventilation. This has a knock on effect of impacting the overheating issue. No attempt has been made to address the rail noise other than designating the windows as not suitable for opening for ventilation and increasing insulation. In Germany, the impact of noise on the health of residents in close proximity has been realised and to address the problem German Railways have set a target of installing 3,250km of acoustic barriers by 2030. Recent barrier installations indicate a cost of approximately £1.9m per kilometer. (<https://www.railtech.com/infrastructure/2022/04/27/db-to-install-over-3000-kilometres-of-sound-barriers-in-current-decade/>) At this site approximately 500 metres of barriers would be required. Acoustic barriers can reduce the noise significantly which may allow more windows to be opened for natural ventilation and reduce the need for active cooling.

The Planning Inspector noted in his refusal “*Policy D14 of the London Plan deals with noise. At section 5 it informs that development proposals should separate new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial uses) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance of sound insulation*”. He also noted that the requirement for mechanical ventilation was “not indicative of good design”. Noise barriers (screening) should be considered as an option.

Daylight/Sunlight: Breach of BRE 209 (2022) guidelines. In the refused scheme, 6% of rooms failed to meet the BRE guidelines. In the current application, the Updated Daylight & Sunlight report states that 323 of the 1,277 rooms or 25% of rooms fail to meet the daylight illuminance target, with 27% of living rooms and 95% of kitchens failing to meet the target. As such this is significantly worse than the refused scheme which the Inspector noted as a contributing factor for refusal. It appears that part of the reason for the failure to meet the guidelines is related to the proportion of single aspect flats and the reduction in glazing to window openings as detailed in Section 8 of the Design & Access Statement (page 114). In addition, having studied the plans in detail, it appears that 62 of the kitchen/diners have been designed as internal rooms with no windows whatsoever (three are illustrated in shading in the plan opposite). As such, cooking and eating will require the lights to be switched on whenever the room is used and the rooms will rely on mechanical ventilation.

The Daylight & Sunlight report states at para 2.1.16 that, “discretion should be used and, for example, a target of 150 lux may be appropriate in a Living / Kitchen / Dining Room within a modern flatted development where the kitchens are not ‘habitable’ space and small separate kitchens are to be avoided”, yet that is exactly what the scheme has provided.

It should be noted that both the refused scheme and the current application take a reduced daylight level as the target for combined living spaces (described in the BRE guidelines<sup>1</sup> as applicable in ‘special circumstances’, for example in an area of high rise buildings). New Barnet is not an area of high rise building. In the approved 2017 scheme, despite setting the more appropriate (higher) target for these spaces and

only a 'worst case' sample of rooms being tested, 88% met the target figure 'with many rooms achieving far in excess of the recommended minimum'. Similarly a 'worst case' sample of rooms tested for sunlight in the approved 2017 scheme all passed both summer and winter recommendations.

Given that the Inspector noted that 6% of rooms failing the guidelines was a contributing factor to the refusal, it seems that 25% of the rooms failing in the application scheme cannot be seen as addressing that concern. Addressing the noise and overheating problems through the use of acoustic barriers and shading such as brise soleil and changes to the orientation of some of the flats could reduce the number of rooms failing the guidelines.

Single Aspect Flats: Breach of London Plan Policy D6 para 3.6.5. In the refused scheme, 30% of the flats were single aspect, an issue which contributes to poor ventilation and overheating. The Design & Access Statement states at Para 8.4 (page 115) that 20% of the flats are single aspect, contrary to London Plan Policy D6 which states that, wherever possible, there should be no single aspect flats. This problem seems to be driven by the desire to squeeze in as many small flats as possible rather than focus on design quality.

For example, in the mid-section of the four finger blocks (Blocks C, D, E & F) there are 19 small, single aspect, studio flats all of which face south. In addition, the adjacent 3 bed 5 person flats will have living rooms that face North impacting on attainment of the daylight levels. By combining the single aspect studio flats with the long thin 1 bed 2 person flats, it would allow the creation of 19 new 3 bed 5 person flats, (as 1 Site layout planning for daylight and sunlight Littlefair et al (2022, para 1.6) originally planned in the 2017 approved scheme) with both 3 bed flats being dual aspect and helping to improve the daylight level compliance.

Character: Breach of London Plan Policy D3. The six storey finger blocks facing the Victoria Recreation Ground (VRG) have very little set back of the sixth floor and dominate the view from the VRG. The London Plan policy D3 is entitled 'optimising site capacity through the design-led approach'. This was raised by the Planning Inspector in his refusal. While changes have been made, the finger blocks are still one storey higher than the consented scheme, seeking to maximise the site capacity, and appear to conflict with the New Barnet Town Centre Framework which notes within its objectives that advantage should be taken of brownfield sites such as the appeal site but also that an appropriate scale of development should be ensured. If one of the current floors two, three or four was removed (so that the current set back sixth floor occurred at fifth floor), that would address the concern.

It is important to note that Barnet's own Urban Designers mentioned in the most recent pre application advice dated July 2023 that "The stepped wedding cake type affect currently appears unfinished– there is a need to address the inappropriately perceived top heaviness (e.g. lighter perceived colours and materials), provide architectural qualities to the stepping (e.g. ethereal upper floor patterning), possible architectural topping or capping (e.g. feature roof form, expressed parapet or floating canopy/brise soleil), and hit-and-miss feature brickwork to reduce and articulate the sense of parapet". They noted that Block A "elevation currently appears too meanly invested in including in the perceived size of windows (improvements are required)". They also noted that "Creating more feature interest might be achieved in various ways, e.g. articulating the parapet such as through hit and miss brickwork, and feature wrap around balconies on the plaza/spine road corner which are colour coordinated

to the shopfront design". Overall, many of the issues could be addressed relatively straightforwardly if the developer had taken on board the constructive comments provided by Barnet's urban designers at the pre application stage.

We note the growing crisis in mental health and are concerned that if this scheme is approved in its current format, it may seriously impact the mental health of people living in small, overheated single aspect flats where opening windows is not recommended due to the railway noise.

Other areas of concern are around parking and the lack of local infrastructure.

Parking: The Planning Inspector noted that the refused scheme was compliant with the London Plan in terms of parking ratios but that guidance is for maximum, not minimum parking levels. The Inspector also noted that a parking ratio of 0.75 spaces per flat would still be compliant with the London Plan. In the Gateway application (Blocks H & J of the development but including parking details for flats in Block A as well) approved on 29 March 2023, included 108 car parking spaces for a total of 118 flats (a ratio of 0.92 spaces per flat) and was accepted as variation of the 2017 consented scheme. In the current application the ratio approved on 29th March has been ignored and is now at 0.61 spaces per flat.

In the Gateway application, an access road to car parking under Block A was realigned as part of the approved plan. While we accept that it is no longer possible to connect the car park under Block A to the main basement car park, it does not mean that the car park under Block A should not be completed anyway. The basement has already been piled to comply with the 2017 scheme, so installing a basement car park under Block A would be comparative straightforward and would not affect the construction of Block A. We estimate that this could provide approximately 35 - 40 additional car parking spaces, and would be especially beneficial to residents in Block H & J allowing them to park much closer to their properties. This would increase the parking ratio of the site to 0.69 spaces per flat, still well below the maximum parking levels in the London Plan.

Infrastructure: The applicant has identified that the local area around the proposed development is already undersupplied for GPs with a ratio of 1 GP per 2,666 patients compared to a benchmark of 1 GP per 1,800 patients (Health Impact Assessment page 18 para 4.153). The combined scheme will accommodate an additional 1039 patients so there are real concerns that waits to see a GP locally, which are already bad, will only get worse and there appear to be no proposals to resolve the shortfall.

#### Summary:

The community held a public meeting on 11 October and expressed concerns about all of the matters raised in this objection and as such we feel it is essential that the planning committee are aware of community feeling. The meeting was attended by local councillors and the local MP.

It was generally agreed that the application scheme is awkwardly planned to squeeze in additional flats, disregarding the issues of sustainability which will negatively impact the occupants and represents a significant dilution in design terms of the high quality 2017 approved scheme. If the developer was willing to listen and work with the community and Barnet's urban design experts we are sure a solution could be found and high quality housing built on this site.

For all of the above reasons we urge you to reject this application.

Follow up comments in response to 11<sup>th</sup> January re-consultation:

I am writing on behalf of NBCA and the Save New Barnet Campaign to object to the above application and address concerns identified in the numerous additional documents they have submitted in January and February 2024. This should be read in conjunction with our letter of objection dated 20 October 2023. Specifically, we address the letter submitted by Fairview on 11 January 2024 in response to the earlier NBCA objections. However, there are a number of statements with which we disagree and/or dispute and a summary of our comments are set out below. A more detailed analysis is set out separately in the two attached documents<sup>2</sup>, “Comments on the Design Quality” and “Comments on Massing, Sunlight & Daylight”.

Reasons for not building the 2017 consented scheme.

Many people in the community keep asking why the applicant has not simply built out the scheme for which they already have permission. The main part of the site was granted planning permission almost nine years ago and the amended scheme, encompassing the gateway development, seven years ago. Fairview list six reasons why they cannot build the consented scheme yet most of these would not apply if they had simply got on and built it as the scheme was compliant with building regulations in place at that time. In addition, minor modifications to the consented scheme such as changing the access route to the basement car park would resolve all of those issues related to the culvert. The applicant submitted a modification to the 2017 consented scheme to start work on the gateway development in 2023. In that proposal, they included a gas fired heating and hot water system for the gateway flats and 108 parking spaces at a ratio of 0.92 spaces per flat. No additional consideration was given to overheating, and no overheating strategy was provided as they were simply proposing a modification of the consented 2017 scheme. Fairview are not specific about the changes to fire regulations but, for example, if it related to cladding, there are alternative non flammable cladding options they could have considered. We are not aware of any change to fire regulations that would make the 2017 scheme undeliverable, albeit subject to minor amendments. We would also note that the main reason for not building out the 2017 consented scheme, given on numerous occasions previously, was the excessive cost of site remediating and this is now absent. As such, their reasons for refusing to build the consented scheme do not appear credible or valid and given that they commenced work on the site by remediating the site, forming the basement car park and constructing the gateway development, it would appear that they could simply press ahead with the existing consent for the rest of the site albeit with minor modifications in exactly the same way as they moved forward with the Gateway development in 2023.

Overheating – High Proportion of Flats Requiring Active Cooling

Fairview appear to blame the new Approved Document O for the high proportion of flats that require active cooling, a system requiring energy to maintain a liveable temperature in flats using the base level for overheating assessment DSY1. In the proposed scheme, 191 of the 420 flats (45.5%) require active cooling. However, there is a significant disparity between blocks with the 30% of flats in the finger blocks

---

<sup>2</sup> Documents are available on the Council’s Public Access website at: <https://publicaccess.barnet.gov.uk/online-applications/> - search for application ref: 23/3964/FUL to view.

requiring active cooling compared to the London Affordable Rent blocks where 77% of the flats will require active cooling. This suggests that design and orientation are a factor in the stark difference. We have repeatedly asked for the applicant to consider alternative designs including suggestions such as stacked maisonettes, the use of winter gardens and the use of moveable shuttering to reduce solar gain, a suggestion made in the GLA Housing Design Standards 2023 C6.2, but they have simply said these options do not work, without any evidence to support their statement.

#### Noise – Failure to Address Rail Noise Problems

We note that the applicant has approached Network Rail to identify if noise barriers could be erected which Network Rail rejected. We also spoke with Network Rail who suggested that building residential properties immediately adjacent to a major national rail route might not be the best solution. Given that the finger blocks suffer much less from the rail noise problem than perhaps the original design solution of town houses along the railway embankment in the consented scheme was the best solution for the site and is yet another reason to get on and build the 2017 consented scheme.

#### Daylight - Failure to Meet BRE Guidelines

The applicant seems to acknowledge that the daylight levels in their scheme fail to meet the guidelines but blame (again) the new Approved Document O on overheating and the new BRE guidelines which are “more onerous/difficult to achieve on larger urban regeneration schemes”. Critically the site is Suburban not Urban and the site is not a designated regeneration scheme. We have carried out a detailed daylight/sunlight analysis attached in the separate document attached, which highlights that many of the issues are driven by the desire for greater density and the failure to respond to the London Housing Design Standards June 2023. As such they are failing to meet the guidelines with their proposed scheme but are suggesting that we should simply accept that failure rather than re-examining the overall design.

#### Single aspect Flats – Failure to Meet the GLA Housing Design Standard

The GLA Housing Design Standards state at paragraph C4.1 that “New homes should be dual aspect unless exceptional circumstances make this impractical or undesirable; for example, when one side of the dwelling would be subjected to excessive noise or outside air pollution. Where single aspect dwellings are proposed, by exception, they should be restricted to homes with one or two bedspaces; should not face north; and must demonstrate that the units will: have adequate passive ventilation, daylight and privacy; and not overheat (particularly relevant for south or west-facing single aspect units)”. The applicant has not demonstrated exceptional circumstances, especially as majority of the single aspect units are not affected by noise with 58 of the 86 single aspect flats located in Blocks A, C, D, E and F which are not adjacent to the railway line. We note that the applicant states the single aspect flats in blocks C, D, E and F “have been placed in the Southern elevation to maximise sunlight penetration to the units”. The issue here is that they are single aspect flats only to squeeze in more units, and that as suggested, if they were family sized dual aspect units instead, they would actually accommodate more people.

#### Enclosed Kitchens - Failure to Provide Kitchens With Windows

The applicant states that there are only “a small proportion of enclosed kitchens” i.e

kitchens without windows. In fact there are 52 flats where the kitchens have no windows. The applicant says that separate kitchens are a good thing as they stop noise and reduce the smell of food from the kitchen entering the living room. We completely agree and note that in total there are 113 flats (27%) with separate kitchens. The concern we have expressed is that of those 113 separate kitchens, 52 have no window. They acknowledge that the BRE guidelines state that “Non daylight internal kitchens should be avoided wherever possible, especially where the kitchen is used as a dining areas too” yet appear to ignore the problem. The GLA Housing Design Standard states at C4.7 that “All habitable rooms (including a kitchen/dining room) should receive natural light and have at least one openable window that provides a view out when seated”. However, 33 of the internal kitchens (no windows) are kitchen/diners and as such breach the Housing Design Standards. The applicant seems to simply dismiss this non compliance but we believe it could be addressed by better design.

### Character

While we note the comments made, they do not appear to address the fundamental issues raised previously including height and lack of stepped setbacks in the finger blocks. A more detailed assessment is provided in the separate detailed analysis document.

### Parking

The applicant has failed to address the fundamental issue in that as per the 2023, S73 Application for Blocks H &J based on the 2017 consented scheme, the Planning Committee approved that scheme at a parking ratio of 0.92 spaces per flat. At no stage in this application have Fairview sought to amend that consent given last year. The latest application for the rest of the site of 420 flats seeks to conflate the parking requirement between the two schemes, the approved scheme under construction and the application scheme. We are clear that the Gateway scheme of Blocks H&J were granted consent with a parking allocation of 0.92 spaces per dwelling or 61 spaces for 66 flats now under construction. As such the remaining site will have only 230 spaces for the 420 flats or a ratio of just 0.55 parking spaces per flat. The GLA were clear in their correspondence that up to 0.7 parking spaces per flat was an acceptable level so Fairview’s insistence of minimising parking appears to be an entirely economic decision not a policy decision.

### Infrastructure

The applicant has ignored the concerns raised about the clear shortfall in infrastructure, especially the lack of GPs and primary health care facilities locally.

### Summary

While the applicant has made some minor cosmetic changes to the scheme, they have failed to address any of the fundamental issues raised. Critically, many of these outstanding issues also breach the GLA Housing Design Standards 2023 which underpin the London Plan. It is bad enough that the scheme fails to exhibit best practice in so many areas but on key issues like windowless kitchen/diners, the number of single aspect flats and the exceptionally high number of London Affordable Rent units that will require active cooling, they simply fail to meet the standards. We have tried to make constructive suggestions to modify the design so that the

community can finally access the much needed homes on this site and which were granted initial planning permission 9 years ago, but these suggestions have not been heeded. We would urge the Committee to refuse the application and urge the applicant to either build the scheme for which they have planning consent or address the concerns raised and put forward proposal that meets the GLA Housing Design and related standards.

For all of the above reasons we urge you to reject this application.

#### Summary of supporting documents:

1. Appraisal of Massing, Sunlight and Daylight (32 pages)
  - Proposed scheme fails to meet minimum standards
  - Maximises development over optimisation
  - Emphasises the importance of suburban context
  - NPPF stresses good design, sunlight, daylight and local context
  - NPPF recommends refusal of poor design
  - NMDC includes recommendations for enclosure ratios based on location and street hierarchy
  - Manual for Streets offers detailed guidance on street design
  - Fails to comply with guidance on enclosure ratios for external space
  - Spine road resembles town centre high street not suitable for New Barnet context
  - New Barnet Town Centre Framework provides guidance on scale and massing, which proposed scheme conflicts with
  - BRE 209 (BRE Guidelines) and its UK National Annex to BS EN 17037 provides specific recommendations for daylight provision in all UK dwellings, which proposed scheme fails to meet criteria for exemption.
  - Sunlight daylight impacts are inevitable given the density, height and mass proposed.
  - Sunlight to shared amenity areas are compliant in both schemes but the permitted scheme provides better sunlight on the ground, providing better resident health and wellbeing benefits
  - Daylight to the dwellings in permitted scheme is significantly better.
  - Proposed schemes failures against BRE rates are attributable to height, massing, and additional units with no justification for the discrepancies provided.
  
2. Appraisal of Design Quality (31 pages)
  - Good design is crucial for sustainable development, enhancing living and working environments while gaining community acceptance (NPPF p131)
  - High density developments require meticulous attention to design quality, especially in aspects like built form, site layout, and internal design (London Plan Para 3.4.8)
  - Increased density in a proposed development, replacing an existing scheme falls short of various design standards, resulting in reduced quality (LBB Planners, Urban Design comments, 16.05.2023)
  - Housing Design Standards aim to ensure high quality sustainable places, addressing climate change and post-COVID needs (June 2023).
  - The current proposal fails to meet expected standards outlines in the Housing design standards

Orientation plays a critical role in design, impacting natural ventilation and daylight access.

  - Loss of dual aspect units and adequate cross ventilation due to increased density compromises comfort and sustainability



- Tenure blind development principles should ensure consistent design quality across different housing types – there is a clear reduction in design quality.
- Shading devices have not been used / adequately explored
- Internal spaces lacking natural light and ventilation raise concerns about health, well being and energy efficiency.
- The current design fails to meet sustainability objectives and compromises the quality of living spaces.
- The developers decision to create windowless rooms on lower floors might be influenced by a desire to manipulate daylighting data for the project.
- It fails to align with design parameters and guidance of adopted frameworks, guidance and the local plan
- Massing and scale do not fit the surrounding suburban context, as emphasised by planning policies and the Appeal Inspector
- The reduction to a single housing typology is visually monotonous and does not meet GLA advice on delivering a variety of typologies.
- Taller buildings in the proposal block more sunlight and reduce daylight levels affecting outdoor spaces and the pedestrian experience.
- Majority of flats fail to meet space standards and lack sufficient storage
- Top floor treatments using brick undermine the visual amenity and design coherence of the buildings, with suggestions for improvement from planning authority being ignored.
- Use of brick on upper floors contradicts the original design narrative and preference for lighter materials, possibly influenced by cost considerations rather than design quality
- Block A, an 8 storey building was added to the scheme in 2017 despite local planning guidelines not considering the site appropriate for tall buildings.
- LBB planners expressed dissatisfaction with the design of Block A, particularly regarding architectural distinctiveness, fenestration concept, ground floor frontage and overall blandness.
- Despite suggestions from LBB planners such as wrap around balconies few changes were implemented with minor cosmetic improvements
- The proposed development fails to meet the Housing Design Standards Best Practice.
- Over-densification has led to design failures, including the addition of single aspect flats, north-facing living rooms, and inadequate daylighting
- The reliance on active cooling and the disregard for site constraints demonstrate a failure to address fundamental design principles
- Increase in building height and absence of diverse building typologies ignore the surrounding context and planning policies
- The current proposal lacks integration with the surrounding area leading to a poor quality environment for future residents.
- NBCA recommends rejecting the proposal and reverting to the 2015/2017 approved scheme which was deemed to have optimised site density and design quality.
- Balconies will be too hot to use in summer
- Decrease in family units – does not reflect local need
- Affordable units have highest percentage of flats requiring active cooling
- Units in cupboards reduce storage space
- Block G Units not space standard compliant

#### Officer Response:

New Barnet Community Association's (NBCA) comments are noted, and have been

addressed, where possible, both directly and indirectly, through the Officer assessment of the scheme below. The applicant has also provided a response letter (produced by Fairview; 11 January 2024) to a number of the concerns raised by NBCA in the first round of consultation.

The current application is a materially different scheme from the dismissed appeal scheme, and whilst the appeal decision is useful for reference to matters that have previously been considered acceptable and/or unacceptable, the application must be assessed on its own individual merits.

The reference to GLA Housing Design Standards, and other standards (BRE, NDG etc) are noted. These have been considered, where relevant, throughout the report, however, it should be noted that guidance is there to guide the design process and is not mandatory in all cases. Officers are required to consider guidance, best practice and the practicalities of implementing these into development proposals and then take a balanced view weighing both the benefits and disbenefits within the scheme.

There are a number references to the Council's Urban Design Officers (sometimes referred to in the submission "LBB Planner(s)") previous objections to the scheme in NBCA's objection. However, it should be noted that since receipt of the negotiated changes to the design of the proposals the Urban Design Officer is supportive of the scheme.

#### **Hadley Residents Association**

No comments received.

#### **Oakleigh Park Residents' Association**

No comments received.

#### **Hadley Wood Residents Association**

No comments received.

#### **The Barnet Society**

The Barnet Society objects to this application.

We generally support the objections of Save New Barnet relating to overheating, railway noise and inadequate daylight to a significant proportion of units, in part due to the height of the 'finger' blocks.

We particularly object to the housing mix and the poor environmental performance of many of the units.

In relation to the first point, we dislike the high proportion of small flats, the small number of family homes with three or more bedrooms (24%), the lack of larger homes (2% - none of which would be privately-owned) and the complete absence of traditional private gardens.

In relation to the second, we are concerned about the nearly 20% of the flats that would be single-aspect, making cross-ventilation in hot weather impossible, and the

46% that would require active cooling, the running cost of which would not always be affordable by occupants. Furthermore, almost all the flats would depend on mechanical ventilation and heat recovery (MVHR). We do not object to MVHR on principle, but its effectiveness and economy depend on high standards of specification, installation, maintenance and user behaviour, not all of which are normal in estates of this kind. Any shortfall risks resulting in condensation, mould, poor air quality, damage to the building fabric and potentially serious health consequences for occupants.

We also have some second-order concerns.

Dressing the blocks up with busy palette of materials, textures and colours does not really address a basic problem, which is that the blocks are still large, muscular and inner-urban in character.

We cannot find any information about how the scheme would relate to the high-level pedestrian path to the railway underpass, nor how the project could improve access to the west side of the tracks.

The plans show the eastern boundary inconsistently: on some the applicant's ownership appears to include the sloped edge of the Victoria Recreation Ground; others exclude it. Presumably Barnet Council would need to sell that strip of land or provide rights over it. The very narrow curtilage of level ground on that edge of the site might be tricky for construction and maintenance access.

Routes to and from the cycle storage is distinctly user-unfriendly. Compliance with London Cycle Design Standards should be conditioned.

To conclude, the Society would welcome new housing on this site, but it must be genuinely sustainable and of an appropriate scale, with a higher proportion of homes with three or more bedrooms. Just because we have a housing shortage, we must not build another generation of sub-standard homes.

#### Follow up comments in response to 11<sup>th</sup> January re-consultation:

For the avoidance of doubt, none of the amendments proposed by the applicants since the Barnet Society submitted its comments on 2 November 2023 cause the Society to alter its views.

#### Officer Response:

The Barnet Society's comments are noted, and have been addressed, where possible, both directly and indirectly, through the Officer assessment of the scheme below. The applicant has also provided a response letter (produced by Fairview; 11 January 2024) to a number of the concerns raised by NBCA, which The Barnet Society has referred to in the first round of consultation.

Details of the footbridge and railway underpass are to be secured through the S106 process and not directly through the detail of the current application. This has been agreed with Highways, as has the provision of cycle parking and storage.

## **Barnet Residents Association**

No comments received.

## **National Amenity Societies**

No comments received.

### **2.5.19 Elected Representatives**

#### **Rt Hon Theresa Villiers - Conservative MP for Chipping Barnet**

We write to object to this latest application to develop the Victoria Quarter gas works site in Albert Road, Barnet. We ask the planning committee to reject it.

First of all, we confirm that we recognise the need for more housing and agree that new homes should be built on this brownfield site. However, we remain of the opinion that the development should be built in accordance with the plans for which consent was granted in 2016 and 2017. While even those plans were on a scale which was fairly controversial, they were eventually adopted as a compromise and received considerable local acquiescence. If these plans had been taken forward, there could already be people living in brand new homes at Victoria Quarter.

We have been involved in the debate about the future of this site for a considerable time (in Theresa's case, 15 years). We have serious concerns about many aspects of what is now proposed. However, we will focus our representations primarily on the reasons given by the planning inspector last year for refusing the previous application. We do not believe that this latest scheme remedies the problems identified by the inspector.

In our view, if the developer chooses to respond to local concerns and make some changes to their scheme to address these issues, we might be close to a resolution which would finally see housing development go ahead. This point is made in the very comprehensive objections submitted by Lyn Forster, chair of the New Barnet Community Association (NBCA) which we urge the committee to take very seriously.

While some improvements have been made to the previously refused scheme, NBCA point out that there are a number of issues which are in breach of either Barnet policy or London Plan policy. These were referred to by the planning inspector and contributed last year to his refusal decision. These include:

- Overheating – Breach of London Plan Policy SI 4
- Noise – Breach of London Plan Policy D14
- Daylight/Sunlight – Failure to meet BRE 209 (2022) Guidelines
- Single Aspect Flats – Breach of London Plan Policy D6 para 3.6.5
- Character – Breach of London Plan Policy D3 and New Barnet Town Centre Framework

Taken together, these flaws mean that the scheme cannot be considered to be of good design as required by the National Planning Policy Framework (NPPF) at paragraph 126 and the National Design Guide, particularly at paragraph 125. Workable solutions to remedy these problems are outlined in the NBCA submission. In our view, reduction in the number of units proposed provides an important means

to tackle the violation of Barnet and London planning policy. Attempting to squeeze too many flats into the plans have led to the problems which caused the previous scheme to be rejected and which remain unresolved in this one.

#### Overheating: Breach of London Plan Policy SI 4

We understand that the scheme will require 191 of the 420 flats to have an active cooling system to prevent them overheating when assessed using the London LHR Design Summer Year (DSY) 1 2020s, high emissions, 50% percentile scenario.

In addition, a further 159 flats will require purge ventilation. Only 70 flats pass Part O regulation when naturally ventilated with background ventilation via an MVHR.

#### Noise: Breach of London Plan Policy D14

A number of the flats adjacent to the railway line will require windows that should not be opened for natural ventilation because of the noise from the railway. This exacerbates the overheating issue. It appears that the developers have not made any attempt to counter the rail noise apart from designing the windows as not suitable for opening for ventilation and increasing insulation.

#### Daylight/Sunlight: Breach of BRE 209 (2022) Guidelines

The Updated Daylight & Sunlight report states that 323 of the 1,277 rooms or 25% of rooms fail to meet the daylight target, with 27% of living rooms and 95% of kitchens failing to meet the target.

This is significantly worse than the refused scheme. Given that the Inspector noted that 6% of rooms failing the guidelines was a contributing factor to last year's refusal, the developer bringing forward a new plan with 25% of the rooms failing cannot be seen as addressing that concern. It appears that part of the reason for the failure to meet the guidelines is related to the proportion of single aspect flats and the reduction in glazing to window openings as detailed in Section 8 of the Design & Access Statement (page 114).

It is also noted that 62 of the kitchen/diners have been designed as internal rooms and have no windows at all. Therefore when these rooms are used – which is likely to be on a very regular basis for cooking and eating – lights will have to be switched on and mechanical ventilation will have to be used.

#### Single Aspect Flats: Breach of London Plan Policy D6 para 3.6.5

The Design & Access Statement states at Para 8.4 (page 115) that 20% of the flats are single aspect, contrary to London Plan Policy D6 which states that, wherever possible, there should be no single aspect flats. It would seem that the developers are attempting to add as many small flats as possible rather than focussing on good design.

The NBCA have suggested that if the single aspect studio flats are combined with the long thin 1 bed 2 person flats, it would allow the creation of 19 new 3 bed 5 person flats, with both 3 bed flats being dual aspect which would improve the daylight level compliance.

#### Character: Breach of London Plan Policy D3

The height of the finger blocks facing the recreation ground, at six storeys, is too high (even compared to the five storeys in the consented scheme which is already far taller than the surrounding homes). This means there would be a visible and obtrusive impact on the recreation ground. It could also impact the daylight levels of flats at lower levels.

As pointed out by NBCA, this arguably conflicts with the New Barnet Town Centre Framework which notes that an appropriate scale of development should be adopted. Removing one of the lower floors of the finger blocks would mean the setback currently envisaged for the sixth floor would occur on the fifth and do much to address concerns about scale and the visual impact on Victoria Recreation Ground.

## Parking

The emerging Draft Barnet Local Plan acknowledges that there continues to be high car usage in this borough. We therefore strongly argue that insufficient provision is made in the development for parking for residents.

People moving into new homes in Victoria Quarter will inevitably own cars and wish to use them. This site is some considerable distance from tube stations. For example, it would take 25 minutes to walk to Cockfosters station. Although a national rail station is closer, services there are limited, in terms of routes, capacity and timetabling. The trains are already crowded at peak time. Additionally, Transport for London have withdrawn the 384 bus service from local roads including East Barnet Road and Crescent Road, further reducing public transport capacity and connectivity in East Barnet ward.

Failure to increase the number of parking spaces proposed in the scheme would mean that it leads to greatly increased overspill parking in surrounding residential roads where parking spaces are already in short supply.

We would like to highlight NBCA's suggestion that the car park under Block A should be completed. We note their comment that the basement has already been piled to comply with the 2017 scheme, so installing a basement car park under Block A would be reasonably straightforward and would provide approximately 35-40 additional car parking spaces. This would increase the parking ratio of the site to 0.69 spaces per flat, still well below the maximum parking levels in the London Plan.

## Infrastructure

There is already considerable pressure on local services, particularly on GPs. Expansion of local GP services is something we have been campaigning for because of rising healthcare need. While some progress is being made, a significant increase in the local population would see real strain on local NHS practices intensify.

The applicant has made the point that the local area around the proposed development is already undersupplied for GPs with a ratio of one GP per 2,666 patients compared to a benchmark of one GP per 1,800 patients. This scheme will mean local practices needing to accommodate an additional 1039 patients. It is extremely concerning that the present difficulties in seeing a GP would deteriorate further if planning permission is granted.

## Conclusion

This application breaches a number of long-established planning policies and would damage the quality of life and local environment for New Barnet residents. We therefore believe it should be refused.

Although some of the points we have made about single aspect flats, daylight, noise, ventilation and overheating may sound somewhat technical, these problems could have a significant impact on the quality of life of the people living in those flats in the future. At a recent community meeting to discuss the planning application real concern was expressed about the mental health impact that these design mistakes would involve. It is feared that the negative impact will be particularly strongly felt in relation to the affordable homes closer to the railway line. This is just the type of problem the planning system is supposed to prevent.

The density and design of the buildings proposed are inconsistent with the open suburban character of the surrounding neighbourhood. Reducing the height of the buildings and the number of units would enable many of the problems set out above (and relied on by the inspector in turning down the previous application) to be more easily remedied.

If the developers will not revert to the original plans for which planning permission has been granted, they need to work with the community and Barnet Council's urban design experts to reach a different solution that would deliver quality housing on this site and finally allow the development to proceed.

We would be grateful if our views could be drawn to the attention of the planning committee when this application is determined, and would like to speak at the committee meeting which determines this application.

### Follow up comments in response to revised plans – 04/02/2024:

Having looked at the changes, it seems that they are largely cosmetic with more planting, coloured balcony balustrades, different brick detailing, and changing the look of the entrances to some of the blocks.

I also understand that four on-street parking spaces have been removed without any increase in basement parking. Therefore the parking provision which was already insufficient, has been reduced.

Additionally, the number or mix of the flats, still 420 (486 including the development already underway facing Victoria Road) has not been changed. The developers have not addressed the following issues:

- While the overall percentage of flats needing active cooling is 45.5%, the blocks housing London Affordable Rent tenants are the worst. 77% of the flats in blocks G2, G3, and G4 require active cooling, but their residents are probably the least able to afford the higher electricity bills these cooling systems will generate.
- 52 flats have separate internal kitchens with no outside windows, requiring artificial lighting and ventilation whenever they are used. Worse, 33 of those 52 kitchens are actually kitchen-dining rooms, meaning that people in those flats would be expected to eat their meals in a room with no windows.

- 86 flats (20%) are single aspect.

The scheme fails to address many of the recommendations set out in the GLA Housing Design Standards June 2023:

<https://www.london.gov.uk/sites/default/files/2023-06/Housing%20design%20standards%20LPG.pdf>

The part which highlights the key areas about overheating, single aspect flats and kitchen/diners without windows is attached.

Please find my previous objections dated 1<sup>st</sup> November 2011 below which I believe are still relevant. I would be grateful if the committee determining this application would take these into account, together with the other objections submitted by residents (to date there are 333 on the website).

I oppose this amended planning application, as I did the previous version. I would like to address the planning committee when they make their decision on this case; and I look forward to hearing further details in due course.

#### Officer Response:

The comments of the Rt Hon MP Theresa Villiers are noted, and have been addressed, where possible, both directly and indirectly, through the Officer assessment of the scheme below. The applicant has also provided a response letter (produced by Fairview; 11 January 2024) to a number of the concerns raised by NBCA, which the Rt Hon MP Theresa Villiers has also noted.

#### **Cllr Edith David**

I wish to register by concerns against this planning application. I stand with our residents and local groups that has worked very hard to ensure we have new homes that meet the statutory standards. Grateful to work with Fairview and our residents to arrive at a workable plan.

#### Officer Response:

The comments of Cllr Edith David are noted, and have been addressed, where possible, both directly and indirectly, through the Officer assessment of the scheme below. The applicant has also provided a response letter (produced by Fairview; 11 January 2024) to a number of the concerns raised by NBCA, which Cllr David has also referred to.

### **3 OFFICER ASSESSMENT**

#### **3.1 Principle of development**

3.1.1 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 that accords with an up-to-date Local Plan should be approved.

3.1.2 Policy D3 of the London Plan 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. Barnet Local Plan (2012) 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.

- 3.1.3 The land-use principle of using the site for residential-led mixed use development on this site has been established by the previous extant permissions – i.e. applications referenced B/04834/14; 22/5755/S73 (original application: 16/7601/FUL); and 22/5754/S73 (original application: 17/5522/FUL). The original permission under B/04834/14 has been implemented by means of site remediation, drainage and excavation of the basement, and the construction of Blocks J and H in accordance with permissions 16/7601/FUL and 17/5522/FUL has also recently commenced.

#### Residential Density

- 3.1.4 The London Plan 2021 was formally adopted in March 2021 and marked the move away from the density matrix approach of the former Plan. The 2021 Plan takes a less prescriptive approach with Policies D3 and H1 stating, inter alia, that the density of a development should be established through a design-led approach. To determine the capacity of the site particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, both existing and planned public transport (including PTAL), access to jobs, services, and amenities, and the capacity of surrounding infrastructure. This is consistent with the objectives of Policy CS3 of Barnet's adopted Local Plan Core Strategy (2012) which seeks to encourage higher densities, optimising in relative to the local context, public transport accessibility and provision of social infrastructure. Further, the principles of the London Plan (2021) align with those set out in Barnet's Emerging Local Plan (reg 22) policies GSS01 and CDH01(a), albeit the London Plan 2021, retains primacy over these (when there is a conflict) until the emerging Local Plan is adopted.
- 3.1.5 The site is on the edge of New Barnet Town Centre, and is in close proximity to New Barnet railway station. Under the PTAL rating system, the front two thirds of the site are in PTAL 3 (Moderate) and the rear third in PTAL 1/1a (Very Poor), as per Fig.2 below:

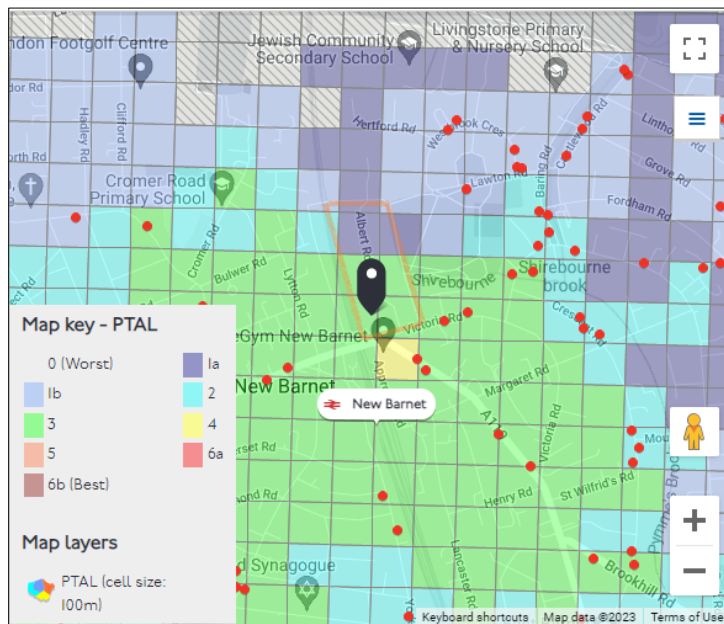


Figure. 2 TFL WebCAT PTAL Tool - Victoria Quarter, Albert Road

- 3.1.6 Notwithstanding the mixed PTAL categorisation of the application site, the Appeal Inspector on the dismissed 2021 scheme decision commented that given the proximity of New Barnet railway station and various bus stops to the site, they were satisfied that a PTAL rating of 3 provides a fair reflection of the actual public transport accessibility for the site. Nothing substantive has changed with regards to the public transport accessibility of the site since the appeal decision, and therefore, Officers are satisfied that PTAL 3 remains a fair categorisation of the site. Despite the Inspector’s observations about the suburban character of the site and surrounding, PTAL 3 is synonymous with urban settings, and thus, the public transport network in this regard has the potential to facilitate and support urban-type densities. This is consistent with the approach to the previously approved applications, and indeed the method (albeit superseded) of determining appropriate densities in the previous London Plan.
- 3.1.7 The density of the dismissed appeal scheme equated to circa 180 units per hectare or 530 habitable rooms per hectare. Comparatively, the current proposal has a density of 150 units / 447 habitable rooms per hectare, and in conjunction with the wider masterplan (incorporating Blocks J & H) 150 units / 445 habitable rooms per hectare. This is a notable reduction, and translates to a material difference in the overall scale, mass and design of the development which is considered later in this report.
- 3.1.8 The Appeal Inspector did not comment on what was an appropriate density range for the site, leaving this to be determined by the design considerations of scheme, as per the adopted approach within London Plan (2021) policy. Significant weight was apportioned to the adopted 2010 New Barnet Town Centre Framework which also does not provide a suggested density range for the site (referenced as Site 1, on pg 29 of the Framework document), however, it is important to note that the original extant permission (ref: B/04834/14) was also above the indicative density ranges (London Plan Density Matrix recommendation: 200-450 habitable rooms per hectare), as assessed against the now superseded London Plan, at 472 habitable rooms per hectare. The justification for this was that density needed to be balanced with design quality and the quality of the development created. This aligns with

current up-to-date policy principles, and is re-affirmed by the comments of support provided by the Greater London Authority, which has stated that *“the increased density, over and above the extant consent, has been comfortably accommodated within the proposed building heights and massing”*. Furthermore, Chapter 11 of the National Planning Policy Framework (Revised 2023) 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 overarching policy approach clearly demonstrates that the above policy considerations are in line with National policy objectives, which does not seek to limit density optimisation, in view of the need for new homes.

- 3.1.9 Overall, Officers are satisfied that the proposed density is a material reduction over the previously dismissed scheme, and is wholly appropriate in context of the site being a brownfield site located on the fringes of New Barnet Town Centre, where there are a variety of services, social infrastructure and access to a satisfactory level of public transport modes. This conclusion is further supported by the observations and comments of the Greater London Authority, and therefore Officers are satisfied that the scheme density would comply with the sustainable development principles of the National Planning Policy Framework (2023); Policies D3 and H1 of the London Plan (2021); Policy CS3 of Barnet’s Local Plan Core Strategy (2012); and, Policies GSS01 and CDH01(a) of Barnet’s Emerging Local Plan (Reg 22).

#### Environmental Impact Assessment Regulations (2017)

- 3.1.10 The EIA Regulations 2017 requires that for certain planning applications, an EIA must be undertaken to assess the likely environmental effects (alongside social and economic factors) resulting from a proposed development. This is to ensure that when deciding whether to grant planning permission for a project, the LPA does so in the full knowledge of the likely significant effects and can therefore account for these within the decision making process. This assessment is reported in a document called an Environmental Statement ('ES').
- 3.1.11 Formal screening opinions for EIA have been sought at pre-application stage on the previous applications with the council advising the proposal does not constitute EIA development. Following submission, the council has re-screened the proposal to confirm that no EIA is required. No EIA screening has been formerly carried out in relation to the current application on the grounds that the development is smaller than the previous application. It should be further noted that in pursuance to the Regulations, the proposed development does not fall within 'Schedule 1' development. Instead, the development is considered to constitute the Schedule 2 development namely, an 'urban development project' in accordance with Section 10(b) of Schedule 2 of the Regulations. The site is not located in a sensitive area as defined in the regulations.
- 3.1.12 In summary, it is considered that the proposals do not constitute an EIA development and as such an Environmental Statement is not required to be submitted with the application. Nevertheless, a full range of technical reports and assessment have been

submitted in support of the application in accordance with the national and local guidance.

### 3.2 Housing Quality

2.1.1 In terms of the amenity for future occupiers, 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. Policy D6 of the Mayor’s London Plan (2021), Policy DM02 of Barnet’s adopted Development Management Policies DPD (2012); London Mayor’s Housing Design Standards LPG (June 2023); and, Barnet’s Sustainable Design and Construction SPD sets out the standards and minimum space requirements for residential units.

#### Unit Mix

2.1.2 Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (Barnet Development Management Policies DPD 2012 - Policy DM08). The Councils Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Notwithstanding, the evidence base for Barnet’s emerging Local Plan (Reg 22) – the Strategic Housing Market Assessment (2018) indicates a particular need for 2, 3 and 4 bedroom properties across all tenures. There is a significant need for family sized housing to be provided as part of any market housing mix. Around 70 per cent of the need for affordable homes in Barnet is for 2 and 3 bedroom properties:

Unit Size	Market Housing
1 bedroom	6%
2 bedrooms	24%
3 bedrooms	40%
4 bedrooms	25%
5+ bedrooms	5%
<b>Total Market Housing</b>	<b>100%</b>
	Affordable Housing
1 bedroom	13%
2 bedrooms	43%
3 bedrooms	27%
4 bedrooms	13%
5+ bedrooms	4%
<b>Total Affordable Housing</b>	<b>100%</b>

*Fig. 3 Emerging Local Plan: Table 6 - Full Objectively Assessed Need for Housing Size by Tenure*

2.1.3 Notwithstanding the comments above, it should not be interpreted as implying there is not a need for a full range of unit sizes.

2.1.4 The development proposes the following unit mix across the application site:

Unit Size	Amount	Percentage
Studio (1 Person)	22	5%
1 Bed (2 Person)	134 (incl. 30 WC units)	32%
2 Bed (3 Person)	34 (incl. 12 WC units)	8%
2 Bed (4 Person)	130 (incl. 2 WC units)	31%
3 Bed (4 Person)	8	2%
3 Bed (5 Person)	77	18%
3 Bed (6 Person)	7	2%
4 Bed (6 Person)	8	2%
<b>Total:</b>	<b>420</b>	<b>100%</b>

Fig. 3 Proposed development unit mix

2.1.5 In terms of the dwelling types, over half (circa 55%) of the units proposed are of a size that can support small (2 bed 4 person) and moderate sized (3 bed 4 person+) families, with the remaining 45% being studio/1 bed 2 person; and, 2 bed 3 person units. Incorporating the wider masterplan unit numbers the total unit numbers are as follows:

Unit Size	Amount	Percentage
Studio	22	4.5%
1 Bed	152	31%
2 Bed (3 Person)	53	10.9%
2 Bed (4 person)	149	31%
3 Bed (4 person)	8	1.6%
3 Bed (5 Person)	87	18%
3 Bed (6 Person)	7	1.4%
4 Bed	8	1.6%
<b>Total:</b>	<b>486</b>	<b>100%</b>

Fig. 4 Wider masterplan development mix

2.1.6 As is evident from the table above the wider masterplan makes a small positive difference to the overall mix percentages. Comparatively to the dismissed appeal scheme, the number of 2 bed 4 person + units in the proposed scheme results in a positive uplift at 53% (4% up from 49% in the dismissed appeal scheme), with very small differences individually:

Proposed Scheme (w/ Masterplan)			Dismissed Appeal		
Unit size	Amount	Percentage	Unit size	Amount	Percentage
Studio	174	36%	Studio	185	34%
1 Bed			1 Bed		
2 Bed 3P	53	11%	2 Bed 3P	92	17%
2 Bed 4P	149	31%	2 Bed 4P	143	27%
3 Bed 4P	8	1.5%	3 Bed 4P	0	0%
3 Bed 5P	87	18%	3 Bed 5P	103	19%
3 Bed 6P	7	1%	3 Bed 6P	0	0%
4 Bed	8	1.5%	4 Bed	16	3%
<b>Total</b>	<b>486</b>	<b>100%</b>		<b>539</b>	<b>100%</b>

Figure. 5 Proposed scheme (w/ wider masterplan) vs dismissed appeal scheme unit mix

2.1.7 Policy H10, provision (6) of the London Plan (2021) recognises that the nature and location of a site should influence the proposed mix, further stating that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station, or with higher public transport access and connectivity. The Appeal Inspector raised no substantive concerns with the unit mix in their decision on the previous scheme. Overall, whilst there is a slightly higher proportion of studio and one-bedroom units and slightly less 4 bedroom units, it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need in accordance with Policy DM08 of the Barnet Local Plan (2021) and Policy H10 of the London Plan (2021). Furthermore, the GLA has confirmed, in strategic planning terms the mix is acceptable and note the provision of family housing has been appropriately provided within the affordable component of the mix.

#### Affordable Housing

2.1.8 Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and, not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

2.1.9 The Barnet Core Strategy and Development Management Policies DPDs (2012) (policies CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

2.1.10 The Mayor of London has published the affordable housing and viability SPG, which effectively accepts schemes under a 'fast track' process which propose a minimum level of 35% onsite affordable housing by habitable room without the need to submit a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme cannot viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.

2.1.11 The proposed development would provide 35% affordable housing by habitable room across all tenures. This is compliant with Policy H4 of the London Plan (2021) and remains consistent with the level of provision on the dismissed appeal scheme. The Appeal Inspector did not raise any concerns with the level of affordable housing provision in the previous appeal decision. Although the aggregated provision i.e. including the wider masterplan provision (specifically Blocks J & H) would result in less than 35% (approximately 32%) affordable housing provision overall, this is still a significant increase over the extant approved schemes, which provided 18% affordable housing provision cumulatively.

2.1.12 The tenure breakdown of the proposed housing provision is set out in the following table:

Unit Type	Market		London Affordable Rent		Shared Ownership		Total	%
	No.	(%)	No.	(%)	No.	(%)		
1B1P	22	5%	0	0%	0	0%	22	5%
1B2P Standard	86	20%	6	1%	12	3%	104	25%
1B2P WC Accessible	20	5%	5	1%	5	1%	30	7%
2B3P Standard	18	4%	0	0%	4	1%	22	5%
2B3P WC Accessible	11	3%	0	0%	1	0%	12	3%
2B4P Standard	90	21%	18	4%	20	5%	128	30%
2B4P WC Accessible	0	0%	2	0%	0	0%	2	0%
3B4P Standard	5	1%	3	1%	0	0%	8	2%
3B5P Standard	37	9%	22	5%	8	2%	67	16%
3B5P Duplex	7	2%	2	0%	1	0%	10	2%
3B6P Duplex	3	1%	0	0%	4	1%	7	2%
4B6P Standard	0	0%	6	1%	0	0%	6	1%
4B6P Duplex	0	0%	2	0%	0	0%	2	0%
<b>TOTAL:</b>	299		66		55		420	100.0%
<b>LAR / SO Split %</b>			55%		45%			

Fig. 6 Tenure breakdown of proposed development

2.1.13 The above table shows that the proposal would provide a 45% / 55% (Shared Ownership / London Affordable Rent) tenure split. In respect of the wider master plan development (i.e. including buildings H & J) the development would provide 54% / 45% (Shared Ownership / London Affordable Rent) tenure split, as per the following table:

Unit Type	Market		London Affordable Rent		Shared Ownership		Total	%
	No.	(%)	No.	(%)	No.	(%)		
1B1P	22	5%	0	0%	0	0%	22	5%
1B2P Standard	97	20%	6	1%	19	4%	122	25%
1B2P WC Accessible	20	4%	5	1%	5	1%	30	6%
2B3P Standard	31	6%	0	0%	10	2%	41	8%
2B3P WC Accessible	11	2%	0	0%	1	0%	12	2%
2B4P Standard	99	20%	18	4%	27	6%	144	30%
2B4P WC Accessible	3	1%	2	0%	0	0%	5	1%
3B4P Standard	5	1%	3	1%	0	0%	8	2%
3B5P Standard	45	9%	22	5%	10	2%	77	16%
3B5P Duplex	7	1%	2	0%	1	0%	10	2%
3B6P Duplex	3	1%	0	0%	4	1%	7	1%
4B6P Standard	0	0%	6	1%	0	0%	6	1%
4B6P Duplex	0	0%	2	0%	0	0%	2	0%
<b>TOTAL:</b>	343		66		77		486	100.0%
<b>LAR / SO Split %</b>			46%		54%			

Fig. 7 Tenure breakdown of proposed development with wider masterplan

2.1.14 Policy H6 of the London Plan (2021) requires 30% low cost rented homes (LAR), 30% intermediate products (shared ownership) and 40% the tenure split to be determined by the borough. Although the proposed does not strictly comply with the tenure split required by Policy DM10 of the adopted Barnet Local Plan (2012), the London Plan 2021 being the most up to date development plan takes primacy in this instance. Against this, the proposals are compliant. The Council's Housing Officers have considered the affordable housing offering for the scheme and are satisfied with the level and configuration of the proposed provision. In addition, the Greater London Authority, in their Stage 1 comments raised no objections with the proposed level and type of affordable housing provision.

2.1.15 It is noted that public objections have been raised regarding the lack of tenure blind approach to the development and the subsequent connection with this in respect of lesser design quality. No objections have been raised by the internal or statutory consultees over this. Both Urban Designers and Planning Officers are satisfied with the design quality of the development – as noted in the design section of this report. Furthermore, a tenure blind approach is not always appropriate for social housing providers, as it is more difficult for them to manage their tenants, it is often more preferable for them to manage their assets and tenants in one building. Overall, Officers are satisfied that the proposed development would provide adequate affordable housing, in accordance with Policies H4, H5 and H6 of the London Plan 2021.

#### Residential Internal Space Standards

2.1.16 Policy D6 of the London Plan (2021) and the London Plan Guidance (LPG): Housing and Design Standards (2023) set out the expected housing quality and design standards expectations for new developments. Table 3.1 under Policy D6 the London Plan (2021), and in tandem, Table A1.1 of the LPG Housing and Design Standards set out the minimum and best practice internal space standards for new dwellings as follows (NB: blue shading indicates best practice):

Type of Dwelling		Minimum gross internal floor areas (GIA)* and storage (sqm)						Best Practice Extra Space		
No. of Bedrooms	No. of Bed spaces	1 storey dwellings		2 storey dwellings		3 storey dwellings		Built-in storage		
1b	1p	39/37	43/41					1	1.5	+4
	2p	50	55	58	63			1.5	2	+5
2b	3p	61	67	70	76			2	2.5	+6
	4p	70	77	79	86					+7
3b	4p	74	84	84	94	90	100	2.5	3	+8
	5p	86	97	93	104	99	110			+9
	6p	95	107	102	114	108	120			+10
4b	5p	90	101	97	108	103	114	3	3.5	+11
	6p	99	111	106	118	112	124			+12
	7p	108	121	115	128	121	134			+11
	8p	117	131	124	138	130	144			+12
5b	6p	103	115	110	122	116	128	3.5	4	+13
	7p	112	125	119	132	125	138			+14



	8p	121	135	128	142	134	148			+12
6	7p	116	129	123	136	129	142	4	4.5	+13
	8p	125	139	132	146	138	152			+14

Fig. 8 LPG Housing and Design Standards – space standards

2.1.17 Officers have reviewed the space standards of the proposed units and are satisfied that they meet the minimum requirements as set out by London Plan (2021) policy and the London Plan Guidance (2023). Although there may be some width shortfalls in some of the living rooms in the “G” Block units, these are very minor deviations from the guidelines (in some cases as much as 0.1m) and the impact on the overall living quality standards taken by itself and cumulatively in context of the whole units are de minimis. The scheme provides a satisfactory standard of living accommodation.

### Wheelchair Accessible Housing

2.1.18 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan (2021) Policy D7.

2.1.19 In accordance with the above, the proposals make provision for Wheelchair units across the following unit sizes:

Unit Size	London Affordable Rent	Shared Ownership	Market	Overall Amount / %
1 Bed (2 Person)	5 WC units	5 WC units	20 WC Units	30 WC units
2 Bed (3 Person)	0 WC units	1 WC units	11 WC Units	12 WC units
2 Bed (4 Person)	2 WC units	0 WC units	0 WC Units	2 WC units
<b>Total:</b>	7 WC units	6 WC units	31 WC Units	44 WC units
<b>Percentage:</b>	1.6%	1.4%	7.4%	10.4%

Fig. 9 Wheelchair units required/proposed

2.1.20 A provision of 44 wheelchair accessible units is proposed, equating to approximately 10.4% of the overall proposed unit numbers (i.e. 420 units). Officers are satisfied that the proposals provide an appropriate mix of wheelchair accessible units sizes and tenures, and that this provision meets the 10% requirement of both aforementioned Barnet Local Plan and London Plan policies.

### Amenity Space

2.1.21 London Plan Policy D6 provision (9) requires a minimum of 5m<sup>2</sup> of private outdoor space to be provided for 1-2 person dwellings and an extra 1 m<sup>2</sup> should be provided for each additional occupant, and that it must achieve a minimum depth and width of 1.5m. Policy G4 of the London Plan (2021) also requires that development should not result in the loss of protected open space and where possible, create areas of publicly accessible open space, particularly in areas of deficiency.

2.1.22 Policy CS4 of the Barnet Core Strategy DPD (2012) requires developments to provide appropriate landscaping and planting to address the impact on amenity and enable integration of the site with the surrounding environment. Policies DM01 and DM02 of

the Barnet Local Plan Development Management Policies DPD (2012) require outdoor amenity space to reflect the character of Barnet as a place to live, and to provide good living conditions for future occupiers. These policies refer to the guidance set out within the Council's adopted Sustainable Design and Construction SPD (2016) which require 5m<sup>2</sup> per habitable room for flatted development. Paragraph 2.3.3 of this document also permits the use of a planning obligation on higher density development such as flats, where it may not be feasibly practicable to provide amenity space in line with the requirements.

2.1.23 Based on the number of habitable rooms within the development, the scheme would be required to provide 6,250m<sup>2</sup> of private external space (i.e. 5m<sup>2</sup> x 1250 habitable rooms). Taking account of the wider masterplan development, an overall provision of 7,210m<sup>2</sup> of private external space will be required (i.e. 5m<sup>2</sup> x 1,442 habitable rooms).

2.1.24 Within the proposed development, all units have access to private amenity in the form of private balconies or terraces (totalling 5,418m<sup>2</sup>) which falls short of the estimated 6,250m<sup>2</sup> required. Residential amenity quality must be appropriately balanced with design quality, and thus, to ensure that the aesthetic of the proposals are not overly dominated by incongruent balcony and terrace provisions, Officers consider it appropriate to mitigate the shortfall in alternative provisions within the development. As such, provision is made for 4810m<sup>2</sup> (1165m<sup>2</sup> of which is a public through route between the middle of the finger blocks) of communal amenity space for residents, equating to a total of 10,228m<sup>2</sup> of amenity space (combining balconies, terraces and community space for the residents). Furthermore, the scheme also proposes 3,940m<sup>2</sup> public amenity space (public realm) comprising the public square, the transition to the park and the park boundary in front of the finger blocks (not including the park). The exact configuration of the open space strategy can be seen below in Figure 10.



Fig. 10 Open Space strategy – Pg 20 Landscape Design & Access Statement

2.1.25 The proposed communal amenity spaces will be both hard and soft landscaped and will make provision for children's play space which will be covered within the following section of this report.

2.1.26 With regards to the public amenity strategy, the schemes landscape proposals seek to complement, and facilitate integration with the adjacent Victoria Recreation Ground

by providing high quality transition spaces between the finger blocks and along the enhanced landscaped pedestrian access to the park. It will provide greater access and experience for both residents and members of the public. There will also be benefits to the wider population with better connectivity to the park and s106 contributions to improvements towards local green spaces (Tudor Sports Ground – addressed later).

2.1.27 The Appeal Inspector raised little to no concerns over the amenity space provision of the dismissed appeal scheme. Officers are of the view that the current proposals provide an improved amenity space design over the dismissed appeal scheme, particularly with regard to the transitional spaces between the finger blocks which establish a much-improved continuity in linked green spaces with Victoria Recreation Ground.

2.1.28 The applicant has provided a Daylight & Sunlight Report (Ref: 4343; dated 10 October 2023) produced by eb7, which considers the amenity / open space impacts from overshadowing and obstruction of sunlight. For an amenity space within a proposal to be considered well sunlit throughout the year, the BRE guidance suggests that at least 50% of the space should enjoy at least 2 hours of direct sunlight on March 21st.

2.1.29 The result of the sunlight/overshadowing analysis show that all of the proposed amenity spaces will meet or exceed the BRE recommendations of receiving at least 2 hours of direct sunlight on the 21st March. This demonstrates that the shared amenity spaces will be sufficiently sunlit throughout the year:

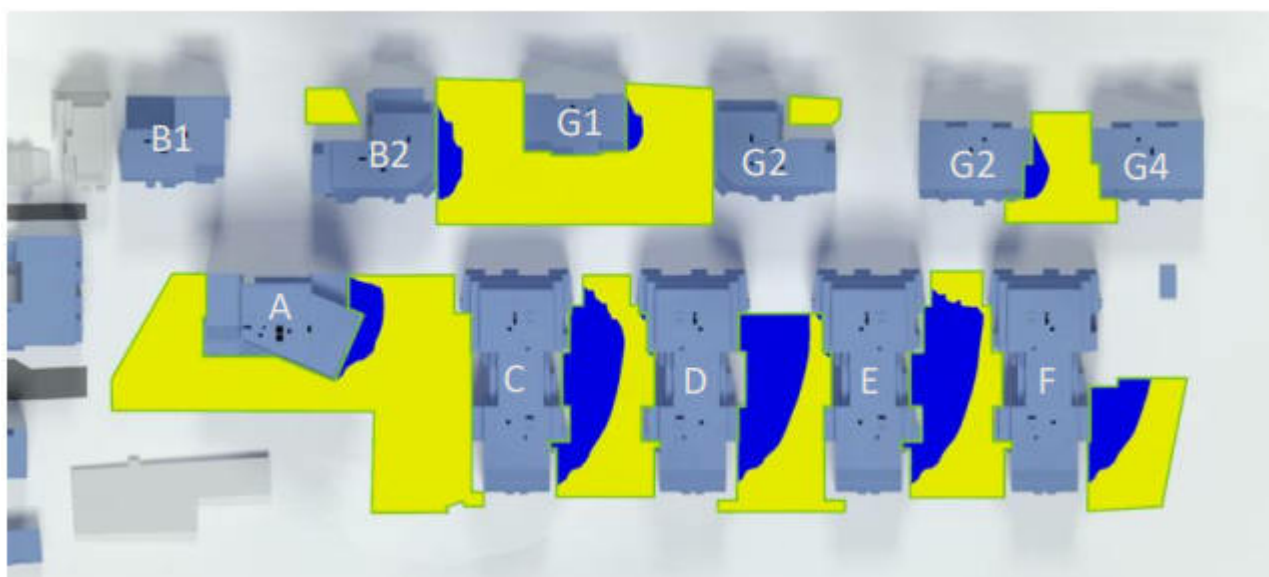


Fig. 11 Sunlight / Overshadowing diagram of amenity space from Daylight & Sunlight Report

2.1.30 Sunlight levels will only improve to the spaces during the summer when sun angles become higher and the BRE acknowledge that sunlight to sitting out / play areas are most important during the warmer months of the year. Whilst the above plan does show that balconies on the north side of the finger blocks and Blocks A, B2, G1 and G3 (erroneously labelled 'G2') will be somewhat shaded spaces, in the context of overheating in summer, this is not considered to be a negative issue. On balance, a good standard of sunlight will reach amenity spaces within the development that are accessible to all future residents. It should also be noted that the GLA Stage 1 comments acknowledge that the landscaped areas between Blocks C/D, D/E and E/F meet the minimum guideline amounts of sunlight on the ground. They have advised

that in order to ensure that residents make the best use of these spaces the Local Planning Authority should ensure that the detailed design of the proposed play areas and seating areas in these locations should be optimally positioned to benefit from the best conditions available. Officers concur with the advice given and are of the view that such detail can be secured by planning condition – as attached to this recommendation.

2.1.31 Overall, whilst not all individual units have self-contained private amenity space in quantities that accord with the metrics prescribed in the Council’s adopted Sustainable Design and Construction SPD (2016), Officers are of the view that the cumulative quantity and quality of spaces provided within and around the development, equates to a greater residential amenity value than the sum of individual parts. On balance, Officers consider that it makes up for the shortfall – ensuring that the future occupiers will have access to plenty of, high quality amenity space with sufficient access to sunlight.

### Children’s Play Space

2.1.32 Policy S4 (Play and informal recreation) of the London Plan (2021) states that residential development should incorporate good-quality, accessible play provision for all ages, and that at least 10 square metres of playspace should be provided per child. The playspace should provide a stimulating environment, be easily accessible by children and young people independently, incorporate trees and or other forms of greenery, is overlooked to enable passive surveillance and not be segregated by tenure.

2.1.33 Policy DM02 of the Barnet Local Plan Development Management Policies DPD (2012) refers to the Play space standards set out in Policy 3.6 of the superseded London Plan. Accordingly, Officers consider it appropriate to assess against Policy S4 of the London Plan 2021, as referred to above.

2.1.34 The GLA’s Population Yield Calculator estimates that the development is likely to generate circa 154.2 children across a range of ages, as follows:

<b>Child Age</b>	<b>Market &amp; Intermediate</b>	<b>Social</b>	<b>Total</b>
Ages 0, 1, 2, 3 & 4	31.5	33.8	65.3
Ages 5, 6, 7, 8, 9, 10 & 11	21.9	29.1	51.1
Ages 12, 13, 14 & 15	7.0	17.8	24.8
Ages 16 & 17	3.7	9.4	13.1
<b>Total Child Yield</b>	64.1	90.1	154.2

*Fig. 12 Child yield estimations of proposed development*

2.1.35 The above child yield equates to a need for approximately 1542m<sup>2</sup> of playspace across all age groups. For the under 5s and the 5-11 age ranges, the proposed development makes provision for 2584m<sup>2</sup> (>1677m<sup>2</sup> requirement) of children’s play space - as detailed on pg 19 of the Landscape – Play Strategy within the submitted Landscape Design and Access Statement.

2.1.36 The location of the play space in the centre of the development provides for good levels of surveillance from surrounding residential units and access from the main plaza square. Exact details of the play space, including materials, play facilities

providing increasing levels of challenge and associated landscaping, will be secured via condition to ensure the play space provision is high quality and engaging for its target audience.

- 2.1.37 Play provision for the 12+ age groups is 150m<sup>2</sup>, which is approximately a third (34%) of the recommended 440m<sup>2</sup> amount. However, the site is situated next to the Recreation Ground which contains a leisure centre and sufficient space for 12+ age groups to socialise and partake in sports/activities. The Council's Greenspaces Team have reviewed the playspace provision and acknowledge the oversupply of playspace provision for under 11s, and accept the shortfall of 12+ age group playspace. In lieu of the shortfall on-site, they have recommended a Parks and Open Spaces Contribution of £43,102.70 (Index Linked) towards the improvement and enhancement of 12+ Play Provisions for Tudor Sports Ground, and this has been agreed with the applicant. Tudor Sports Ground is situated in New Barnet, approximately 12-15 minutes walk from the application site. The justification for allocating funds to this site is on the advice from the Greenspaces Team that Victoria Recreation Ground has recently benefited from significant investment and is therefore not currently in need of additional facilities or enhancements.
- 2.1.38 Officers consider that investment in another nearby Sports Ground (Tudor Sports Ground) which could be accessed by the 12+ age groups generated by the development, and also, both existing and other age groups in the community would be both reasonable and practical. Accessibility to this Sports Ground would also be enhanced by improved pedestrian links (footbridge/underpass) leading to Cromer Road, which are to be secured by S106 agreement - as per the previous approved application, and the terms agreed in the refused dismissed appeal scheme. As such, this approach accords with the Council's adopted policies and guidance (the Sustainable Design and Construction SPD 2016 and Planning Obligations SPD 2013) and is recommended to be secured via Section 106, in the event of a recommendation for approval.
- 2.1.39 It is noted that the Appeal Inspector raised concerns about the level of children's play space for the 5-11 age group; and the quality, safety and useability of the 'play on the way' provisions within the previously dismissed appeal scheme. This was a minor objection that would not lead to a refusal of the planning application by itself. The Appeal Inspector commented on several amenity issues in the previous appeal scheme, but made it clear that it was the cumulative impact of these minor issues that led to their broader reason for dismissal of the appeal scheme on the grounds of residential amenity. Officers consider that the current proposed scheme has now addressed the level (provision in excess of the amount required), quality, safety and useability of proposed playspace provision; and consider that it also provides suitable financial mitigation in lieu of the shortfall of provision for 12+ age groups.
- 2.1.40 The GLA have reviewed the playspace provision within the scheme and have not raised any objections to the amount provided. They are also supportive of the approach to seek financial contributions for off-site provision in lieu of on-site playspace provision shortfalls for the 12+ age groups.
- 2.1.41 Overall, Officers are satisfied that the proposed development would make satisfactory provision for childrens' playspace in accordance with policy, and suitable alternative mitigation where appropriate, in accordance with Policy DM02 of the Barnet Local Plan Development Management Policies DPD (2012) and Policy S4 of the London Plan (2021).

## Privacy, Overlooking and Outlook

2.1.42 Policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012) requires proposed developments have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development. 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. This is just guidance, and thus, shorter distances may be acceptable between new build properties where there are material justifications.

2.1.43 The separation distances between the proposed buildings range from 16m to 31m:

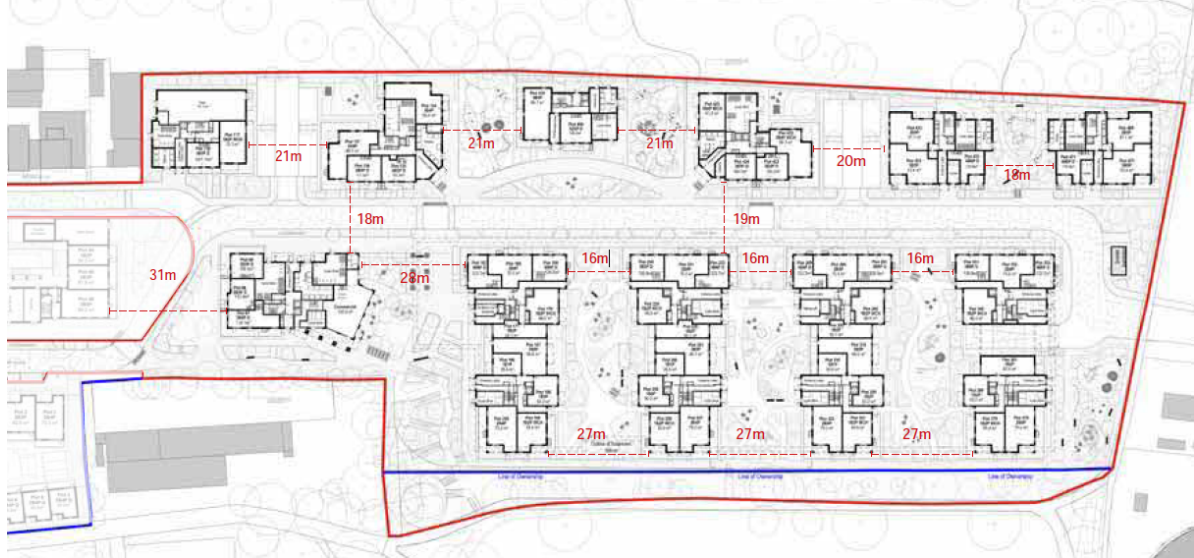


Fig. 13 Separation distances between the proposed blocks – taken from Design & Access Statement

2.1.44 The majority of elevation-to-elevation distances exceed 20m, except for the spacing between the finger blocks on the central corridor; the spacing between Blocks G2, G3 and G4 to the north, on the western boundary; and, the spacing between the central ends of the finger blocks and the western block G2.

2.1.45 The layout of the development, particularly with regard to the finger blocks is very similar to the previously consented, extant scheme (application ref: B/04834/14). In the consented scheme the shortest distance between the finger blocks was approximately 14m. The current application improves upon this by increasing the separation distances to 16m. The extant permission is a significant material consideration which must be afforded positive weight in this instance. In addition, the buildings have oriel windows incorporated where distances are less than appropriate. These window types fix the outlook aspect to a different angle, thereby preventing direct overlooking and consequent loss of privacy. Accordingly, on balance, 16m separation between these elements is considered to be acceptable.

2.1.46 The spacing between the central ends of the finger blocks and the western blocks (specifically Blocks D, E & F and Blocks G2, G3 & G4) is 19m. This is 2m short of the guidance distance however, Block G2, G3 & G4's footprints are positioned between Blocks D, E & F, meaning that there are oblique overlooking angles which lessen the impact. In addition, the presence of the spine road running between the blocks means that these elevations are already overlooked by the public realm. On balance, Officers

are satisfied that the potential harm from overlooking and loss of privacy is not demonstrable to a degree that would warrant a reason for refusal of the application on these grounds.

2.1.47 In regards to the overlooking relationship between Blocks G2, G3 and G4, it should be noted that these blocks benefit from dual aspect, allowing views in other directions that are not directly overlooked. In addition, there are oriel windows fitted on the elevations between Blocks G2, G3 and G4, to prevent direct overlooking of private bedrooms. On balance, it is therefore considered that there would be no demonstrably adverse overlooking and loss of privacy that would warrant a reason for refusal of the scheme.

2.1.48 Overall, Officers consider that in the context of the development itself, noting the previously consented scheme; and the design-led approach to optimising the site, the separation distances proposed would not result in unacceptable harm for the future occupiers of the scheme. Officers are therefore satisfied that there would be no detrimental overlooking as to justify a refusal within the proposal.

2.1.49 Approximately 80.5% of the units proposed benefit from dual aspect, equating to 338 units. This is an improvement over the appeal scheme which achieved 70% dual aspect, although aspects with regards to outlook were not a specific concern of the Appeal Inspector.

2.1.50 It is useful to consider the following for a comparison against the proposed scheme, the dismissed appeal scheme, and the extant permitted scheme:

- The number of single aspect units in the current proposal vs dismissed appeal vs extant permission:  
*(Note: the following figures disregard the units consented in blocks H and J as they were 100% dual aspect in all proposals and have been consented on that basis.)*

<b>Scheme</b>	<b>Total Units</b>	<b>Number / Percentage of Single aspect</b>
Current proposals (23/3964/FUL)	420	83 (20%)
Dismissed appeal scheme	539	158 (33%)
Extant permission	304	63 (21%)

*Fig. 14 Number of single aspect units in the current proposal vs dismissed appeal vs extant permission*

- The number of single aspect units that face the railway in the current proposal vs dismissed appeal vs extant permission:

<b>Scheme</b>	<b>Total Units</b>	<b>Number of single aspect units facing the railway line</b>
Current proposals (23/3964/FUL)	420	0
Dismissed appeal scheme	539	11
Extant permission	304	13

*Fig. 15 Number of single aspect units facing the railway line: proposal vs dismissed appeal vs extant permission*

- The number of single aspect units, that are Affordable units; and specifically how many are affordable and face the railway across the proposal vs dismissed appeal vs extant permission.

<b>Scheme</b>	<b>Total Units</b>	<b>Single Aspect Affordable Housing (AH) units</b>	<b>Number of single aspect AH units facing the railway line</b>
Current proposals (23/3964/FUL)	420 units	18 units	0 units
Dismissed appeal scheme	539 units (472 excluding Blocks H & J)	13 units	5 units
Extant permission	304 units	28 units	13 units (Note: consent was only 15% affordable compared the submitted proposals which offer 35%.)

*Fig. 16 Number of AH single aspect units facing the railway line: proposal vs dismissed appeal vs extant permission*

2.1.51 What is evident from the above comparisons is that, in terms of the level of single aspect units, the proposed scheme is a much-improved development compared to the dismissed appeal scheme, and a comparable provision (in percentage terms) to the extant scheme, but with an improved affordable housing offering.

2.1.52 As such, Officers are satisfied that the proposed units will benefit from satisfactory outlook, that is not hindered by privacy concerns or obtrusive physical forms.

#### Sunlight and Daylight

2.1.53 Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021) requires residential developments to demonstrate that they will have adequate daylight access. Aligning with this requirement, Part (e) of Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) requires developments to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

2.1.54 The application is accompanied by a Daylight & Sunlight Report (Ref: 4343; dated 10 October 2023) produced by eb7. With regards to daylight and sunlight within the proposed residential units, the report advises that the assessment of daylight within the proposed residential units has been undertaken using the illuminance and sunlight exposure criteria under the BRE 2022 guidelines. The report concludes that:

- The illuminance study shows that overall, 75% of the habitable rooms assessed within the proposed scheme will satisfy the BRE guidelines for internal daylighting which is considered good for a large urban scheme.
- Where deviations occur from the guidelines these are generally limited to:
  - Marginal deviations within a 25% threshold of the recommended targets which are unlikely to significantly impact the use / amenity of the units;
  - To rooms beneath balconies which enhance the overall quality of the units and are a common trade-off with internal daylighting on higher density schemes in urban locations;
  - To deeper open plan arrangements whereby the kitchens / rear spaces will be typically task lit;



- Bedrooms which are regarded 'less important' for daylighting under the BRE guidelines due to their more transient occupation; and,
  - To separate kitchens which are derived from specific tenant requirements and in most cases are linked to a well-daylit living room.
- Where transgressions occur at the eastern blocks (C, D, E & F), these blocks adhere to the design principles set by the previous consent. Compliance somewhat reduces as a result of the newly introduced daylight metrics under BRE 2022 being harder to achieve as well as the need to balance the daylight amenity against the overheating standards.
  - In terms of sunlight to the proposed units, the scheme demonstrates a high level of compliance with 85% of the proposed units assessed have at least 1 habitable room achieving 1.5 hours of sunlight on the 21st March.
  - This is an excellent level of compliance for a large apartment scheme in an urban location and is indicative of the work that has gone into ensuring that the scheme optimises the number of south facing and dual aspect units.
  - As set out in the BRE guidelines, daylight and sunlight availability are just one of the many factors in site layout design such that a degree of flexibility is appropriate when applying the guidance. This is echoed in the NPPF 2021 which makes it clear that the efficient use of sites, particularly for housing delivery, should not be hampered by such technical constraints.

2.1.55 It is noted that the Appeal Inspector raised concerns previously about over 90 rooms (circa 6%) in the appeal scheme that would receive less than adequate daylight. The proposed development is a materially different scheme with building orientations and forms that are substantively incomparable to the previously dismissed scheme. The proposed layout of the development, with particular regard to the finger blocks on the eastern half of the site adhere to a similar layout to the previously consented scheme, for which daylight and sunlight access considerations would be similar.

2.1.56 Whilst the Inspectors concerns over the appeal scheme are acknowledged, it should be noted that this was a minor objection, that cumulatively considered with other amenity concerns resulted in an aggregated reason for dismissing the development on the grounds of amenity. Officers note that several public objections received raise concerns about a number of units within the scheme which contain self-contained kitchens with no access to natural lighting (i.e. they have no windows). This is not contrary to any particular policy, only recommended to be avoided by BRE Guidance. Although it would be preferable for these units to have access to natural light, it is more preferable that natural light access is prioritised for habitable rooms that people spend time in – i.e. lounge, dining and bedroom areas, where it is inevitable that some internal space within the unit may be enclosed. The number of units where there is a lack of naturally lit kitchens equates to approximately 16.1% (62 Units) relative to the wider scheme is not significant. Further, para 2.1.15 of BRE Guidance is clear that whilst it should be avoided wherever possible, it caveats that where this is unavoidable this room should then be linked to a well daylit room. The majority of the enclosed kitchens within the scheme are linked to daylit living spaces.

2.1.57 It should also be noted that the Stage 1 comments received from the GLA commend

the high proportion of dual aspect units within the scheme, which help the development achieve a high level of compliance with the BRE's best-practice guidance in terms of daylight and sunlight access.

- 2.1.58 Having full consideration for the report and the observations and conclusions set out above, Officers are of the view that the development responds well to the constraints of the site and neighbouring context, and will provide high-quality living accommodation for the future occupants of the scheme. It is important to acknowledge that the BRE guidelines explain that the BRE guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 2.1.59 Given that the proposals align with the aspirations of the BRE Guidelines and give adequate justifications where there are shortfalls, it is considered that the scheme would satisfy the requirements of Policy D6 of the London Plan (2021) and Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

#### Overheating

- 2.1.60 Policies D6 and S14 of the London Plan (2021) seek to ensure that major residential development proposals manage heat risk (overheating) through design (i.e. appropriate layouts and building orientations, passive ventilation, materials, green infrastructure etc – all suggested as part of a cooling hierarchy), whilst avoiding reliance on mechanical ventilation systems and air conditioning. The policies identify that the Chartered Institution of Building Services Engineers (CIBSE) guidance on assessing and mitigating overheating risk in new developments should be used to determine the overheating impact of the developments. In this particular instance, CIBSE "TM59 - Design methodology for the assessment of overheating risk in homes" (2017) is the relevant methodology.
- 2.1.61 Policy CS13 of the adopted Barnet Local Plan Core Strategy (2012) states that the Council will promote the highest environmental standards for development and through our SPDs on Sustainable Design and Construction and Green Infrastructure and will continue working to deliver exemplary levels of sustainability throughout Barnet in order to mitigate and adapt to the effects of a changing climate.
- 2.1.62 The London Plan's (2021) reference to the use of CIBSEs TM59 guidance aligns with principles of Approved Document O of the Building Regulations 2010 (as amended), which is the part of the regulations that concerns overheating in new dwellings.
- 2.1.63 In June 2022 the Building Regulations established mandatory overheating standards for new dwellings, outlining two methodologies for compliance: the Simplified Method and the Dynamic Thermal Modelling - the latter being the most appropriate methodology for the development being considered in this application. The CIBSE TM59 methodology is one Dynamic Thermal Modelling approach that is widely recognised and used to estimate the overheating potential of new dwellings. It takes into account factors such as building shape, size, orientation, construction materials, location and the number of people using the building. Using all of this information it assesses a virtual 3D model of the development against weather data files (referred to as Design Summer Year – or "DSY" in the TM59 assessments) to simulate how

the development will respond warm weather scenarios i.e. which rooms might become warm during the summer, and whether the incorporated ventilation strategies will manage to keep spaces comfortably cool internally. There are three DSY weather file types that the development are assessed against:

- DSY 1: The most commonly used, representing an “average” hot summer based on historical data for a specific location
- DSY 2: Representing a hotter-than-average summer
- DSY 3: Representing a longer, less intense heatwave

In undertaking an assessment of overheating in the interest of complying with Part O of the Building Regulations 2010 (and subsequently complying with relevant planning policy), only demonstrating that a “pass” (compliance) using the DSY 1 weather file is required to satisfy the requirements of Part O and Planning Policy. The other weather scenarios (DSY2 and DSY3) remain useful for determining how the design of the building and/or its ventilation strategy could be improved for dealing with more extreme weather scenarios – but as stated, are not mandatory to pass. It is also important to note that Part O of the Building Regulations does not preclude the use of specific types of mitigation measures (such as mechanical ventilation) to address overheating.

2.1.64 In support of the application the applicant has submitted an Overheating Report (Revision 1; dated: 6<sup>th</sup> September 2023) produced by BaileyGomm. The report tests 50% of the unit types within each of the 11 blocks have been modelled using the London LHR Design Summer Year (DSY) 1 2020s, high emissions, 50% percentile scenario as well as the corresponding DSY2 (2003) and DSY3 (1974) weather files.

2.1.65 The TM59 methodology does not recommend a specific quantum of testing. Accordingly, the applicant assessed 50% of the units within the development, which is enough to provide a satisfactory overview of how the development performs with regards to overheating. There are a 126 flat types, and the assessment assesses 210 flats – covering a flat of every type, but also across every floor level and every orientation. The blocks that were tested were typical blocks to get a greater understanding of the overheating characteristics of the site:

- Block A is unique and the most exposed and does not have anything overshadowing it, and also has units facing all directions. The applicants tested the impact of the size of the windows to understand the performance of the daylight in relation to the urban design and the ventilation strategy.
- The finger block was chosen as it’s a repeated form (there are 4 finger blocks) so that the applicant could extrapolate the results. This undertaken in tandem with the daylight assessment.
- The western boundary block could assess the impact of the railway noise mitigation, and the common scale of the buildings and the orientation applied across the western boundary, and therefore, it was considered that the results would be representative of all blocks along the railway siding.

2.1.66 Using the DSY1 weather file, the assessment identified that within all assessed blocks, a total of 70 apartments pass Part O when naturally ventilated with background ventilation provided by Mechanical Ventilation Heat Recovery (MHVR) plant. A further 159 apartments were identified as being able to pass using natural

ventilation with background ventilation via an MVHR and additional purge into select rooms (Note: many of these would have required cooling had the applicant not reduced glazing to meet Part O). Where only bedrooms fail, the applicants have included the purge fan to reduce reliance on the air tempering system. The remaining 191 apartments required a peak lopping cooling module to pass the overheating assessment.

2.1.67 Further, the assessment identified that when assessed using DSY 2 a total of 160 of the 420 apartments are able to pass the overheating assessment including two naturally ventilated apartments with assisted purge fans. This number decreased when assessed using the DSY 3 weather file to 116, where all apartments previously required a peak lopping cooling module in order to pass under weather file DSY 1.

2.1.68 Overall, the assessment identifies that the development satisfies the fundamental standard to be acceptable in terms of overheating using the TM59 Dynamic Thermal Modelling approach (i.e. complying using the DSY1 weather file).

2.1.69 A degree of overheating is inevitable within the scheme (i.e. particularly in assessment scenarios where there are suggested window opening restrictions in blocks to address the issues of noise<sup>3</sup>), without installation of mechanical ventilation, and other mitigation measures. It should be noted though, that objectively, the level of overheating is not non-compliant with relevant mandatory standards, as noted above.

2.1.70 Officers note that overheating was previously an amenity issue (not solely, but contributory to the broader amenity objection) raised by the Appeal Inspector. However, it is also important to acknowledge that the current scheme is not directly comparable to the appeal scheme in relation to overheating due to significant changes in design (different building forms and orientations) of the development. Additionally, the previous Appeal scheme was not required to take account of the updates to Building Regulations Approved Document Part O (originally published December 2021, and updated June 2022) which has since introduced nighttime noise into the consideration of the assessment and subsequent approach to identifying appropriate mitigation. In essence, Part O is more stringent particularly for night-time noise between 11pm and 7am for bedrooms.

2.1.71 The Building Regulations state that “windows are likely to be closed during sleeping hours if noise within bedrooms exceeds” 40dB averaged over 8 hours. As such, for overheating testing purposes the windows have to be assumed to be shut. To put this into context, 40dB is equivalent to “Stream, refrigerator humming”. Any development next to a road or railway would therefore come under this strict testing requirement.

2.1.72 The design team have also advised that they have explored overheating implications in tandem with daylight considerations in their pre-planning design process by undertaking testing on three blocks (A, G2 and C) to understand how the window sizes within the units would affect these considerations. Windows were subsequently revised for the current scheme to ensure that maximum airflow could be achieved balanced with daylight access considerations.

---

<sup>3</sup> It should be noted that none of the windows in reality will be fixed shut – future residents will have the option open the windows, should they wish to.

2.1.73 A number of the windows are smaller as a result, but consequent of this there is less solar gain, thereby equating to a reduction in mechanical cooling need. This approach aligns with Part O of the Building Regulations, and also, the GLA's cooling hierarchy on passive measures. To retain the design integrity of the scheme the use of blanked-out panelling has been incorporated to retain the illusion of large windows on the façade. The applicant has advised that the incorporation of brise soleil<sup>4</sup> into the design was modelled as part of the pre-planning design process, however, it did not demonstrate substantive benefits to the scheme and was therefore omitted. It is also worth noting that this would have been a design consideration in terms of character and appearance which could have compromised the aesthetic quality of the scheme.

2.1.74 The Council's Energy Officer has reviewed the application information in respect of overheating and advised that:

*“the mandatory standard has been met. The design is heavily reliant on mechanical ventilation to pass. When assessed for overheating risk in future scenarios of a long, hot summer, or a short heatwave, the apartments do fail even with the proposed ventilation system.”*

Notwithstanding the failure, in policy terms, the Council's Energy Officer has advised that in respect of the DSY2 and DSY3 weather scenarios:

*“That part of the assessment is not mandatory to pass, however should be used to inform about the risk of overheating as hotter summers become more common”.*

As such, the Council's Energy Officer has not recommended that overheating would be an appropriate ground for refusal of the planning application. They raise no objections in this regard.

2.1.75 The Greater London Authority's Stage 1 comments request further demonstration and adoption of passive measures (in line with the Cooling Hierarchy) to minimise dependency on 'active cooling' (mechanical mitigation). The applicant reviewed the comments of the GLA and has provided additional information directly to the GLA to demonstrate how the scheme has arrived at its current overheating mitigation strategy. At this point, it will be for the GLA to determine whether the overheating strategy satisfies their requirements at the Stage 2 referral. This is not a matter that could or should reasonably delay the Council's consideration and subsequent resolution to grant or refuse the scheme.

2.1.76 In essence, it is not possible to fully eliminate overheating for the proposed development or many other future developments around the Borough, without reliance on a combination of mitigation measures that lie within the spectrum of the London Plan's (2021) cooling hierarchy. Officers are of the view that the applicants have demonstrated compliance with the current policy considerations, and that there would not be a reasonable justification for refusing the application on the grounds of overheating. This is supported by the Council's Energy Officer. Although it is acknowledged that the GLA have requested further information they have not

---

<sup>4</sup> A solar shading system that uses a series of horizontal or vertical blades to control the amount of sunlight and solar heat that enters a building.

indicated that the scheme is unacceptable, nor that it should be refused on the grounds of overheating. There remains an opportunity for the applicant to resolve any outstanding concerns that the GLA may have through the Stage 2 GLA referral process. Following the Committee resolution of the application, the London Mayor will have the final decision to determine the application, and/or request further information on this matter, should he deem it necessary.

2.1.77 Overall, Officers are satisfied that the mitigation proposed addresses the overheating issues in accordance with the aforementioned policies, and whilst it would be desirable to have lesser mechanical interventions to prevent overheating, on balance, the proposals are considered to be acceptable in this regard.

### Noise

2.1.78 Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring occupiers. The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials. This approach to noise aligns with the principles within Barnet Local Plan (2012) Policy DM04.

2.1.79 In support of the application, a Noise Impact Assessment (Ref: 19-6526; Rev. J; dated: September 2023) produced by Syntegra Consulting has been submitted with the application. The report identifies that *“to the north of the proposed development site is the Albert Road gas works, which is generally quiet apart from a small number of vehicle movements, access to the gas works is along the Spine Road through the proposed development site. To the east of the site is Victoria Park and approximately 30m to the west is the East Coast Main Line railway. On the eastern boundary of the site is a shooting range and meeting hall for the East Barnet Shooting Club, beyond which are residential houses. On the south-western boundary of the site are two public houses: The Railway Bell Public House and Builders Arms Public House and a new residential development (currently under construction). To the south of the site is a mixed residential and retail/commercial area along the A110 East Barnet Road and Victoria Road.”*

2.1.80 The report states that the part of the site closest to Victoria Road has a medium risk in terms of noise both during the day time and night time; and, that the majority of the site, has a low risk in terms of noise during the daytime and a low-medium risk in terms of noise at night. This is consistent with the findings of the report for the dismissed appeal scheme.

2.1.81 The report concludes that “Good acoustic design has been shown by the site layout in that it is set back from the dominant noise source at the site, Victoria Road/A110 East Barnet Road. Additionally, there are a number of communal amenity areas around the proposed development site located within courtyards between buildings where they be significantly shielded from noise”.

2.1.82 Officers note that an obvious, but intermittent, source of noise that would affect the development (without mitigation) would likely to be the noise from passing trains on the East Coast Mainline. This was raised as an amenity issue in the dismissed appeal scheme. Appendix 6 of the acoustic report makes recommendations for specific double glazing and ventilation provisions throughout the development, according to

their relative measured noise environment, to ensure that the future occupants of the development would not be unduly affected by noise disturbance.

- 2.1.83 The Appeal Inspector noted noise as one of the living condition concerns that contributed to their wider dismissal grounds on the basis of amenity. In specific they noted that the elevations facing the East Coast Main Railway Line and those facing Victoria Road/East Barnet Road would require a Mechanical Ventilation Heat Recovery (MHVR) system (for 100 units) to ensure adequate ventilation, due to the fact that internal noise threshold levels would be breached with the windows open.
- 2.1.84 There is still a need for MVHR, and this is unavoidable given the constraints of the layout for the site. It is also noted that a recurring theme in the comments of objection concerns the noise from the railway and the consequent impact on the proposed blocks that are adjacent to this. There are a number of suggestions about the possibility of an acoustic barrier. Officers have previously considered whether mitigation in the form of an acoustic barrier is possible. The conclusion in the past, and what remains to be the case, is that it is not reasonably feasible, nor appropriate in planning terms.
- 2.1.85 In the first instance there is the issue that the land on the railway embankment is not within the applicant's ownership, and that it would be within the gift of the applicant to erect a barrier on this land. Such a structure on the embankment would be costly, raising both technical and safety implications for Network Rail. The applicant has advised that they have discussed this with Network Rail, however, they were not agreeable to erecting such a structure. Alternatively, an acoustic barrier structure within the application site would likely need to be so tall and wide that it would not be favourable in character and townscape terms. The cost of both of these options would be financially prohibitive, having a knock-on consequence to the deliverability of an affordable housing policy compliant scheme. Consistent with these observations, the applicant has provided a more explanation in their latest letter (dated 11<sup>th</sup> January 2024) response to the objections on noise. It elaborates further on why mitigation at source is not feasible.
- 2.1.86 The most appropriate and effective way to deal with noise impacts for the future occupiers in this instance is through the unit layout, building fabric / materials and alternative means of ventilation, as the application has currently proposed. It is not uncommon within London to have residential properties that overlook the railway and for Mechanical Ventilation Heat Recovery systems (and/or other ventilative mechanisms) to be in place to avoid the need to open windows at night to prevent disturbance and manage overheating. The future occupiers are however are able to open the windows should they wish to do so.
- 2.1.87 Comparative to the appeal scheme, this development has broken the blocks along the railway side to facilitate more dual aspect units within the blocks and along this edge – reducing direct facing exposure to the railway tracks, particularly for bedrooms. There are also significantly less windows on the west elevations, reducing the number of windows that would be affected directly by passing trains.
- 2.1.88 There are a number of single aspect units, across several of the blocks, however this does not render the scheme non-compliant with either London or Local Plan policies. The London Plan's policy position on single aspect units is that they should be avoided, where possible, but that they can be provided where it is considered a more appropriate design solution to meeting the requirements of Policy D3 which concerns

optimising site capacity through the design-led approach (i.e. developments with higher densities).

2.1.89 As previously noted (refer to table below), there are less single aspect units facing the railway line comparative to the previous extant and dismissed appeal scheme, and it is possible for windows on the elevations not directly facing the rail to be opened, should the occupier of room wish to do so.

<b>Scheme</b>	<b>Total Units</b>	<b>Number of single aspect units facing the railway line</b>
Current proposals (23/3964/FUL)	420	0
Dismissed appeal scheme (21)	539	11
Extant permission	304	13

*Fig. 17 Number of single aspect units facing the railway line: proposal vs dismissed appeal vs extant permission*

2.1.90 It should be of note that the Council’s Environmental Health team have considered the contents of the Acoustic report submitted with the application and are satisfied with the findings and recommendations. They advise that adequate internal noise conditions can be met within the proposed scheme implementing the mitigation outlined within the report. This will be secured by planning condition.

2.1.91 It has also been recommended by Environmental Health that conditions to assess and restrict noise from ventilation and extraction plant associated with the development should be attached to the recommendation. This is consistent with what was recommended on the dismissed appeal scheme, and thus, these conditions are attached to this recommendation report.

2.1.92 Environmental Health have indicated that it would be useful to have further information on the type of business to occupy the commercial units and that they would recommend against the use of these for gyms due to the likelihood of associated noise nuisance for the future residential occupiers of the development. These comments are noted, however, it would not be reasonable to prevent a gym operator from taking up a commercial space within the development as it is a suitable edge of town centre use which increases daytime and evening footfall and natural surveillance. Restricting uses may also limited the uptake of the space by prospective businesses. This is unnecessary, when noise nuisance can also be controlled by other statutory mechanisms within the Environmental Protection Act 1990, as enforceable by Environmental Health.

2.1.93 Officers are satisfied that the existing environmental noise impacts on the development can be satisfactorily mitigated against to ensure that the future occupiers have access to a high quality living environment, in accordance with Policies D13 and D14 of the London Plan (2021) and policy DM04 of Barnet’s adopted Local Plan Development Management Policies DPD (2012).

#### Air Quality

2.1.94 Policy SI1 of the London Plan (2021) states that development proposals should not lead to deterioration of existing poor air quality or create new areas that exceed air quality limits. Therefore, development proposals must be air quality neutral and use designed solutions to prevent increased exposure to existing air pollution. An air quality assessment should be submitted with major applications. Policy DM04 of the adopted Barnet Local Plan Development Management Policies DPD (2012) states



that where there is a localised source of air pollution, buildings should be designed and sited to reduce exposure to air pollutants; and that development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments, where appropriate.

2.1.95 In support of the application a Planning Stage Air Quality Assessment Report (Ref: 6761\_002R\_3-0\_AG; Version 3.0; dated 19 September 2023) produced by Anderson Acoustics has been provided.

2.1.96 The report concludes that:

- The future occupants of the development are unlikely to be affected by exceedances of the annual mean and hourly mean limit for NO<sup>2</sup> and PM<sub>10</sub>.
- the introduction of the residential human health receptors introduced by the development and masterplan is considered as Not Significant and the site is suitable for residential use. The effect of the operation of the proposed development and masterplan is considered on existing receptors is considered Negligible and the effect is Not Significant.
- the site to be High Risk for dust soiling during the earthworks and construction phases and Low Risk for human health effects. Construction dust management measures are proposed, and with the mitigation measures in place, the effect of dust from the works is considered as "Not Significant".

2.1.97 The Council's Environmental Health team have considered the submitted report and have raised no concerns in respect of air quality impact on the residential amenities of the proposed development.

2.1.98 The GLA has also considered the Air Quality Assessment and suggested that further information will be required, however, they have not indicated that this would be grounds for refusal of the scheme. The further information they have requested is for the Stage 2 review, which will take place after the Planning Committee's resolution to either grant or refuse planning permission.

2.1.99 Officers are satisfied that the proposed development would not have an adverse impact on the residential amenities of the future occupiers of the development. As such, the proposals would comply with policies SI1 of the London Plan (2021); and policy DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

#### Secured By Design / Crime Mitigation

2.1.100 Policy D11 of the London Plan (2021) states that developments should include measures to design out crime. It further states these measures should be considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area. Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012) requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals.

2.1.101 The proposed development was subject to consultation with the Metropolitan Police Service (MPS), prior and post submission of the application. The Designing Out

Crime Unit of the MPS have raised no objections subject to a standard condition requiring that the development achieve Secured by Design (SBD) accreditation, prior to occupation. This is considered to be both reasonable and necessary to ensure that the development mitigates against crime and antisocial behaviour for the foreseeable future. As such, a condition would be attached to any permission requiring the proposed development to achieve Secure By Design Accreditation, in accordance with the objections of Policy D11 of the London Plan (2021) and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

2.1.102 In addition to the Design Out Crime Officer's request above, the MPS's Estate Strategy and Engagement team have made a separate representation to the application requesting a financial contribution of £24,082.82 towards the anticipated increase in demand from new residents for Policing services. The Council is not intending to implement a tariff style s106 regime. The borough has charged CIL since 2013 and it is considered that the infrastructure impacts of this development on the Police are best addressed through the Community Infrastructure Levy or the GLA Council Tax precept which will result from the new properties. Officers therefore do not consider that the sum requested to be justified.

## **Design**

2.1.103 High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 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.

2.1.104 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 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. 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.

2.1.105 All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

2.1.106 In addition to the above policies, the Barnet Characterisation Study (2010) and the New Barnet Town Centre Framework (2010) are also relevant supporting documents that were referenced in the previous dismissed appeal scheme. Although dated, the former of these two documents describes the characterisation of New Barnet as:

- Being sub-urban character with a predominantly residential character
- Notable for its historic core
- Recognised for its mixed-use nature (shops, community facilities, and

- parks like Barnet Playing Fields)
- Having a strong local identity and sense of community

The 2010 study highlights the importance of protecting the historic core and its character during any development. It also encourages sensitive infill develop that respects the existing scale and massing of buildings, but also recognises the need for high quality public spaces and improved pedestrian connections. Further it also mentions the potential for limited tall building development, with careful consideration to avoiding harm to the local townscape and sky line.

2.1.107 In the New Barnet Town Centre Framework (2010) document, the application site is identified as an opportunity site for residential, commercial and community-related development that should be of high quality design, facilitate improved public access, and to make a contribution to the overall improvement of the town centre.

2.1.108 Regard should also be had to the National Design Guide (NDG, 2021) which outlines ten characteristics of well-designed places, specifically context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. It should be noted that the NDG (2021) is not a set of rules, but a guide that can be used to inform decision making about all aspects of placemaking. It is intended to be flexible and adaptable to the specific context of each place.

#### Design concept / background

2.1.109 The design of the proposed development draws upon concepts established in the extant Planning permissions and subsequently developed further through a reflection on the previously dismissed appeal scheme decision; and, a series of detailed discussions with the Local Planning Authority; the Greater London Authority and an independent Quality Review Panel (Design review) provided by Frame Projects. The red line development is laid out in 11 blocks, and there are an additional two blocks (known as Block J & H) that are part of a wider masterplan (outside of the redline), currently under construction. Blocks A, C, D, and F follow similar building locations and outlines to that which has been approved under the extant permission. Where this proposal varies from the extant permission is former block B (a block of flats) and G (previously a series of terraced houses) as per the image below:

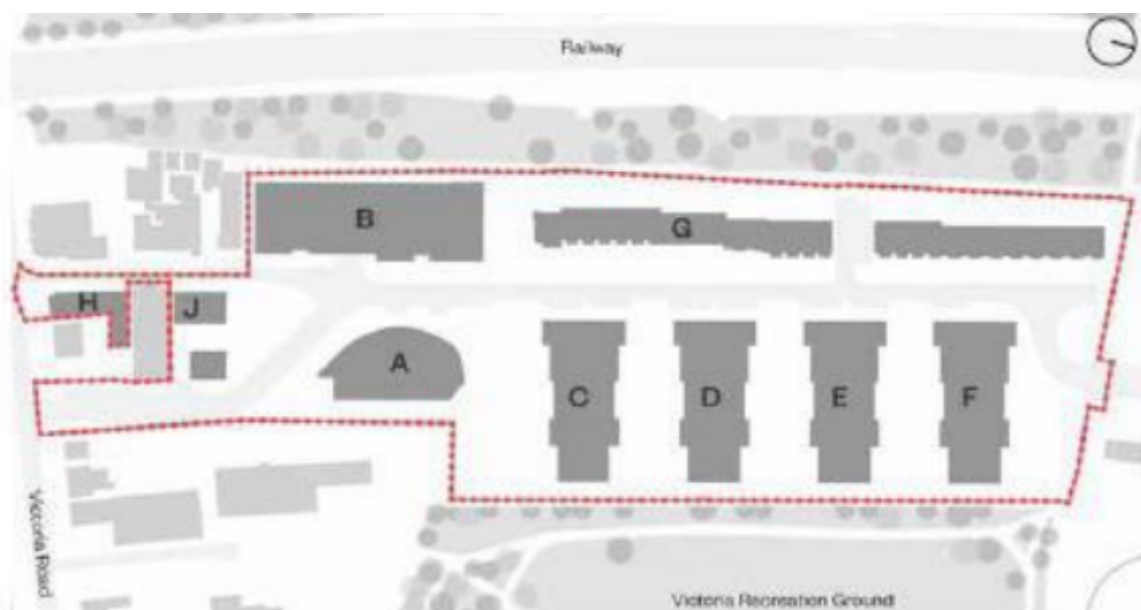


Fig. 18 Extant permission (B/04834/14) layout / site plan

Are now a series of blocks of more broken up blocks along the western edge:



*Fig. 19 Proposed scheme layout / site plan*

### Tall Building Assessment

- 2.1.110 Policy D9 of the London Plan 2021 state that tall buildings should be part of a planned 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.
- 2.1.111 Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in development plans. 3.3.7 Core Strategy Policy CS5 of the Barnet Core Strategy identifies tall buildings of 26 metres or 8 storeys or more and those areas of the borough where tall buildings will be suitable. These include the Regeneration Areas at Brent Cross and Colindale, but not the application site.
- 2.1.112 Policy DM05 of the Local Plan also identifies certain criteria which tall buildings would need to adhere to. The adopted Barnet Characterisation Study (2010) also suggests that New Barnet has the potential for limited tall building development in specific areas. The application scheme proposes a single 8 storey building, identified as Block A, and this is technically a departure from development plan policy. Notwithstanding, it must be noted that Block A in the extant permission, and which is broadly located in the same location as the current scheme, is also an 8-storey building, of similar design and mass. As such, there is precedence for a building of this height and mass in this location. For reference, Block A, as the tallest building (staggered as a part 6, part 7 and part 8 storey building) in the scheme, is situated within the centre of the site and is flanked by buildings of lower height, and which do not meet the definition of a 'tall building' in either London Plan (2021) or Barnet Plan (2012) policy.

### Layout, Grain and Function

- 2.1.113 As noted above, the scheme's proposed layout is influenced by the extant planning permission, with the exception of the omission of the terraced housing along the

western side of the site. There are also site-specific constraints, such as the legal requirement to retain the existing spine road running to the Gasworks site to the north; and the presence of a sub-surface culvert near to proposed Block A, which limit the location in which built development could be concentrated. Nevertheless, Officers consider the layout an improvement over the previously considered schemes, particularly with regards to the development along the western edge of the site. There is greater level of spacing between the blocks allowing for visual permeability and an opportunity to provide functional outdoor spaces (both surface level parking and communal amenity space) that will benefit both existing and proposed residents and visitors. The gateway to the park has been retained, as similarly proposed and approved in the extant scheme between Block A and the first finger block. This area features some enhanced public realm, with landscaping and childrens' playspace to create a sense of arrival to Victoria Recreation ground. Another key difference from the previously approved scheme and dismissed appeal scheme is that the access to the basement car parking will be positioned at the northern end of the development as opposed to in front of Block A (as per the extant scheme) or in the middle of the eastern side blocks (previously dismissed appeal scheme). Officers are of the view that this has very little impact on the way that the development functions comparative to previous iterations. The layout is therefore considered to be acceptable.

2.1.114 Besides Blocks H and J (of the wider Masterplan development), proposed Block A and the finger blocks facing Victoria broadly conform to the same urban grain as originally granted permission. The blocks along the railway provide a more varied pattern which allows for better enhancement of spaces in between and in front of the buildings as referenced in the paragraph above. Whilst these blocks are not necessarily typical of the immediate surrounding context of New Barnet, neither is a large part of the extant scheme, and there are nearby examples of larger buildings that do not have the benefit of providing meaningful, quality open spaces and public realm (e.g. Kingmaker House on Station Road / 18 East Barnet Road). The proposed scheme, in line with the guidance of the National Design Guidance (2019) includes well-located public spaces that support a wide variety of activity and encourages social interaction to promote health, well-being, social and civic inclusion. Officers consider that the urban grain and form does not necessarily need to conform with the wider grain, it is appropriate, given the self-contained nature of the site, for it to have its own unique character in this regard – so long as it provides a high-quality environment for existing and future residents.

2.1.115 Officers consider the western side of the site to have significantly improved spatial qualities over the previously dismissed scheme, which had very little quality landscaped frontages and meaningful spaces between. Playspace provision, for example is better placed, spread throughout the development; and Victoria Recreation is better addressed with the narrower ends of the finger blocks, avoiding the framing effect of the previous scheme that was less permeable. There is a good balance between publicly accessible space allowing all pedestrians (residents and visitors alike) to pass through and experience the enhanced realm of the wider development (the landscaped space between Blocks D and E), whilst retaining a degree of privacy, but sense of openness for the residents in the landscaped spaces between Blocks C/D and Blocks E/F.



Fig. 20 Proposed scheme layout / site plan

2.1.116 Overall, Officers are supportive of the proposed layout as it creates a positive residential environment that responds to responds well to the site’s immediate context. It allows for permeation, promoting movement through the site, by sustainable means (walking and cycling). It integrates well with the recreation ground, facilitating a extension of the park’s greenspace beyond its limits, and provides additional spaces for residents and visitors that are safe (open and transparent) and which will encourage people to dwell and socialise, in line with the Public Space principles of the National Design Guide (2021).

Scale, Massing and Height

2.1.117 As discussed in the tall buildings section of this report, the tallest building on site, as previously approved (ref: 16/7601/FUL & 22/5754/S73), is 8 storeys. The precedence for this has been established and Officers are of the view that the composition of its massing is made acceptable by its position in the middle of the site with its staggered heights on the south and north-western facing edges, gradually building up comfortably from the other heights of buildings surrounding it. There are six 6 storey buildings and four 5 storey buildings in the proposals, as per the illustration of storey heights below:

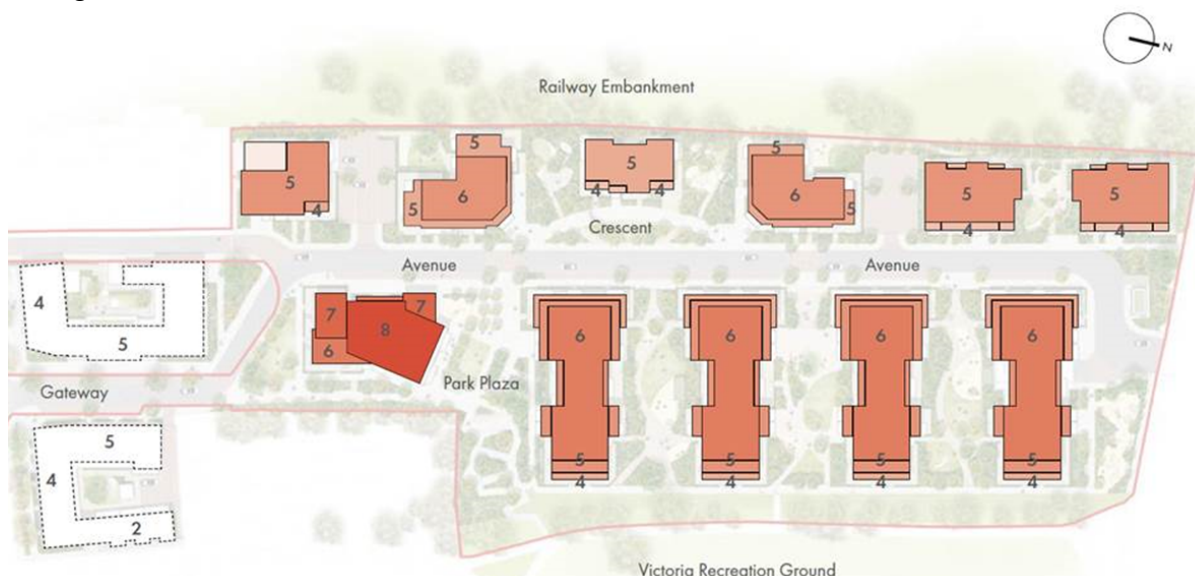


Fig. 21 Proposed scheme storey heights diagram

2.1.118 Blocks C, D, E and F (the “fingers” blocks) facing the Recreation Ground were originally approved (under ref: B/04834/14) at staggered 3, 4 and 5 storey heights (approx.16.7m height to parapet). The same approach has been replicated here, but adding an additional storey, thereby resulting in part 4, part 5 and 6 storey high (20.5m to the top of the parapets) buildings. The composition of the massing coupled with the spacing between the developments ensures that this additional height can be accommodated within the site. Visually the staggered heights from key viewpoints such as the Recreation Ground to the east; and, the spine road to the west, satisfactorily mitigates against creating an over-dominant appearance. Officers also consider this to be a significant improvement over the dismissed appeal scheme which previously featured six seven story blocks on the eastern half of the site, which framed the park in a more imposing way.

2.1.119 Blocks B1, B2, G1, G2, G3 and G4 on the western section of the site along the railway, features a staggered mix of heights, as follows:

Building	Storeys	Height - top of parapet (metres)
B1	Part 1, Part 4, Part 5 Storey	17.5m
B2	Part 5, Part 6 Storey	19.7m
G1	Part 4, Part 5 Storey	16.5m
G2	Part 5, Part 6 Storey	19.5m
G3	Part 4, Part 5 Storey	16.5m
G4	Part 4, Part 5 Storey	16.5m

*Fig. 22 Proposed scheme storey heights (m)*

2.1.120 This composition of heights creates visual interest, and moderates the way the massing and scale of the buildings are perceived in the space that they occupy. Coupled with the generous spacing between the buildings on this side as well as the spacing from the east side building, it is considered that the proposed heights and mass are well absorbed within the site, avoiding any overbearing impacts or sense of overdevelopment.

2.1.121 Comparative to the originally approved scheme, these proposed buildings are demonstrably taller than the dwellinghouses, however this must be balanced with development quality overall, i.e. the enhanced public realm, improved resident amenity space, provision of childrens’ playspace, high-quality buildings, greater affordable housing provision, and improved pedestrian and highway safety of not having multiple drop kerbs serving driveways along west side of the road.

2.1.122 Officers consider that the benefits brought forward by the changes in residential typology from the extant permission, outweigh the visual townscape impacts of the more intensive appearance of flatted development. Compared to the dismissed appeal scheme this development is a significant improvement, breaking up the mass and scale in better spaced blocks and reducing the storey heights along the railway line.

2.1.123 For clarity, Blocks F4 (7 storeys), F3/F2 (6 storeys) and E (7 storeys / 6 storeys) on the dismissed appeal scheme (see height illustration of dismissed appeal scheme layout below) were demonstrably taller, with a greater sense of perceived mass that would be substantial material forms of development visible from the neighbouring roads on the opposite side of the railway to the west - as noted by the Appeal

Inspector. The reductions in the proposed scheme, in height, scale and massing terms, and the variety in building shapes present a more interesting and better integrated development-form within wider townscape context, and it avoids any visually jarring and intrusive perceptions when viewed from the west.



Fig. 23 Dismissed appeal scheme storey heights

- 2.1.124 The Council's Urban Designer has commented on the height and massing of the scheme – acknowledging that the heights are slightly higher than approved, but that they relate particularly well to the recreation ground. They suggest, and Officers concur that this positive relationship will provide a strong sense of community presence and social engagement, which will help self-police the public space without being excessively imposing.
- 2.1.125 Overall the height, scale, form and massing of the development is considered to be acceptable, having regard to extant and previously dismissed schemes, but also the context of the surround area.

External Appearance and Materials

- 2.1.126 The design concept of the proposed scheme is similar to that of the flatted blocks that have been approved within the extant permissions. Notwithstanding this, discussions between Council Officers, Urban Designers and the applicant during the lifetime of the application, have achieved satisfactory improvements to the appearance of the scheme, ensuring that it positively contributes to the area.
- 2.1.127 The Council's Urban Design Officer considers that the proposed density of the scheme appears to be well-balanced, taking account of the balance of competing issues and opportunities. Officers consider that this is down to the design-led approach, in accordance with London Plan (2021) policy ensuring that the balance and design of buildings have been carefully curated to make best use of a brownfield site, whilst creating a place that is attractive to live.
- 2.1.128 The initial design submission was less interesting in appearance, however, the revised proposals, with its strong emphasis on landscaping and a seasonal artistic concept has significantly enhanced the aesthetics of the proposed development. The Urban Design Officer commends the added feature interest, and the definition added to key focal elements such as main entrances, key frontages, building corners, and the use of colour to distinguish different parts and features of the development. Officers concur that the revisions have better organised, articulated and increased



the varied interplay of the architecture to present more refined, legible and attractive buildings, streets and spaces that people will be happy to live, work and play within.

- 2.1.129 Securing high quality materials will be integral to creating and maintaining the aesthetic distinctiveness of the development. The Design and Access Statement details some of the materials proposed, and whilst these are acceptable in principle, Officers would like to secure further details of these by condition for certainty and assuring the quality of the future development, should Members be minded to recommend approval.
- 2.1.130 In respect of the previously dismissed appeal scheme, it is important to note that this scheme is not strictly comparable, due to its different building configurations, orientations, heights and reduced density. Notwithstanding, Officers considered the proposed development to be a modest alternative proposal which addresses many of the Appeal Inspectors concerns with regards to scale, massing, and height, in context with New Barnet, and how it will be perceived from other public locations. Whilst the typology remains different from neighbouring localities to the site, the design stays particularly close to the approved extant permissions which are of significant material consideration.
- 2.1.131 Overall, Officers are satisfied with the design of the development and this is also supported by the Council's Urban Design Officer. The Greater London Authority have also not raised any objections to the design. Officers are therefore of the view that the proposed development would have an acceptable impact on the site and surrounding area, and would, on balance, satisfy the aspirations for New Barnet, as set out within the Barnet Characterisation Study (2010) and the New Barnet Town Centre Framework (2010). The scheme is a significant improvement over the dismissed appeal scheme, and Officers consider that it would therefore deliver a distinctive and high-quality development that would benefit existing and future residents.

### **Amenity Impact on Neighbouring Properties**

- 2.1.132 Section 12 (Achieving well-designed place) of The National Planning Policy Framework (2023) recognises "*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..*" and that planning decisions should ensure that developments: "*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*". High standards of amenity are integral to the NPPF's sustainable development imperative.
- 2.1.133 Barnet's Development Management Policies DPD (2012) Policy DM01, as well as the Sustainable Design and Construction SPD (2016), align with the sustainable development imperative and provide further requirements and guidance for promoting high standards of amenity. In addition, Barnet's adopted Residential Design Guidance SPD (2016) 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. Shorter distances may be acceptable between new build properties where there are material justifications.

### Privacy / Overlooking and Outlook

- 2.1.134 The closest neighbouring residential building is a recently constructed block of flats (permission ref: 17/6422/FUL; allowed on appeal) at 9 Albert Road on the west side of the site, immediately south of the red line boundary. Block B1 of the proposed scheme would sit immediately adjacent to this development. The primacy consideration of Block B1s impact on this neighbouring development, is that the extant permission already approved a block of flats within this same location, and thus, it could feasibly come forward without further consideration for amenity impacts on this neighbouring property. That said, the proposed Block B1 would have oriel windows on the elevation facing 9 Albert Road, and in tandem, according to the approved plans and as verified by a site visit, 9 Albert Road only features secondary, obscured glazed windows on this elevation, which serve as a daylight source for the kitchen areas. These were designed in anticipation of the extant development coming forward on the Victoria Quarter redevelopment site. As such there is an acceptable relationship between these buildings that means that privacy, overlooking and outlook of the neighbouring properties at 9 Albert Road would not be unacceptably compromised by the proposed development.
- 2.1.135 Distances to other neighbouring residential properties are such (>21m) that privacy, overlooking and outlook impacts would not be demonstrable. Accordingly, Officers are satisfied that the development would not compromise the privacy of existing residential occupiers living in neighbouring properties.

#### Daylight and Sunlight

- 2.1.136 Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021) requires residential developments to demonstrate that they will have adequate daylight access. Aligning with this requirement, Part (e) of Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) requires developments to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
- 2.1.137 The application is accompanied by a Daylight & Sunlight Report (Ref: 4343; dated 10 October 2023) produced by eb7. With regards to daylight and sunlight impacts of the development on neighbouring properties, as per Officer observations on privacy/overlooking and outlook above, the report also identifies that 9 Albert Road is the only neighbouring development that is likely to be impacted by the proposed development. Accordingly, the assessment focuses on the daylight and sunlight impacts on this development.
- 2.1.138 With regard to daylight the results of the Vertical Sky Component (VSC) assessments indicate that the majority of windows retain at least 0.8 times their former level, and therefore comply with the recommendations of the BRE Guidance. Where rooms fall below the guidance for VSC, these are secondary flank windows between ground and third level serving the dual aspect living spaces. Given the principal windows within the front / rear elevations experience no material alteration as a result of the proposals, the overall effect on daylight amenity would be limited.
- 2.1.139 This is further verified by the No-Sky Line (NSL) results which demonstrate no substantive change in daylight penetration to the space. As such, there adverse impact on daylight access to the properties at 9 Albert Road is not demonstrable to an extent that would warrant a reason for refusal, and thus, these properties would retain good levels of daylight commensurate with what is expected within an urban location.

- 2.1.140 With regard to sunlight, the results in Appendix 2 of the document identify that there would be no demonstrable change to the Annual Probable Sunlight Hours (APSH) experienced by each room within 9 Albert Road.
- 2.1.141 In light of the above, Officers are satisfied that there would be no demonstrable harm to neighbouring occupiers' amenities by means of loss of daylight or sunlight. The scheme would therefore accord with the principles of Policy D6 of the London Plan (2021) and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

#### Noise and general disturbance

- 2.1.142 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 and extending to an increased use of Victoria Recreation Ground and local streets for example, the use is consistent with the residential character of the wider area and is also appropriate in the context of the edge of town centre location. Nor is the additional non-residential floorspace considered to pose any impact to warrant refusal given the uses are appropriate and acceptable in this edge of town centre location. Notwithstanding, to ensure that any mechanical plant associated with the development (e.g. including the Air Source Heat Pump energy centre) does not compromise the future amenities of existing and future neighbouring residents Officers recommend a condition requiring the plant be assessed and documented by a report that makes conclusions and suitable recommendations for any necessary mitigation.
- 2.1.143 As a major development, the construction phase would involve large-scale operations and there is the potential for adverse environmental effects during this phase. There is need to ensure that any potential impacts/effects are appropriately mitigated and managed to minimise impacts on existing residents and the public. As such, a final Construction Logistics Plan and an Environmental Management Plan would be therefore be secured via condition. Subject to the above Officers do not consider that the development would have any significant impact on the existing residential amenity in the immediate or surrounding area.

#### Air Quality

- 2.1.144 In respect of air pollution, no significant impacts are identified by the Council's Environmental Health Team. Any extraction that may be required for food premises (Class E) should be controlled by an appropriately worded condition, in the interest of protecting future amenities of the neighbouring residential occupiers. In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the green travel plan which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme will contribute towards overall reductions in CO<sub>2</sub> production, having regard to energy and sustainability policies.

#### **Highways / Transport**

- 2.1.145 Policy T4 (Assessing and mitigating transport impacts) of the Mayor's London Plan (2021) requires that the highways related impacts and opportunities which arise as a result of development proposals are identified and assessed so that appropriate mitigations and opportunities are secured through the planning process. It is

important that development proposals reduce the negative impact of development on the transport network and reduce potentially harmful public health impacts.

2.1.146 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.

### Parking

2.1.147 Barnet's Local Plan (2012), draft (regulation 24 submission) Local Plan, and the Mayor's London Plan (2021) recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of units proposed. However, it should be noted that the Appeal Inspector in their decision stated:

*“Car parking provision is dictated by policies T6 and T6.1 of the LonP and policy DM17 of the latter document requires a higher level of parking provision than that given in policy T6.1. However, this policy pre-dates policies T6 and T6.1 by 9 years and section 38(5) of Planning and Compulsory Purchase act 2004 makes clear that the latest policy should be given precedence. It follows that the proposed development should be assessed against the policies in the LonP.*

2.1.148 Barnet's Draft Local Plan – Regulation 24 submission has not yet been adopted, and so the policies of this emerging Plan hold little weight in the overall planning balance. Nevertheless, the draft Local Plan responds to the Mayor's adopted London Plan (2021) parking standards, intending to adopt similar standards for residential car parking.

2.1.149 The London Plan (2021) states that the accessibility of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The standards in both the Barnet draft Local Plan (Reg 22) and Mayor's London Plan (2021) are as follows:

Location/PTAL	Barnet Draft Local Plan - Reg 24: Policy TRC03		London Plan (2021) Policy T6.1 – Table 10.3	
	1/2 bed units	3+ bed units	1/2 bed units	3+ bed units
Outer London PTAL 2 - 3	0.75 spaces per dwelling	1 spaces per dwelling	0.75 spaces per dwelling	1 space per dwelling

Fig. 23 Parking Standards – Barnet Emerging Local Plan vs London Plan

- 2.1.150 The standards above are maxima (not minimum) and are lower than those in Barnet's current Local Plan (2012) and TfL's typical recommended starting point for all developments proposals is that they should be 'car-free', in the interest of promoting more sustainable means of transport.
- 2.1.151 Based on the London Plan and emerging local plan standards, the development should provide a maximum of 392 parking spaces. These are maximum standards and not a minimum requirement.
- 2.1.152 The scheme proposes 291 car parking spaces, consisting of 239 spaces within the basement and 52 spaces on the street/surface level car parks. The Transport Assessment (TA) submitted in support of the application sets out the justification in respect of the reduced levels of parking. In essence, the site lies in an area with a PTAL score of 3, on a scale of 1a to 6b, where 1a represents (very poor) and 6b (excellent) access to public transport. The site has good access to public transport with both bus and mainland rail route access within 8-10 minutes walking distance of the site, and nearby access to a variety of shops and services in New Barnet town centre. The convenience of being able to access shops, public transport and get into the central London swiftly will lend itself more to those individuals who are less likely to rely on the private motor vehicle. Travel trends particularly amongst younger generations are showing a greater tendency to utilise active and shared travel modes. It is therefore anticipated the future residents would be less car reliant than existing residents in Barnet.
- 2.1.153 In evaluating the impacts of the scheme and considering future cumulative effects, a package of s106/s278 highway improvements have been established through the extant planning permissions and formally secured through the completion of their respective legal agreements. This suite of highway works and improvements will also be secured with this scheme. The details of the highway works will cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction. Improvements to both the footway and carriageway Albert Road (East and West) as well as parking/traffic restrictions to be introduced and would be agreed as part of the s278 process.
- 2.1.154 Furthermore off-site improvement works which would help mitigate the impact of the development, improve the public realm and encourage sustainable modes of transport will also be secured. These include:
- The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance;
  - Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road;
  - Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction); - Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south east of East Barnet Road and Lytton Road junction;
  - Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works; and
  - Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton

## Road.

- 2.1.155 With the proposed improvements associated with the development, which will further encourage sustainable mode use, it is anticipated that the development will have a sustainable mode share which exceeds the 80% target set out by the Mayor. In addition to the above the applicant, as per the previous dismissed appeal scheme, has also agreed to provide a financial contribution towards a feasibility study and the outcomes of that study, to improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. Furthermore additional measures would also be secured such as the travel plan, provision of car club spaces and contributions towards the consultation and implementation of a local CPZ.
- 2.1.156 The agreed highways improvements listed above and detailed within the Heads of Terms ensures that the Healthy Streets approach is adopted. As the GLA have noted a permeable internal street network is proposed, offering new active travel routes through the site and into Victoria Recreation Ground. These streets and access routes to Victoria Park will be available at all times throughout the year.
- 2.1.157 Based on the above, both Officers and the Highways Authority are satisfied that the level of parking proposed would be acceptable. Furthermore, the GLA (including TfL representation) in their Stage 1 comments have also not raised any objections to the level of parking provision. They comment that *the “provision is below the maximum standard expressed in Policy T6 for outer-London sites with PTAL 3 and below, although the development is far from being car free which should be the starting point for all development in well-connected areas. Policy T1 sets a strategic mode share target for London which necessitates reduced car use, maximised public realm and active travel improvements. To respond to these policies fully, the applicant should therefore aim to minimise car parking, and reduce it further as part of the design. This could include repurposing parts of the basement for other uses and creating improved public realm in place of surface level parking spaces”*.
- 2.1.158 In essence, the scheme provides a parking ratio of 0.6 (taking into account the 486 residential units from the wider masterplan) which is almost the same as the ratio of the dismissed appeal scheme (0.61 – as estimated by the Inspector). Car parking provision did not feature as a reason for the Inspector’s dismissal of the appeal scheme. In fact, the Inspector deemed that it was compliant with policies T6 and T6.1 of the London Plan (2021), and therefore felt that the 0.61 ration would be adequate.
- 2.1.159 The Highway Authority have recommended a Parking Management plan condition for the site. Officers deem this to be reasonable and necessary to ensure that parking is protected for the future occupiers of the site.
- 2.1.160 Policy T6.1 part (G) of the London Plan (2021) requires that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. A minimum of 13 disabled spaces are required and these are illustrated as being provided. Nevertheless, they will need to be indicated on the final parking management plan, secured by planning condition.
- 2.1.161 In accordance with the Mayor’s London Plan (2021) Policy T6, part (C) at least 20% of the parking spaces must be fitted with active electric vehicle charging points and the remaining 80% must be provided with a passive provision for future use. Based on this, 59 spaces should be fitted with active electric vehicle charging points and passive provision made for the remaining 232 spaces. This will be secured by way of

a planning condition.

- 2.1.162 Four on-street car club spaces are proposed as shown on the ground floor masterplan (Dwg No. 3406 D7100 00), which is acceptable. However, Highways have suggested that all of these spaces must be relocated to the un-adopted sections of the Albert Road. A revised plan showing the new location of the proposed car club spaces can be secured by way of the car parking provision and management planning condition.
- 2.1.163 In the interest of protecting car parking spaces within the surrounding streets, as per the previous dismissed appeal scheme, the Highways Authority have recommended Controlled Parking Zone review and subsequent implementation contribution to be secured by legal agreement. Officers consider this to be reasonable, appropriate, and in the interest of local residents.

#### Cycle Parking

- 2.1.164 In terms of cycle parking, London Plan (2021) Policy T5 requires provisions of 1 space per studio/1 bed unit; 1.5 spaces per 2 person unit; and 2 spaces per 2+ bed units. This equates to a cycle parking provision of 751 spaces. The proposed development will provide 765 spaces. In addition, there is a requirement for 19.5 short term spaces for short stay visitors. The proposed development will provide 32 external shortstay spaces. Officers are satisfied that sufficient cycle parking can be accommodated within the scheme, as required by Policy T5 of the London Plan 2021, however the Highways Authority have recommended some further dimensioned details and positioning of cycle storage/parking, and thus, have suggested that the final cycle storage / parking details be secured by planning condition. Officers have attached a condition to this recommendation.

#### Construction Management & Logistics Plan

- 2.1.165 These plans should include limits on times of operation for the lorries and identify a designated safe route for lorries to ensure minimal impact on the public highway and to demonstrate how the operation and construction can be done safely. Draft plans have been submitted, however these do not provide all the required information and certain elements, such as the vehicle routes require further clarification. Therefore, the documentation submitted with the application would not form part of any approved documents under this permission, and thus, final details will be discussed and confirmed in consultation with the Local Planning Authority and the Highways Authority, as secured through appropriate conditions.

#### Access, Delivery & Servicing

- 2.1.166 The Highways Authority has considered the internal layout of the site and has noted that it is similar to the previously dismissed appeal scheme (ref: 21/3767/FUL). They consider the vehicular access to the site via Albert Road East and the general layout of the roads to be acceptable – which continue to allow two way vehicle movements. Albert Road West will continue to be exit only and but will be improved to provide a more suitable environment for pedestrians and cyclists, as detailed in the Transport Assessment – which the Highway Authority are supportive of.
- 2.1.167 Both Albert Road East and Albert Road West will continue to serve the site and provide access to the 11 blocks (and the wider masterplan blocks H & J) and Highways are content with the access to the basement car park which will be

accessed from the middle of Block F. Overall the internal road layout and access arrangements for delivery and servicing are acceptable to the Highways Authority.

- 2.1.168 Three 12m long on-street loading bays are proposed on Albert Road East and Albert Road West. It is predicted that the site will generate around 144 deliveries will take place daily. Assuming an average dwell-time of 10 minutes, 6 deliveries can be accommodated in an hour which means that over a 12 period, potentially 72 deliveries can take place in each bay. Given the size of the loading bays, two cars/minivans would be able to load or unload at the same time further increasing loading capacity. The Highway Authority consider that the servicing arrangements should be able to accommodate the servicing needs of the site.
- 2.1.169 In respect of refuse and recycling, the Council's Waste Services team have been consulted on the application and they are satisfied that the development makes suitable provision for the storage of waste and recycling, and further, suitable arrangements to allow for safe and efficient collection. These arrangements have been designed in accordance with Barnet Council's guide for Architects & Developers Provision of Household Recycling and Waste Service.
- 2.1.170 Refuse/recycling vehicles will require regular access upon occupation of the dwellings and for other existing users along Albert Road West. The submitted details confirm that the residential and commercial elements would be separate to avoid any conflict. The details of the collection provisions and collection point will be secured via condition.
- 2.1.171 A delivery and servicing plan has been submitted by the applicant. Officers have reviewed it. A designated holding area for bins on the footway to facilitate collections needs to be shown on the drawing. The Highway Authority have recommended that an updated delivery and servicing plan is therefore required by planning condition.

#### Road Adoption and Stopping Up

- 2.1.172 The Highway Authority have commented that the stopping-up plan shown in Figure 4.4 of the Transport Assessment has already been submitted to the Council (in connection with extant approvals) and Officers are in the process of agreeing on a revised plan with the applicant. The applicant will need to enter into a s38 agreement (adoption) and s247 agreement (stopping up) with the Council to implement these changes. These obligations are to be secured by way of a s106 agreement.
- 2.1.173 The Highways Authority also advise that a road adoption plan was submitted to the council as part of the previous application, and state that this is still valid and would apply to this application too.

#### Trip Generation

- 2.1.174 An analysis of the potential trip generation from the site has been carried using industry-standard database called TRICS. The results show that the development will generate 69 two-way private vehicle mode movements during the AM peak (8-9am) and 61 two-way vehicle movements during PM peak. The corresponding total two-way person trips are 228 and 221.
- 2.1.175 The wider masterplan of 486 units, including the consented development of Blocks H and J, would generate an additional 72 and 64 two-way trips by private vehicle mode



in the AM and PM peak hours respectively.

- 2.1.176 The level of vehicle trip generation forecasted for the current application is marginally less than that of the previous application. A series of pedestrian safety improvements are proposed but the level of additional delays on the network resulting directly from the current proposal is unlikely to have a major significant impact on the local network.
- 2.1.177 In comparison to the previously proposed scheme of 539 units, the wider site would generate a similar number of trips. The wider site trip generation based on 486 units generates a total of 2 additional two-way trips by private vehicle modes (including as a passenger, m/c rider and by taxi) in the morning peak, while 4 additional two-way of these trips would occur in the PM peak, compared to the previous scheme.
- 2.1.178 The Highway Authority advise that the impact of this level of trip generations on the surrounding highway network is unlikely to be significant.

#### Travel Plan

- 2.1.179 A framework travel plan was agreed as part of the previous scheme and most of it is still broadly applicable. The applicant has submitted a framework (residential and commercial) travel plan. Highways Officers have reviewed the plan and minor changes are needed to it. They have therefore recommended that an updated travel plan be secured via S106 agreement. Officers consider this both reasonable and necessary and have included the relevant heads of terms in the recommendation.
- 2.1.180 A monitoring contribution of £15,000 has been requested. Also, a contribution of £145,800 is requested for the entire master plan of 486 units which equates to £300 per household. The key headlines of the travel plan must be included in the s106 agreement. Officers consider the obligations requested both reasonable and necessary, and consistent with the terms previously agreed in the dismissed appeal scheme. The relevant heads of terms are at the top of this recommendation report.

#### Pedestrian Safety Improvements

- 2.1.181 TfL guidance for Transport Assessments recommends that Active Travel Zone assessments are carried out to understand the context of the development. These assessments aim to understand the local characteristics and identify any potential improvements required to encourage active travel.
- 2.1.182 The applicant has undertaken an active travel zone (ATZ) assessment on routes to key destinations in the area such as rail stations, schools, etc. Whilst these existing routes are of good quality, potential improvements have been identified on some routes. These include providing additional tactile paving, footway connections to the site, and improving surface materials and lighting on some of the routes surveyed.
- 2.1.183 As part of the previous dismissed appeal scheme a financial contribution was secured as part of the previous scheme to undertake a wider feasibility study and to introduce pedestrian safety and cycle improvements in the area. This is relevant to the current scheme and should be incorporated into the heads of terms for any forthcoming legal agreement. Officers have included this in the recommended heads of terms.
- 2.1.184 Overall, in light of the above transport and highways considerations, it is considered

that sufficient information has been provided to support the scheme on transport grounds. A full suite of conditions and obligations in line with those agreed on the dismissed appeal scheme are recommended to ensure that suitable details and subsequent mitigation is secured so that the development has an acceptable impact on the Local Highway Network, whilst promoting and improving upon sustainable transport initiatives in line with objectives of the Mayor's London Plan 2021.

## Environmental Considerations

### Energy / Sustainability

2.1.185 London Plan (2021) Policy SI2 (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

London Plan Policy SI2 (Minimising Greenhouse Gas) requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund.

2.1.186 Part of the Good Growth principle of the London Plan (2021), as specified by Policy GG6 (Increasing efficiency and resilience), seeks to ensure that London becomes a more efficient and resilient city, and those involved in planning and development must:

- (A) Seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero carbon city by 2050;
- (B) Ensure buildings and infrastructure are designed to adapt to a changing climate;
- (C) Create a safe and secure environment; and
- (D) Take an integrated and smart approach to the delivery of strategic and local infrastructure.

2.1.187 Policy SI3 (Energy infrastructure) requires Major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system:

1. The heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
  - a) Connect to local existing or planned heat networks,
  - b) Use zero-emission or local secondary heat sources (in conjunction with heat pump, if required),
  - c) Use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network),
  - d) Use ultra-low NOx gas boilers

2. CHP and ultra-low NOx gas boiler communal or district heating systems should be designed to ensure that they meet the requirements in Part B of Policy SI 1 Improving air quality.

3. Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.

2.1.188 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 Mayors 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.

2.1.189 The application is accompanied by a Sustainability and Energy Statement (dated: Ref: FAIZ3009; dated: September 2023, rev B) produced by Turley Sustainability and ESG. The report provides a summary of the sustainable design measures incorporated into the proposals to ensure suitable levels of sustainability performance in accordance with national, regional and local planning policies.

2.1.190 The Energy Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development site will be constructed to comply with Part L 2021 (adopted 2022) of the Building Regulations and in line with the London Plan (2021) target to achieve a minimum 31% CO2 reduction over the Part L baseline using the new draft SAP10.2 carbon factors.

2.1.191 The development will reduce regulated CO2 emissions by incorporating a range of passive design and energy efficiency measures for all buildings, including improved building fabric standards beyond the requirements of Part L of the Building Regulations and energy efficient mechanical and electrical plants. After reduction of the energy demand, the strategy proposes implementation of an Air Source Heat Pump (ASHP) system connected to a site-wide district heating network which will supply hot water and space heating to all residential units.

2.1.192 The regulated CO2 savings for the residential development are expressed in terms of actual and percentage reduction after each stage of the energy hierarchy are presented in the table below. The table below shows that the proposed strategy can achieve regulated CO2 savings of circa 249.1 tCO2 which is equivalent to circa 74% reduction when compared to the baseline. To achieve the zero carbon homes standard, an off-set payment will be made for the outstanding regulated CO2 emissions. The estimated outstanding regulated CO2 emissions for the 30-year period is 88.1 tonnes which equates to circa £249,470.00 of carbon offset payment based on carbon offset price of £95 per tonne.

	Total regulated emissions (Tonnes CO2/year)	CO2 savings (Tonnes CO2 / year)	Percentage savings (%)
<b>Part L 2021 baseline</b>	338		
Be Lean	277.1	60.2	18%
Be Clean	71.2	205.9	61%
Be Green	88.1	-16.9	-5%
<b>Total Savings</b>		249.1	74%
<b>Tonnes (CO2)</b>			
		<b>CO2 savings off-set (Tonnes CO2)</b>	
Off-set		2,626	
<b>Cash in lieu</b>		£249,470.00	

Fig. 24 Carbon Off-set figures

2.1.193 The final calculation for the carbon offset payment will be based on the final carbon calculations of all units following completion. Therefore, this indicative carbon offset figure is likely to change once the as-built results have been calculated. This will be secured via the s106 agreement.

2.1.194 The Councils Energy Officer has reviewed the Energy Strategy and has not raised any objections. They have noted:

- that the development would meet and exceed the Building Regs Part L 2021 target
- The proposed energy efficiency (Be Lean) measures result in a carbon emissions reduction of 18% (target 10%) for residential and 16% (target 15%) for non-residential. This meets the requirement of London Plan policy SI2, which requires that residential developments should achieve 10% and non-residential 15% reduction through energy efficiency measures
- The development design has demonstrated that a 'fabric-first' approach has been taken, prioritising energy efficiency measures in line with the Mayor's Energy Hierarchy.
- The development design has utilised an efficient district heating network, which is desirable, both in terms of Barnet's and the GLA's long-term aims.

2.1.195 Overall, the Council's Energy Officer raises no objection and is satisfied that the proposed development meets the requirements of Barnet's Local Plan and London Plan Policies SI2, SI3, SI4, on the condition that a carbon offset payment is secured, to reach net-zero emissions.

2.1.196 The GLA have confirmed in their stage 1 response that the energy strategy could be compliant with the London Plan 2021 policies however, that the applicant is required to submit the additional information to demonstrate policy compliance. They consider the energy strategy to be broadly acceptable however further information is required in relation to the Be Lean target, overheating, mechanical cooling, future-proofing for connection to district heating, PV and heat pumps.

2.1.197 The additional information requested by the GLA has been provided to the Council,

including:

- Example SAP DER and TER worksheets, detailing the Be Lean assumptions and energy demands.
- Be Lean BRUKL, detailing the modelling assumptions and energy demands.
- Details of estimated energy costs to occupants and outline how they are committed to protecting the consumer from high prices.
- Evidence of correspondence with local stakeholders regarding possible district heating networks
- Schematics/plans of how the centralised energy centre/heat network will function, with details on how future expansion and connections could work.
- Details of roof layout with Photovoltaic panels and further details on the heat pumps (ASHP system).

2.1.198 Officers raise no objections to the revised information, however it will be for the GLA Stage 2 review to determine the acceptability. The GLA have also recommended a Be Seen Energy Monitoring obligation, which will be secured by S106 legal agreement.

#### BREEAM

2.1.199 As the development is characterised as a “major” development, it is required under SPA Sustainable Design and Construction, that BREEAM standards be met. Under Council policies DM01 and DM02 it is required that non-residential developments meet a target of BREEAM ‘Very Good’.

2.1.200 In support of the application the applicant has supplied a draft BREEAM assessment which has been considered by the Council’s Energy Officer. They are satisfied that the scheme is on track to achieve at least ‘Very Good’ standard, as required by Barnet’s Local Plan. However, the final assessment will need to be submitted at a later stage and this is to be reserved by planning condition.

#### Air Quality

2.1.201 Policy SI1 of the London Plan (2021) states that:

- 1) Development proposals should not:
  - a) lead to further deterioration of existing poor air quality
  - b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits
  - c) create unacceptable risk of high levels of exposure to poor air quality.

And that:

2) In order to meet the requirements in Part 1, as a minimum: a) development proposals must be at least Air Quality Neutral

2.1.202 In support of the application, the applicant has provided a Planning Stage Air Quality Assessment Report (Ref: 6761\_002R\_3-0\_AG; Version 3.0; dated 19 September 2023) produced by Anderson Acoustics. The air quality neutral and positive assessment within this report concludes the development is considered as ‘air quality neutral’ and ‘air quality positive’. Air quality positive measures include provision of secure cycle storage and use of air source heat pumps and electrical boilers for both

space and water heating.

- 2.1.203 Environmental Health have considered the contents of the report and are satisfied in principle with the findings, however, further clarifications have been sought regarding the transport considerations in connection with air quality neutrality. As per the dismissed appeal scheme, Officers recommend a condition requiring an air quality neutral assessment to be submitted and agreed in writing by the Local Planning Authority, in consultation with Environmental Health.

#### Contaminated Land

- 2.1.204 In support of the application, the applicant has provided a Supplementary Geoenvironmental Interpretative Report and Revised Remediation Strategy document (Ref: CG/28938; Revision 3; dated: September 2023) produced by Card Geotechnics Limited. The site has been the subject of previous applications which have been approved and subsequently a degree of remediation of the site has taken place already, in accordance with previously agreed details. This latest report provides the background and a remediation strategy that takes into account what has already been remediated already. The Council's Environmental Health team have considered the contents of the report and have recommended that the second part of the Council's standard condition for contaminated land be applied to any grant of planning permission. The second part requires that remediation be carried out in accordance with the remediation strategy within the submitted document, and for this to be documented and verified by a validation report submitted for consideration by the Council. Officers consider this to be reasonable and proportionate, and therefore a condition is attached to this recommendation.

#### **Flood Risk / SUDs**

- 2.1.205 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDs) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".
- 2.1.206 The application is supported by a Flood Risk Assessment (report ref: 2305200-R01B-FINAL; Rev. B; Dated: September 2023) produced by Ardent Consulting Engineers. The report identifies that the entire red line boundary and wider masterplan site is shown to be within Flood Zone 1, and therefore at low risk of fluvial/tidal flooding. Accordingly, the Site is not required to undergo the Sequential and Exception Tests.
- 2.1.207 There is a culverted section of the Shirebourne Brook which passes under the site. The start of the culvert is approximately 1km west of the Site with the outlet approximately 30m east of the site. The position of the outlet is the start of the EA main river, while upstream it is an ordinary watercourse. While the site is shown on the EA mapping to be in Flood Zone 1, there is still a risk associated with flooding from the culverted section of the watercourse.
- 2.1.208 A Culvert Flood Risk Note (2021) was produced by Stantec as part of the previous development proposals refused in 2021. The technical note assessed the impact of flooding to and from the site during a 1 in 1000-year event (fluvial) and concluded

that the culvert posed a low/negligible risk of flooding to the red line boundary and wider masterplan site.

2.1.209 As the proposed development associated with this application is similar to the previous design, retaining previous mitigation measures but with a reduction in the number of properties, it is concluded that the fluvial and pluvial flood risk associated with the Shirebourne Culvert is low.

2.1.210 The Lead Local Flood Authority (LLFA) have considered the information submitted with the application and have requested further information in respect of the drainage strategy design. Further clarifications have been provided by the applicant which are being considered by the LLFA. Any further comments received from the LLFA, including suggested conditions, if applicable, will be reported in the Addendum to this report.

### **Landscaping, Trees and biodiversity**

2.1.211 Paragraph 131 of the National Planning Policy Framework (2023), Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012) all recognise the importance of green infrastructure in the enhancement of biodiversity, sustainable urban drainage, responding to climate change, and enhancing both character and amenity of places, collectively delivering sustainable development. Policy G6 (Biodiversity and access to nature) of the Mayor's London Plan (2021) requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain.

2.1.212 London Plan (2021) Policy D8 (Public Realm) states that development proposals should explore opportunities to create new public realm where appropriate. Proposals should also ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable.

2.1.213 Policies CS4, CS5, CS7, DM01, DM02 and DM15 of the Barnet Local Plan 'Core Strategy' and 'Development Management Policies' (2012) align with the principles of the above London Plan policy – i.e. recognising that high quality, open and attractive outdoor public and communal spaces provide many leisure, recreational and health benefits thereby being essential to healthy, sustainable places and communities. The benefits are further reinforced the Council's Green Infrastructure SPD (2017).

#### Trees

2.1.214 The application is supported by a Tree Survey and Impact Assessment Report, Tree Constraints Plan and Tree Protection Plan. The documents and plans demonstrate the existing trees adjacent to the site will be retained throughout and no trees within the site are to be removed (largely because it is a hard-surfaced site with no trees).

2.1.215 The Council's Tree Officer has reviewed the arboricultural submissions and is satisfied with the details provided.

2.1.216 Overall, subject to conditions and the heads of terms for the Section 106 agreement, Officers are satisfied that the scheme would align with the greening and tree retention objectives of DM01 of Barnet's adopted Development Management Policies DPD

(2012) and Policy G7 of the Mayor's London Plan (2021).

### Landscape Design

- 2.1.217 London Plan policy G5 expects major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The policy expects Boroughs to identify an appropriate amount of urban greening but in the interim recommends a target score of 0.4 for predominately residential developments.
- 2.1.218 The scheme provides a satisfactory level of greening in and around the site for both public and private use, which will both enhance and soften the built forms. The landscape design proposals have demonstrated that the development will achieve an Urban Greening Factor 0.4 – as detailed in the Landscape Design Section of the Design and Access Statement.
- 2.1.219 The Council's Tree Officer has considered the landscape design submission and raises no objections in principle, and they are content that the scheme achieves an Urban Greening Factor in accordance with policy. They have recommended some minor amendments with regards to planting specification, noting that there is a lack of diversity with the proposed tree genus. More specifically, they have commented that there are large numbers of Sobus, Acer, Amelanchier, Pyrus and Cornus; and thus, that some additional species would be of benefit to aid climate change resilience and hedge against pest and disease. The Tree Officer has suggested that Sophoria, Morus, Ostrya, Magnolia, Eucryphia, and Cercis might be more suitable species for the scheme. In further discussions with the Tree Officer, it has been agreed that notwithstanding the details shown in the submitted landscaping plans, the planting details can be reserved by condition.
- 2.1.220 Another point raised by the Tree Officer was the importance of the raised tree planter specifications. They need to be designed in a way that allows for irrigation and also ensures that that the roots of the trees do not damage the sides of the planters. The Tree Officer has recommended that the details of these planters can be reserved by planning condition.
- 2.1.221 As such, subject to conditions requiring final details of landscaping specification, maintenance, and raised planter design, Officers are satisfied that the development would align with the urban greening objectives of London Plan (2021) Policy G5 and the character and appearance aspirations of Barnet Local Plan Policy DM01.

### Ecology / Biodiversity

- 2.1.222 Paragraph 180 of the NPPF (2023) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021 seek to ensure that development proposals manage impacts on biodiversity and aim to secure net biodiversity gain. Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012) broadly aligns with these policies in principle, as does Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 22).
- 2.1.223 In support of the application the applicant initially provided an Ecological Appraisal (Ref: 5826 UEcA vf1 ND/CL; dated: September 2023) produced by Aspect Ecology. The document sets out the previously identified ecological constraints of the site from June 2021 – concluding that the site offers extremely limited opportunities for



protected species and no evidence of any such species was recorded during the survey work. Further, it stated that the proposals will minimise impacts on biodiversity and that subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm.

2.1.224 The Council's Ecologist reviewed the report and recommended that further information be requested prior to the determination of the application. It was advised that an updated ecology site visit was required to inform the validity of the submitted Ecological Assessment (Aspect Ecology, September 2023) as the report only refer to the previous ecological survey that had been undertaken between October 2020 and May 2021 (Updated Ecological Appraisal, Aspect Ecology, 18<sup>th</sup> June 2021, 5826 UEcA vf1 ND/CL). The applicant's Ecologist undertook the further work and provided an updated report. It concluded that the findings of the previous report were still valid. The Council's Ecologist reviewed the updated document and raised no objections. As such, Officers are satisfied that the development would not unacceptably compromise any protected species and/or habitats on, or adjacent to the site.

2.1.225 In respect of Biodiversity Net Gain, the Council's Ecologist noted that an assessment for this was absent from the submission. They requested that the applicant provide an assessment before the planning application is determined. In response the applicant supplied a Biodiversity Net Gain assessment (Aspect Ecology, November 2023) which concluded that it would be possible to achieve a Biodiversity Net Gain of +3.78 (41.46%) habitat units on site. In addition the report also demonstrates that there will be a calculated net change (gain) of +0.90 hedgerow units, which is an improvement above the existing, given that there are no existing hedgerows within the application site.

2.1.226 The Council's Ecologist is satisfied with the findings of the BNG assessment and has recommended that a Biodiversity Gain Plan condition is attached to the recommendation secured by planning condition in order to secure further details of:

- arrangements for maintenance and monitoring of habitats enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which will be maintained for at least 30 years after the development is completed).
- how the biodiversity gain hierarchy will be adhered to, and where to the extent any actions in that hierarchy are not followed, the reason for that;
- the relevant date for the purposes of calculating the pre-development biodiversity value of onsite habitats
- pre-development and post-development plans —
  - showing the location of onsite habitat;
  - drawn to an identified scale and showing the direction of North;
  - and
- Arrangement for compensation for any impact the development onsite has on the biodiversity of the irreplaceable habitats.

2.1.227 This is considered both reasonable and necessary to ensure that Biodiversity Net Gain is achieved and sustained on site in line with the statutory requirements of The Environment Act 2021.

2.1.228 The Council's Ecologist queried the potential of the path being closed along the eastern border of the site (bordering Victoria Recreation Ground) in order to allow for

improvement and enhancement of the woodland. However, the applicants provided clarification that the path is an existing route within the Council's ownership. The Greenspaces team have not suggested its removal as part of their comments, and practically it allows for better pedestrian manoeuvrability around the edge of the Recreation ground, and will be linked up with the development. A query was also raised about the proposed native species composition of the green roof, in respect of its impact on the Defra Metric 4.0. Officers are satisfied that this matter could be clarified as a matter reserved by condition, along with the other related conditions in respect of landscaping and biodiversity.

2.1.229 The Council's Ecologist has recommended conditions for:

- ensuring that the development is carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (PEA) (Aspect Ecology, November 2023).
- An Invasive Species Removal Plan to mitigate the potential risk of spreading this highly invasive Japanese knotweed (*Fallopia japonica*) Schedule 9 listed plant species (Wildlife and Countryside Act 1981 (as amended) offsite.
- A Bat Sensitive Lighting Strategy to sufficiently mitigate the risk of negative light spill disturbing bats in and around the site (The lighting strategy will be required to demonstrate that the artificial lighting scheme will be compliance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.)
- Biodiversity Enhancement Plan to outline the location, specification, and orientation of ecological enhancement features such as integrated bat roost boxes, swift nest boxes, bird nest boxes, hedgehog homes, insect hotel, hibernaculas and biodiverse plantings

2.1.230 The above conditions are considered both reasonable and necessary in the interest of securing biodiversity net gain in biodiversity and a series of measures and means that will conserve and enhance ecology and biodiversity on site, in line with national, regional and local policies.

2.1.231 Overall, subject to conditions, Officers are satisfied that the scheme would accord with Paragraph 180 of the NPPF (2023) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021; Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012); and, Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 22).

## **Fire Safety**

2.1.232 Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development, before it has obtained planning permission and thereby before any building control application is made.

2.1.233 Of relevance to the policy concerning fire safety in planning, a recent Written Statement (24 October 2023) from the Secretary of State for the Department for

Levelling up, Housing and Communities informed of upcoming changes to the Building Regulations Approved Document B (concerning fire safety) in respect of the number of staircores required in new buildings and the height thresholds for which this would apply. The statement identified that the threshold would be 18 metres (building height) and that there would be a transitional period of 30 months from when the government formally publishes and confirms the changes to Approved Document B. At the time of writing, the proposed changes to Approved Document B have yet to be confirmed.

- 2.1.234 In support of the application an Outline Fire Safety Strategy (Ref: AF2076; Dated September 2023; produced by Ashton Fire); and at the request of the HSE Planning Gateway One consultee, a Fire Statement (20/09/2023, produced by Ashton Fire) have been submitted.
- 2.1.235 In respect of the Written Ministerial Statement's proposed changes to Approved Document B, the buildings have been designed to take account of this. Further it is worth noting that the only building that these requirements affect is Building A, the rest fall under the threshold.
- 2.1.236 It is noted that the London Fire and Rescue service raised some concerns in respect of the evacuation lift strategy of the proposed development, however, following further clarification from the applicant's Fire Safety consultants and subsequent consultation with London Fire and Rescue service, it is evident that the scheme would not fail the fire safety requirements Approved Document B, and thus, would not be substantive reason to object to the application. The proposed strategy complies with the relevant policy and guidance available, and the final details of this will be addressed at the Building Control regulatory stage.
- 2.1.237 The Council's Building Control Team were consulted on the application and raised no objections. HSE's Planning Gateway One team were also consulted and advised that they are content with the fire safety design as set out in the project description. They have suggested that there may be changes necessary at the Building Control regulatory stage, but that these changes are unlikely to affect the land use planning considerations, and thus, it is acceptable to proceed in planning terms. In the interest of certainty it is recommended that a condition is attached to the planning permission requiring a final fire strategy document be submitted and approved in writing by the Local Planning Authority, in consultation with the London Fire and Rescue Service, Local Authority Building Control team and the HSE's Planning Gateway One team.

### **Skills Employment Education & Training**

- 2.1.238 Policy CS15 of the adopted Barnet Local Plan Core Strategy (2012) establishes that the Council will use planning obligations, where appropriate, alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of development.
- 2.1.239 With regard to skills, employment and training opportunities, the Council's adopted Delivering Skills, Employment, Enterprise and Training from Development through S.106 SPD (2014) provides the method for calculating the number opportunities (i.e. jobs, apprenticeships, local labour/materials, work experience etc) that a proposed development should deliver, based on the construction value of the scheme. This scheme has an estimated build cost of approximately £90.5m, which initially yielded the following non-financial contribution outputs:

Part 1a - Non-financial obligations	Outputs
a) Progression into Employment (unemployed under 6 mths)	9
b) Progression into Employment (unemployed over 6 mths)	6
c) Apprenticeships (min NVQ Level 2)	15
d) Work Experience (min 10 days)	20
e) School/College/ University Site Visits	181
f) School/College Workshops	100
g) Local Labour	20%
h) Local supplier requirements	2

Number of Affordable Residential Units (as per Planning Application)	TBC
<b>Part 1b - Construction Training Initiative (CTI)</b>	Applicable

Number of End use jobs (as per Planning Application)	5
<b>Part 1c -Local Employment Agreement (LEA)</b>	Applicable

*NOTE: Refer to SPD-SEET (Oct 2014), LEAs, page 10*

2.1.240 The Council's s106 Employment & Skills Officer has agreed a reduction in some of the above figures taking into account the agreed terms of the previous dismissed appeal scheme and the fact that this is a policy compliant 35% affordable housing scheme. Instead, it has been agreed that the developer will secure delivery of:

- A minimum of 7 apprenticeships
- 20 work experience places
- 4 progressions into employment (less than six months)
- 3 progressions into employment (more than six months)
- 181 school, college or university visits
- 100 school or college workshops
- 1 end use job to local residents
- 2 supported internships

2.1.241 In the event that the above is not secured, then the Council's s106 Employment & Skills Officer has set out a scheme of financial in lieu payments, which will be secured within the Section 106 agreement.

2.1.242 Officers are satisfied that sufficient terms have been agreed to ensure that Skills Employment Education & Training opportunities will be secured in connection with the proposed development. As such, the proposals, subject to a Section 106 agreement, will meet the requirements and objectives of Policy CS15 of the Barnet Local Plan Core Strategy (2012).

### **Health and Social Infrastructure Impact**

2.1.243 It is noted that a number of objections received in response to the planning application referenced the impact on health and social infrastructure of the local area.

#### Access to Education

2.1.244 In respect of access to education, there were concerns raised about a lack of school places for children within the existing community and future residents of the scheme. It is well publicised in the media and through a recent publication on the House of

Commons Library<sup>5</sup> that pupil numbers are starting to fall in primary schools, with London having a higher vacancy rate compared to nationally.

2.1.245 The Health Impact statement submitted with the application states that there would be sufficient capacity within the Borough to accommodate the existing and future population. The application was consulted on with the Council's Schools and Education team who have advised that Barnet School admissions has experienced localised pressure in this area. They have advised that there is concern about the availability of school places within a safe statutory walking distance from the proposed development at present. They also advise that the proposed development falls into School Place Planning Area 6 (PA6), for which it is forecast that there will be a reduced demand over the next five years, although, the demand is expected to increase again towards the end of the decade. Officers acknowledge the concerns of the Council's Schools and Education team, however this is an existing issue that has not been created by the proposed development. Whilst the development will inevitably have an impact on the availability of school places when it is constructed, Officers consider it probable that the build-out and completion time of this development is likely to fall within the reduced demand period. Furthermore, the CIL contributions provided by the development will cover improvements and funding to education provision within the area and wider Borough. It is important to note that there is unpredictability in education-need forecasting, determined by forces that are outside of the Planning authorities control (e.g. families moving in and out of the area; fluctuation in birth rates, and the flexibility of schools to adjust their resources within acceptable limits). On this basis, it is considered that CIL is a suitable and proper means of mitigation for the development, and therefore, there would not be sufficient grounds to warrant a refusal of the scheme on this matter.

#### Access to Health

2.1.246 As noted in the consultee comments section of this report, the NHS London Health Urban Development Unit (HUDU) responded to the consultation on the application. They have considered the Health Impact Assessment submitted with the application and acknowledge the conclusion of the assessment: that the overall impact on health will be positive with no negative impacts identified and with mitigation methods specified where the impact is deemed to be neutral. The HUDU confirm that the HIA is considered to be sufficiently robust and the proposed methods of mitigation are effectively reflected in the Planning Statement, Design and Access Statement and other supporting documents submitted with the application. They have recommended that the mitigation methods outlined are controlled by planning condition so that implementation can be effectively monitored and enforced post development. Officers note this recommendation, a consider that a specific condition for this is not necessary as the majority of the recommended mitigation measures within the report will already have been reserved by planning conditions and obligations (e.g. dust control measures controlled by Demolition construction management plans; overheating addressed by mechanical ventilation; promotion of healthy cycling and walking initiatives addressed by a Travel Plan obligations etc); or, which are fundamentally part of the proposed development, which will be secured by the developments approval - should Members be minded to approve the application.

2.1.247 Notwithstanding the HUDU's comments above, they have also requested a sum of

---

<sup>5</sup> Falling pupil rolls in England and school closures in London; House of Commons Library (2<sup>nd</sup> June 2023), available at <https://researchbriefings.files.parliament.uk/documents/CDP-2023-0115/CDP-2023-0115.pdf>

£1,437,905.00 towards the estimated capital costs of mitigating the impacts of the development on local health services. Officers consider the request to be disproportionate and unnecessary as a sum of this amount would undoubtedly compromise the development's ability to provide an affordable housing compliant scheme. The Council is not intending to implement a tariff style s106 regime, and it is considered that the infrastructure impacts of this development on the health are best addressed through the Community Infrastructure Levy. The Council has recently revised the amount of its Community Infrastructure Levy charge from £135 to £300 per sqm for residential development. The intention of this increased amount was to simplify the Section 106 process and ensure that a greater sum of money can be secured to address the infrastructure impacts of development, instead of securing a large and complex range of financial contributions towards each matter. Contributions towards health impacts have been taken into account in the CIL charge, and for that reason Officers consider that the contribution requested is unjustified.

2.1.248 Notwithstanding the above, as an alternative to a specific contribution, the applicant has proffered the NHS HUDU first refusal of the Class E space within the development, for use as a community health facility. At the time of writing the NHS HUDU have responded favourably to this offer, however, wish to discuss the terms of this further with the applicant and Council. As such, the exact terms of this arrangement will be agreed at the formal S106 drafting stage. Irrespective of whether a suitable agreement is reached by either party, it is considered that suitable mitigation against access to local health infrastructure will be provided through the CIL process.

## **Planning Obligations & CIL**

### Planning Obligations

2.1.249 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.

2.1.250 In accordance with development plan policies the list of obligations as set out in the heads of terms at the beginning of this report; are required to be secured through a legal agreement with the developer. If permission were granted it is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.

### Community Infrastructure Levy (CIL)

2.1.251 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £300 per square metre. As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential under-croft car parking areas).

2.1.252 Pursuant to the Table 1: Mayor of London Community Infrastructure Levy 2 Charging Schedule, April 2019 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £60 applies to the application. 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).

## **Equality & Diversity Issues**

2.1.253 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."

2.1.254 For the purposes of this obligation the term "protected characteristic" includes:

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

2.1.255 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 these proposed amendments will comply with the Council's statutory duty under this important legislation.

2.1.256 The sites are accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

2.1.257 A minimum of 10% of units will be wheelchair adaptable across the development.

2.1.258 As per the parent applications, the proposals continue to include level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

2.1.259 The proposals are therefore considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

2.1.260 Overall, it is considered that the proposals do 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.

## **Planning Balance**

2.1.261 In light of the above, the proposed development, generally and taken overall, accords with the relevant plan policies, satisfying exceptions where appropriate. The principle of development is established by the previous extant permission, and also previously dismissed appeal scheme (i.e. the principle was not a matter that was disputed), and thus, the redevelopment of the site and provision of a residential-led mixed use scheme on this site remains both appropriate and acceptable.

2.1.262 Officers consider that the applicants have carefully considered the concerns of the Appeal Inspector in the dismissed appeal scheme, and during the lifetime of the application have also taken into account the feedback from various Council and Statutory Consultees, to arrive at a design-led development that optimises the use and density of the site.

2.1.263 The design is much improved, with acceptable building heights and architectural forms and styling that would not be demonstrably out of keeping with the character and appearance of the site and surrounding area of New Barnet – and also when taking account of what has previously been approved.

2.1.264 The amenity impacts on existing neighbouring occupiers are not demonstrable to extent that would warrant a reason for refusal on such grounds. Whilst it is acknowledged that overheating remains an issue for all existing and future developments, it is considered that the proposed scheme here satisfactorily meets current policy requirements in this regard, providing sufficient mitigation measures across the cooling hierarchy. In terms of space standards, outdoor amenity space, childrens' playspace provision, access to sun light and daylight, the scheme provides a good standard of accommodation, which is notably improved over the previously dismissed appeal scheme. Noise impacts from the railway line is an unavoidable issue, however, it should be taken into account that suitable mitigation has been proposed, and also that it is not uncommon for residential developments to be constructed in close proximity to railway/road infrastructure where noise may be an issue. The extant scheme previously allowed homes to be constructed along the same boundary, for which there would have been similar noise impacts. Arguably, the current scheme, albeit comprising of flatted blocks, offers better mitigation in design against this. It would not have been as practical to provide the same degree of mitigation in the domestic scale houses. Officers are therefore satisfied that that the scheme is an improvement over the extant and dismissed schemes.

2.1.265 As per the previously dismissed appeal scheme, where there are impacts such as to the functioning of the highway network, the scheme includes a comprehensive set of improvements to maintain the functioning of the local highway and pedestrian network, secured through s106/s278 planning obligations. This is part of a full range of planning contributions (e.g. local employment agreements, open space enhancements) to mitigate the scheme's impacts, as well as CIL charging to address infrastructure impacts. Most significantly, the scheme will deliver 420 homes, with a satisfactory mix of 1 bed, 2 bed, 3 bed and 4 bed units, and 35% on-site affordable housing provision, in compliance with both London and Local Plan policies. The New Barnet Town Centre Framework (2010) emphasised its aspirations for the gas works



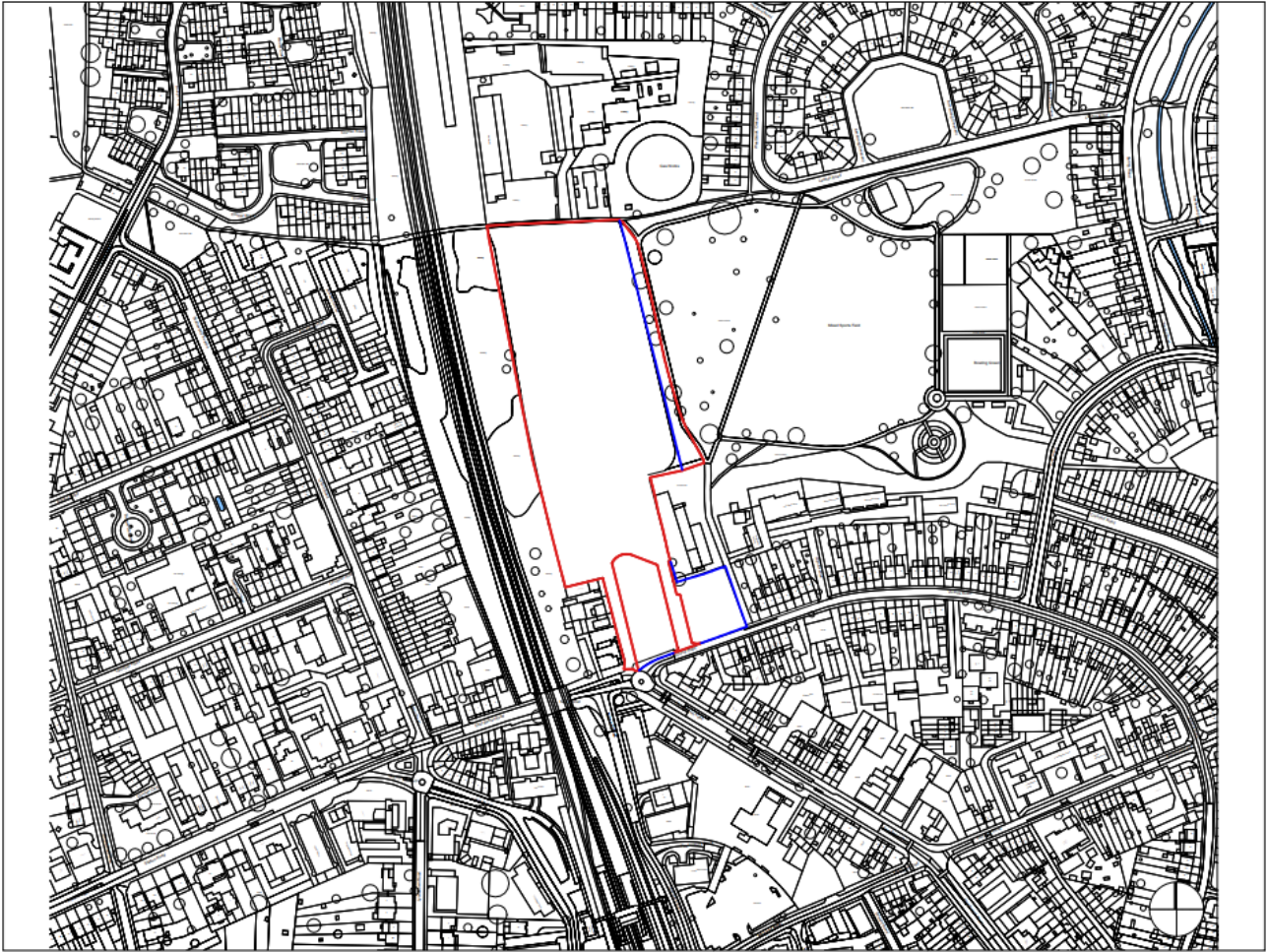
site at Albert Road to be of high-quality design, good public access and contributory to the overall town centre's improvement. With all of the additional residents that the proposed scheme will bring, the desired enhanced evening economy objective (particularly focused on a food and drink cluster around the junction of East Barnet, Victoria Road and Approach Road) will be achievable and sustained for the future.

2.1.266 Overall, the scheme is policy compliant, and whilst this does not mean that negative environmental impacts like overheating and noise will be totally eliminated, it is considered that the benefits from the scheme, on balance, would outweigh the negative impacts. For the reasons examined above, the scheme is considered to be acceptable, subject to the recommended financial and non-financial obligations secured by a S106 agreement, and the recommended planning conditions attached to this report.

### **Recommendation**

2.1.267 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 a Stage 2 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(s):**



**APPENDIX 2:  
20<sup>th</sup> FEBRUARY 2024 – ADDENDUM TO OFFICER REPORT TO COMMITTEE**

## STRATEGIC PLANNING COMMITTEE

20<sup>th</sup> February 2024

### ADDENDUM TO DIRECTOR OF PLANNING AND BUILDING CONTROL'S REPORT

**Agenda Item No. 8**

**23/2868/FUL– Ravensfield House, Fenella Buildings, 1 - 3 Burroughs Parade And 3 Egerton Gardens, The Burroughs, London, NW4 4BD**

**Pages 111 - 197**

166 additional letters of objection were received following the publication of the agenda; and prior to the publication of the addendum. It appears that a large number of the objections have also been directly sent to members of the SPC by email.

A large number of the objections concern the impact of the proposal on parking for members of Hindu Chinmaya Mission UK, as a result of increased use of the boroughs car park, which is used by members of the congregation for parking, along with local churches. Views have also been expressed regarding the design and bulk of the proposed buildings; and, the occupation of the area by Middlesex.

Other comments are summarised as follows:

Residents overwhelmingly oppose the project, citing issues such as the adverse impact on the setting and experience of the area, inadequate provision for community services, unrealistic car-free conditions, and doubts about the motivations behind raising funds through the Mayoral Community Infrastructure Levy. Other concerns include the lack of parking provisions, inadequate play and amenity spaces, and a perceived disregard for community preferences, as highlighted in the Statement of Community Involvement. Additionally, there are worries about the potential increase in person trips, lack of a flood risk report, and concerns about over-densification in the Ravensfield/Fenella site. Overall, the comments reflect a widespread lack of support for the proposed development.

Officer Comment:

Most of the above are addressed in the report, the Burroughs car park is a Council owned car park for the use of members and officers which is currently informally used by neighbouring organisations at the weekend, however there is no automatic right for the public to use it. It is also noted that there is no change from the previous schemes which the Strategic Planning Committee of the 10<sup>th</sup> January

2022 previously considered. In relation to the other concerns raised, there is no change in car parking numbers for the university over the existing arrangements, and any unauthorised car parking is addressed through CPZ reviews. English Heritage did not object to the proposals at Hendon library but did identify less than substantial harm in relation to the Ravensfield and Fenella application, which is discussed in the report. The Council's heritage officer has also raised no objections to either scheme. Other matters such as landscaping, energy and the scale and form of the development are addressed in the Officer report.

**Agenda Item No. 9**

**23/3964/FUL – Land formerly known as British Gas Works, Albert Road, New Barnet**

**Pages 199 - 338**

- 1. Page 234, insert the following EA recommended Informative** (*Note: The informative is already referenced within the report, under the External Consultees section*):

38. EA Informative

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: • on or within 8 metres of a main river • on or within 8 metres of a flood defence structure or culvert including any buried elements • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm GMT) or by emailing [enquiries@environment@agency.gov.uk](mailto:enquiries@environment@agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 2. Page 257, under Sustainable Drainage consultee heading, insert the following:**

Follow up comments (15.02.2024), following receipt of additional information:

We have reviewed the information provided and can recommend approval for the proposed development, subject to conditions.

- 3. Page 276, insert following comments from Federation of Enfield Residents' & Allied Associations.** *(Note: comments were originally summarised within the public objection summaries of the Officer report):*

**Federation of Enfield Residents' & Allied Associations**

These further proposals for developing this site breach a number of important planning restrictions and quality of living conditions. We therefore find them unacceptable as described below, and strongly advocate refusal:

Executive Summary of reasons for refusal:

1. The proposed site is unacceptably dense through over-development in footplate and elevation. Economic viability arguments advanced by Fairview to justify what will inevitably total 500+ units are unacceptable. Fairview knew from the outset what remediation was required, and has used economic viability to justify overdevelopment, and has consequently degraded the size and quality of units planned.
2. The mix of units does not profile the needs of Barnet. So many small units favour economic migrants from inner London over a contribution to family accommodation for those in need in Barnet – the council's first priority. Loose talk of meeting borough targets is secondary and cannot be allowed to justify over-development to minimise standards.
3. Local primary health services cannot support a further 1000 residents in this locality. GP's patient lists are already over quota by 20%. Adding more will simply degrade public health services, and place more pressure on local hospitals. Asserting that funds will be made over to remedy GP coverage is a false offer, the NHS has no means of increasing GP services across North London. Money is no convincing answer, doctors just do not seek GP engagement in sufficient numbers - Enfield is short of 60 GP's and has been so for several years for this very reason.
4. Overheating is forecast in so many of these units, a function of bad design which, being so dense, cannot afford proper natural ventilation. This is intolerable. Units have been inserted casually to make numbers, with very negative effects.
5. No adequate effort has been made to suppress the noise from intercity trains passing at 100 mph. Bunding or fencing is standard in Europe. Without remedy this intrusion is a health and social hazard and is unacceptable, whether mandated by UK building standards or not.

6. Parking has been further reduced vs earlier schemes and will cause stress to residents and neighbours when vehicles spill out to local roads. It is fatuous dogma to assert that public policy will reduce car ownership, it won't. Many intended occupants will require vehicles for front line employment; excluding them would be unjust and counter-productive.

7. The architecture of this development is awful, ultra functional and must be remediated with detail and variety to make it acceptable and compatible with the locality. The current layout cannot be described as other than a harkback to 1960's estate units. It is depressing and need not be so. Lower density is the solution

8 Councillors are advised to consider the National Planning Policy Framework (NPPF) when reviewing this scheme. The NPPF sets proportionate and relatable standards, against which this scheme fails. NPPF urges balanced developments that work and sit well in their environment. This scheme is not compliant with NPPF, owing mostly to density and quality of accommodation.

9. Quality of living is not a remote standard, it is a right and a necessity across all development schemes. The original VQ scheme was much closer to this standard than now proposed, through lower density, better unit sizing, less aggressive architecture, and better compliance with local proportions and public services availability.

Officer Response:

Officers had taken matters raised into account in the overall summaries of objections received. Responses to the matters raised have been addressed, where possible, directly and indirectly in the Officer assessment of the scheme.

**4. Page 276, under Para 2.5.19 Elected Representatives insert the following representation (received after Officer report publication):**

**East Barnet Ward Councillors – Dr Philip Cohen, Edith David, and Simon Radford**

In my view and that of my fellow East Barnet councillors, Simon Radford and Edith David, the current proposals from Fairview for the Victoria Quarter site do not address the real issues of poor design and over-development which were highlighted in the Planning Inspector's 2022 rejection of the previous scheme for 539 homes. The inspector accepted our view that the sheer scale of the plans was at odds with the largely suburban streetscene of the local New Barnet area. In his words, "Overall, I consider that the sheer scale of the proposed development would cause a dislocation within the area, inserting an alien typology of larger mass and scale and disrupting any sense of continuity between the areas to the west and east of the site," he said.

We do not believe these current proposals fundamentally change that scenario, although the developer has reduced the numbers to 486 units (including the blocks currently being built) and increased affordability to 35 per cent. We think that to be successful any developer has to take the local community with them and Fairview have signally failed to do that with all of their successive plans. We and the local campaigners have never really understood why the original consented scheme for 371 decent quality homes with a mix of housing and flats was not progressed by the developer. But Fairview wanted to increase the density of the scheme without consultation and in a way that was detrimental to the liveability of the housing.

In this proposal, for example, 45 per cent of the housing would require expensive cooling systems to be installed to meet minimum guidelines on overheating. But there is a significant difference between the 30 per cent of flats in the finger blocks requiring active cooling and the 77 per cent of flats in the London Affordable Rent blocks needing active cooling. The running costs of this would not be included in their rent so they would face higher bills – meaning that the 35% affordable number is, in reality, grossly overstated after costs of running the flats are taken into consideration.

Second, many homes would require mechanical ventilation and heat recovery, which if switched off could cause condensation, mould and poor air quality. This could damage the building fabric and mean serious health consequences for occupants.

Third, 52 flats will have kitchens with no windows despite all the guidelines stating that non-daylit internal kitchens should be avoided wherever possible. The application ignores this non-compliance. Again, 20 per cent of flats would be single aspect whereas the GLA Housing Design Standards state that new homes should be dual aspect apart from exceptional circumstances.

We do not think that we are that far away from a proposal that both Fairview and the local residents could live with. We hope that open-minded engagement could lead to a co-designed solution that would take into account Fairview's commercial need to generate margin and the community's wish to get a development which they could happily support. For these reasons we urge rejection of this application.

#### Officer Response:

Officers have taken these comments into account. Several of the matters raised have been addressed, where possible, directly and indirectly in the Officer assessment of the scheme.

The concerns raised about the costs to the future residents of having to run the MHVR are acknowledged. It is not for the planning system to regulate the cost associated with running such a



system, however, the scheme-wide energy centre strategy has been designed with sustainability in mind, and to meet both the Building Regulation's regulatory requirements, and the GLA's sustainability requirements. The GLA have not suggested that the scheme should be refused on such grounds, and furthermore, there are external influences outside the control of the Local Planning Authority that can influence the future running costs (rise and fall energy/fuel prices) of the future development.

Condensation and mould growth potential in a future development are not matters for the Local Planning Authority to consider in making a decision on this application. Mould and condensation occur as a consequence of poor management of internal ventilation. It will be the building management companies' responsibility to ensure that the MHVR systems are maintained and serviced in accordance with recommended industry standards and it is not for the Local Planning Authority in this situation to assume that they will not act responsibly. Equally, there will be a responsibility on the resident to play their part in managing condensation and mould in their homes by ensuring that they open their windows and balcony doors, or utilise relevant kitchen and bathroom ventilation fans, whenever necessary, to manage condensation build up and any subsequent mould growth.

**5. Page 290, para 2.1.24 insert further clarification to the amenity space provision.**

***Note:** Deleted text is denoted by square brackets and ~~text~~ below. Addition of corrected text is denoted by text below. The minor changes and clarifications to the figures in this paragraph do not materially alter Officers view on the acceptability of the amenity space considerations of the scheme – it provides amenity space in exceedance of standards.*

2.1.24 Within the proposed development, all units have access to private amenity in the form of private balconies or terraces (totalling 5,418m<sup>2</sup>) which falls short of the estimated 6,250m<sup>2</sup> required. Residential amenity quality must be appropriately balanced with design quality, and thus, to ensure that the aesthetic of the proposals are not overly dominated by incongruent balcony and terrace provisions, Officers consider it appropriate to mitigate the shortfall in alternative provisions within the development. As such, provision is made for ~~[4810m<sup>2</sup> (1165m<sup>2</sup> of which is a public through route between the middle of the finger blocks)]~~ 4,055m<sup>2</sup> of communal amenity space for residents equating to a total of ~~[10,228m<sup>2</sup>]~~ 9,473m<sup>2</sup> of amenity space (combining balconies, terraces and community space for the residents). Furthermore, the scheme also proposes ~~[3,940m<sup>2</sup>]~~ 4030m<sup>2</sup> public amenity space (public realm) comprising the public square, the transition to the park and the park boundary in front of the finger blocks (not including the park). The exact configuration and breakdown of the open space strategy can be seen below in the table and accompanying Figure 10. It is evident that there is a satisfactory supply in excess of the amounts required by the Council's SPD, which also

notes at para 2.3.1 that alternative provision for flats “include provision communally around buildings or on roofs”.

<u>AMENITY BREAKDOWN FROM LANDSCAPE DAS</u>		
<u>communal</u>	<u>public</u>	<u>private</u>
<u>170</u>	<u>2095</u>	-
<u>240</u>	<u>305</u>	-
<u>180</u>	<u>1165</u>	-
<u>390</u>	<u>465</u>	-
<u>410</u>	-	-
<u>160</u>	-	-
<u>460</u>	-	-
<u>1030</u>	-	-
<u>1015</u>	-	-
<b><u>4055m2</u></b>	<b><u>4030m2</u></b>	<b><u>5418m2</u></b>
<u>13,503m2*</u>		
<u>*excluding park land of 1075m2 (Council owned)</u>		

**6. Page 297, para 2.1.56 correction to number of units with kitchens with no windows.**

**Note:** Deleted text is denoted by square brackets and ~~text~~ below. Addition of corrected text is denoted by text below. The minor changes and clarifications to the figures in this paragraph do not materially alter Officers view on the acceptability of the proposals.

2.1.56 Whilst the Inspectors concerns over the appeal scheme are acknowledged, it should be noted that this was a minor objection, that cumulatively considered with other amenity concerns resulted in an aggregated reason for dismissing the development on the grounds of amenity. Officers note that several public objections received raise concerns about a number of units within the scheme which contain self-contained kitchens with no access to natural lighting (i.e. they have no windows). This is not contrary to any particular policy, only recommended to be avoided by BRE Guidance. Although it would be preferable for these units to have access to natural light, it is more preferable that natural light access is prioritised for habitable rooms that people spend time in – i.e. lounge, dining and bedroom areas, where it is inevitable that some internal space within the unit may be enclosed. The number of units where there is a lack of naturally lit kitchens equates to approximately ~~16.1% (62 Units)~~ 12.5% (52 Units) relative to the wider scheme is not significant. Further, para

2.1.15 of BRE Guidance is clear that whilst it should be avoided wherever possible, it caveats that where this is unavoidable this room should then be linked to a well daylit room. The majority of the enclosed kitchens within the scheme are linked to daylit living spaces.

#### **7. Page 327, Additional information in respect of Drainage in para 2.1.210**

The Lead Local Flood Authority have considered the revised drainage information (documents: Drainage Strategy Report, Including Waste Water Strategy, produced by Infrastructure Design Ltd, P04 09/02/2024, Doc Ref IDL/947/DS/100 P04; and, 2. Flood Risk Assessment, produced by CityStyle Fairview VQ LLP, February 2024, Doc Ref 2305200-R01C-Final) submitted by the applicant. They consider that sufficient information has been submitted to demonstrate that the development will have an adequate drainage strategy for the site, and to ensure that waste and surface water are suitably managed to avoid unacceptable flooding on and/or adjacent to the site. They have recommended a condition requiring a detailed design of the surface water drainage strategy. Officers acknowledge this request, however consider that the details within the condition they have suggested could be included as an informative as there is already a full drainage and suds strategy condition attached to the recommendation, which will ensure there is a consolidated and co-ordinated approach to the final drainage and suds strategy on site. The scheme is considered to be acceptable in planning policy terms, subject to conditions.

#### **8. Page 234, add the following drainage informative:**

Informative: Detailed design of the surface water drainage

No laying of services, creation of hard surfaces or erection of a building should commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker should thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme should be based upon the principles within the agreed Drainage Strategy Report including waste water strategy prepared by City Style Fairview (ref: IDL/947/DS/100 P04) dated 09/02/2024 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to

accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

e) Temporary storage facilities if the development is to be phased;

f) A timetable for implementation if the development is to be phased;

g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

i) Full details of the maintenance/adoption of the surface water drainage system;

j) Measures taken to prevent pollution of the receiving groundwater and/or surface water. The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

Typically, we would expect the Drainage Strategy to include the following but not limited to:

- A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
- SuDS design input data and results to support the design.
- Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed;
- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
- Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020;
- Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.
- Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- SuDS operation and maintenance plan;
- SuDS detailed design drawings;
- SuDS construction phasing.

The justification of the above is 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 of the Barnet Local Plan (2012), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice

Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

## **9. Additional Comments received in response to the published Officer Report**

### New Barnet Community Association

We have now had a chance to review the committee report and would like to draw your attention to what appears to be a factual error. Item 2.1.17 states:

Although there may be some width shortfalls in some of the living rooms in the “G” Block units, these are very minor deviations from the guidelines (in some cases as much as 0.1m).

As I am sure you are aware the London Plan Housing Design Standards LPG 2023 states:

The main sitting space in a home for up to two people should be at least 3m wide and increased to 3.5m wide in all homes with three or more bedspaces to achieve a functional layout (Para C2.6)

In NBCA’s Appraisal of Design Quality page 19 Fig 24, we have shown one example of a 3 bed 5 person flat with a living room which is 2.9m wide instead of the expected 3.5m minimum. That is 0.6m or 17% below the expected width. We have also checked the other flats in G3 and G4 and the 2.9m width is repeated but is not the narrowest. Plots 455, 459 & 463 in Block G3 and 473, 476 & 480 in Block G4 are actually larger capacity flats (4 bed 6 person) yet have narrower living rooms at 2.7m wide. That is 0.8m or around 22.9% below the expected minimum.

Related to this, the HDS LPG 2023 also states minimum combined floor area of living, dining and kitchen spaces. For a 4 bed, 6 person flat, this should be a minimum of 31 m<sup>2</sup>. The 4 bed, 6 person flats in Block G3 and G4 noted above are 26.1m<sup>2</sup> which is 4.9m<sup>2</sup> or 15.8% below the expected minimum.

We will also carry out a more thorough review of kitchen capacity in these blocks (NBCA Appraisal of Design Quality Fig 23) but expect to find similar shortfalls.

Although this is not exactly new information as it is already contained in NBCA’s submission, we thought you should be aware of these discrepancies.

### Officer Response:

Officers acknowledge the comments received in response to the published Officer Recommendation Report to the Committee. It is accepted that there are some shortfalls from the identified guideline metrics published in the Mayor's Housing Design Standards (2023, London Plan Guidance) in a small number of units within the proposed development. The guidance in this document has been created to assist in interpreting the housing-related design guidance and policies within the London Plan (2021), however the document itself is clear that guidance should not be inferred to mean compliance with the policies. Guidance is created to guide designers in designing the scheme and for decision makers to have a metric from which to assess the scheme against. In essence, it is there to guide, and is not strictly binding (not mandatory). It is for the decision maker to consider the wider benefits of the scheme and determine whether minor shortfalls against these guideline metrics (taken into account with any other potential disbenefits), and ensure that it does not result in an unacceptable and uninhabitable residential scheme. Officers consider, on balance, that the shortfalls do not result in an unacceptable, and uninhabitable residential scheme, and that the benefits significantly outweigh the identified shortfalls. Furthermore, the Greater London Authority, on behalf the Mayor of London, has not raised any objection on residential quality grounds, nor specifically made any reference to any issues in respect of compliance with the London Plan Guidance, Housing Design Standards (2023).

#### **10. Page 322, addition of Officer comments on Wind Microclimate**

##### Wind Microclimate

In support of the application, the applicant has submitted a Wind Microclimate assessment (September 2023 – produced by Urban Microclimate). The document concludes:

- the proposed development is not expected to have any significant impact on pedestrian level wind conditions with regards to pedestrian safety, and conditions in and around the site are expected to rate as safe for all users.
- Pedestrian comfort in respect of windforce is also anticipated to be acceptable
- Main entrances to the proposed development are expected to enjoy suitable conditions for pedestrian ingress / egress.
- Communal and public recreational spaces are generally expected to enjoy suitable conditions for planned activities,

Officers have no reason to disagree with the findings of the Wind Microclimate report, and are therefore satisfied that the development will be acceptable in regards to wind microclimate impacts. The development will accord with Policy D8 and D9 of the London Plan (2021).

**Location** **Whalebones Wood Street Barnet EN5 4BZ**

**Reference:** **23/4117/FUL** Received: 22nd September 2023 **AGENDA ITEM 7**  
Accepted: 2nd October 2023

**Ward:** High Barnet Expiry 1st January 2024

**Case Officer:** **Josh Mclean**

**Applicant:** Hill Residential Ltd and Trustees of the Gwyneth Cowing Will

**Proposal:** Demolition of non listed structures and construction of a single storey studio building (Use Classes F.1 / F.2) along with associated new vehicular access from Wellhouse Lane. Construction of 115 residential houses and apartments (Use Class C3) ranging from 2 storeys to 5 storeys in height. Associated parking spaces, new vehicular access from Wood Street, new landscaping, public open space, play areas, public realm, ecological enhancements and retained area for agricultural small holding. New pedestrian and cycle access points from Wood Street and Wellhouse Lane and restricted emergency vehicle access from Wellhouse Lane (AMENDED DESCRIPTION AND PLANS - SEE COVER LETTER AND DAS ADDENDUM DATED 29/01/24 FOR SUMMARY OF CHANGES)

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Director of Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

### **RECOMMENDATION I:**

The application, being one of strategic importance to London, must be referred to the Mayor of London. As such, any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

### **RECOMMENDATION II:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Affordable Housing  
Provision of 47no units (29 affordable rent and 18 intermediate) with early review mechanism.
4. Carbon Offset  
Contribution of £91,390 towards the Council's carbon offset fund.
5. Skills and Employment  
On-site or Off-site contribution towards skills and employment.
6. Open Space Phasing Plan and Landscape Management Strategy  
Provision of open space phasing plan and Landscape management strategy of each area (A,B,C)
7. Offsite Biodiversity and Ecological Net Gain Plan  
Submission of an Offsite and Biodiversity and Ecological Net Gain Plan to set out mitigation measures to be adopted to offset the loss of habitat units with like-for-like replacement in an off-site location within the Council's administrative area or other agreed location.
8. Community Facility  
Re-provision of community facility and submission of management plan..
9. Provision of Small Holding  
Provision of an area of small holding within the application site.
10. Residential Travel Plan and Monitoring  
Provision of Residential Travel Plan with incentive of £300 per unit (max £34,500) and monitoring contribution of £15,000.
11. Restriction of Parking Permits  
Contribution of £5,000 towards the amendment of the Traffic Management Order to restrict future occupiers of the proposed development from obtaining residential parking permits. Inform new residents that they are not entitled to a parking permit for any current / future CPZ.



12. Car Club

Provision of 1 car club space within Area A and record details within the Residential Travel Plan "Welcome Pack".

13. Air Quality Neutral Damage Costs

A contribution of £4,135 towards making the development air quality neutral.

14. S278 Works

Associated highway works under S278.

15. Be Seen Energy Monitoring Guidance

Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.

16. Monitoring of Legal Agreement

Contribution towards the monitoring of the legal agreement.

**RECOMMENDATION III:**

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

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

T91100 P03 - Site Location Plan

Proposed drawings

T120100 P03 - Masterplan - Ground Floor Plan

T120101 P03 - Masterplan - 1st Floor Plan

T120102 P03 - Masterplan - 2nd Floor Plan

T120103 P03 - Masterplan - 3rd Floor Plan

T120104 P03 - Masterplan - 4th Floor Plan

T120105 P03 - Masterplan - Roof Plan

T120201 P03 - Masterplan - Wood Street Elevation

T120202 P03 - Masterplan - Wellhouse Lane Elevation

T120301 P03 - Masterplan - North to South Section

T120302 P03 - Masterplan - East to West Section

T1R20100 P03 - Residential Area - Ground Floor Plan

T1R20101 P03 - Residential Area - 1st Floor Plan

T1R20102 P03 - Residential Area - 2nd Floor Plan

T1R20103 P03 - Residential Area - 3rd Floor Plan

T1R20104 P03 - Residential Area - 4th Floor Plan

T1R20105 P03 - Residential Area - Roof Plan  
T1A20100 P03 - Block A - Ground Floor Plan  
T1A20101 P03 - Block A - 1st to 2nd Floor Plan  
T1A20103 P03 - Block A - 3rd Floor Plan  
T1A20104 P03 - Block A - Roof Plan  
T1A20201 P03 - Block A - North & East Elevation  
T1A20202 P03 - Block A - South & West Elevation  
T1B20100 P03 - Block B - Ground Floor Plan  
T1B20101 P03 - Block B - 1 to 3rd Floor Plan  
T1B20104 P03 - Block B - 4th Floor Plan  
T1B20105 P03 - Block B - Roof Plan  
T1B20201 P03 - Block B - North Elevation  
T1B20202 P03 - Block B - South Elevation  
T1B20203 P03 - Block B - East Elevation  
T1B20204 P03 - Block B - West Elevation  
T1C20100 P02 - Block C - Ground Floor Plan  
T1C20101 P02 - Block C - 1st to 3rd Floor Plan  
T1C20104 P02 - Block C - 4th Floor Plan  
T1C20105 P02 - Block C - Roof Plan  
T1C20201 P02 - Block C - North Elevation  
T1C20202 P02 - Block C - South Elevation  
T1C20203 P02 - Block C - East Elevation  
T1C20204 P02 - Block C - West Elevation  
T1HA120100 P02 - House Type HA1, Floor Plans  
T1HA120201 P02 - House Type HA1, Elevations  
T1HA220100 P02 - House Type HA2, Floor Plans  
T1HA220201 P02 - House Type HA2, Elevations  
T1HA320100 P02 - House Type HA3, Floor Plans  
T1HA320201 P02 - House Type HA3, Elevations  
T1HA420100 P02 - House Type HA4, Floor Plans  
T1HA420201 P02 - House Type HA4, Elevations  
T1HA520100 P02 - House Type HA5, Floor Plans  
T1HA520201 P02 - House Type HA5, Elevations  
T1HA620100 P02 - House Type HA6, Floor Plans  
T1HA620201 P02 - House Type HA6, Elevations  
T1HB120100 P02 - House Type HB1, Floor Plans  
T1HB120201 P02 - House Type HB1, Elevations  
T1HB220100 P02 - House Type HB2, Floor Plans  
T1HB220201 P02 - House Type HB2, Elevations  
T1HB320100 P02 - House Type HB3, Floor Plans  
T1HB320201 P02 - House Type HB3, Elevations  
T1HC120100 P02 - House Type HC1, Floor Plans  
T1HC120201 P02 - House Type HC1, Elevations  
T1HC220100 P02 - House Type HC2, Floor Plans  
T1HC220201 P02 - House Type HC2, Elevations  
T1HC320100 P02 - House Type HC3, Floor Plans  
T1HC320201 P02 - House Type HC3, Elevations  
T1HC420100 P02 - House Type HC4, Floor Plans  
T1HC420201 P02 - House Type HC4, Elevations  
T1HC520100 P02 - House Type HC5, Floor Plans  
T1HC520201 P02 - House Type HC5, Elevations  
T1HC620100 P02 - House Type HC6, Floor Plans  
T1HC620201 P02 - House Type HC6, Elevations

T1HD20100 P02 - House Type HD1, Floor Plans  
T1HD20201 P02 - House Type HD1, Elevations  
T1G20100 P02 - Garage, Floor Plans & Elevations  
T1S90100 P02- Studio Building - Ground Floor Landscape Plan  
T1S20100 P02 - Studio Building - Ground Floor Plan  
T1S20101 P02 - Studio Building - Roof Plan  
T1S20201 P02 - Studio Building - Elevations

#### Landscape Plans

D 9721.001 Issue 01 - Landscape Key  
D 9721.002 Issue 01 - Illustrative Landscape Masterplan  
D 9721.003 Issue 01 - Areas of Management Responsibility  
D 9721.004 Issue 01 - Boundary Treatments Plan  
D 9721.005 Issue 01 - Urban Greening Factor Plan

#### Hardworks Plans

D 9721.101 Issue 01 - Hardworks Plan (Sheet 1)  
D 9721.102 Issue 01 - Hardworks Plan (Sheet 2)  
D 9721.103 Issue 01 - Hardworks Plan (Sheet 3)  
D 9721.104 Issue 01 - Hardworks Plan (Sheet 4)  
D 9721.105 Issue 01 - Hardworks Plan (Sheet 5)  
D 9721.106 Issue 01 - Hardworks Plan (Sheet 6)  
D 9721.107 Issue 01 - Hardworks Plan (Sheet 7)  
D 9721.108 Issue 01 - Hardworks Plan (Sheet 8)

#### Planting Plans

D 9721.200 Issue 01 - Planting Schedule  
D 9721.201 Issue 01 - Softworks Plan (Sheet 1)  
D 9721.202 Issue 01 - Softworks Plan (Sheet 2)  
D 9721.203 Issue 01 - Softworks Plan (Sheet 3)  
D 9721.204 Issue 01 - Softworks Plan (Sheet 4)  
D 9721.205 Issue 01 - Softworks Plan (Sheet 5)  
D 9721.206 Issue 01 - Softworks Plan (Sheet 6)  
D 9721.207 Issue 01 - Softworks Plan (Sheet 7)  
D 9721.208 Issue 01 - Softworks Plan (Sheet 8)

#### Details

D 9721.401 - Tree Pit details (Sheet 1)  
D 9721.402 - Tree Pit details (Sheet 2)  
D 9721.410 - Play Equipment (Sheet 1)  
D 9721.411 - Play Equipment (Sheet 2)  
D 9721.412 - Furniture details A1

#### Trees

Plan 2 of Arboricultural Impact Assessment Report dated 16th January 2024 Ref  
HRL/WHB/AIA/01b

#### Access

Proposed Southern Emergency Access General Arrangement dwg ref.  
172811C\_PD06 Rev B;  
Proposed Eastern Access General Arrangement dwg ref. 172811C\_PD07 Rev B;  
Site Access General Arrangement dwg ref. 172811C\_PD04 Rev G;

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) Before works above ground, details of the materials to be used for the external surfaces of the buildings, hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) No site works or development (including any temporary enabling works, site clearance and demolition but excluding Investigative Work) 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 G7 of the London Plan 2021.

- 5 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 and a landscape phasing plan 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 in accordance with the approved landscape phasing plan..

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 G5 and G7 of the London Plan 2021.

- 6 No development (including Demolition, Ground Works, and Site Preparation Works but excluding Investigative Work) shall commence within a phase until a Construction Environmental Management Plan (CEMP), 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.

Details within the CEMP shall include the precautionary mitigation measures to sufficient protect those habitats, species, and statutory and non-statutory designated site of nature conservation outlined within the Ecological Impact Assessment report (MKA Ecology) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior to works, and Construction Exclusion Zone plan within the CEMP. The CEMP shall include:

- a. Site information (including ecological features)
- b. Description of works, equipment and storage
- c. Programme of works
- d. Temporary hoarding and fencing
- e. Temporary works
- f. Ecological avoidance and mitigation measures (nesting/breeding birds, invertebrates, wild mammals, roosting bats, reptiles, amphibians).
- g. Construction Exclusion Plan

Reason: To ensure that nature conservation interests are not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021).

7 Prior to the installation of any lighting, a detailed sensitive lighting design strategy including measures to strictly prevent light spill on the Core Sustenance Zone (dark corridor) to the boundary of the site, and confirmed bat roosts, shall be submitted to and approved in writing by the Local Planning Authority. All artificial lighting shall be designed in accordance with the exterior and interior lighting specification and mitigation measures outlined with the Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018). The sensitive lighting strategy document shall contain the following details:

a) A horizontal illuminance contour plan is to be prepared by a suitably experienced and competent lighting professional (member of the Chartered Institution of Building Services Engineers (CIBSE), Society of Light and Lighting (SLL), Institution of Lighting Professionals (ILP) or similar to ensure competency) using an appropriate software package to model the extent of light spill from the proposed and, possibly, existing luminaires.

b) A baseline lighting survey is to be undertaken by a suitably qualified competent person. As a minimum, readings should be taken at ground level on the horizontal plane (to give illuminance hitting the ground), and in at least one direction on the vertical plane at, for example, 1.5m or 2m above ground (to replicate the likely location of bats using the feature or site).

c) All specification of the artificial lighting scheme, including interior lighting and lighting used in construction, their respective location on site, direction of light spill, and luminance details including lux.

d) Appropriate light spill avoidance measures to maintain the integrity of the dark corridor (Core Sustenance Zone) located to the north of the site boundary and avoid any excess increase in lux with retained boundary trees and adjacent woodland beyond the current baseline (to be established during baseline lighting survey).

Upon completed of the proposed development a post-completion lighting surveys will be required to ensure that the proposed lighting levels confirm they are in fact achieved on site and that the lighting specification (including luminaire heights, design, and presence of shielding etc) is as proposed.

The lighting designs shall thereafter be implemented as approved for the duration of the development. No external work is permitted to occur during night-time (after sunset and before sunrise).

Reason: To ensure the development does not adversely affect European protected species utilising the identified Priority Habitat and Core Sustenance Zone along the Brent Siding East in accordance with Policy CS7 of the Local Plan Core Strategy DPD (2012), Policy DM16 of the Local Plan Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021).

8 Prior to the commencement of any works including site preparation and ground clearance works (but excluding Investigative Work), a pre-commencement badger survey of the site will need to be undertaken by a suitably qualified ecologist and the report submitted to and approved by the LPA.

The survey will need to be undertaken following the methodology outlined within the approved Ecological Impact Assessment (EclA) (MKA Ecology, [January 2024]) to

determine the presence or likely absence of badgers or their occupied setts within 30m of the hereafter approved works. If in the event evidence of badgers or their setts are confirmed to be onsite, then a detailed badger mitigation strategy will need to be submitted as part of the Badger Survey Report to inform the LPA as whether the proposed works will need to be undertaken via a Natural England Badger Mitigation Licence or through a Non-Licensed Method Statement.

No works may be permitted to commence until the LPA has been satisfied that no offence is likely to occur under the Protection of Badgers Act 1992.

Reason: To ensure that the approved development will not result in any likely offence under the Protection of Badgers Act 1992. Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 9 Prior to the commencement of works (excluding Demolition and Investigate Work), details of an Invasive Species Management Plan shall be submitted to and approved by the LPA and shall be undertaken throughout the hereafter approved works. The document shall include a detailed plan showing the location of invasive species (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended), and details of any avoidance, treatment, removal, and bio-secure disposal measures.

Any removal of Himalayan balsam and cotoneaster from the site is to be undertaken by a third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) or the Invasive Non-Native Specialist Association INNSA. An invasive species removal specialist is to be named responsible for the secure removal/treatment, transposition and disposing of "controlled waste" under the Environment Protection Act 1990 (EPA 1990).

Reason: 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), Policy G5, G6 & G7 of the London Plan and 2021 Environment Act 2021.

- 10 No development (including vegetation clearance) shall commence until an appropriately competent Ecological Clerk-of-Work or ecologist has been appointed and is present onsite to undertake supervision of all activities and works that involve the disturbance or loss of habitats that may support protected species onsite.

An ecological file note of all supervised activity undertaken shall be submitted to the LPA following completion of all site clearance works.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 11 No removal or disturbance of tree T25 (poplar) tree as identified in the Preliminary Roost Assessment (dated January 2024) is permitted to take place until two updated bat emergence surveys have been undertaken by suitably qualified ecologists during the active bat survey season (May to August inclusive) and the survey report including a strict precautionary method statement is submitted to and approved by the Local Planning Authority.

In the event that no roosting bats are determined to be present then the tree can be thereafter removed in strict accordance with the approved method statement within the updated bat emergence survey. If roosting bats are confirmed to be present within the tree, then a detailed bat mitigation strategy will need to be submitted to and approved by the LPA. The bat mitigation strategy and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the submission of the Bat Class Mitigation Licence (BCML). Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To provide the Local Planning Authority with confirmation that the works will be undertaken legally under a Natural England licence and pursuant to Section 41 and Regulation 53 of The Conservation of Habitats and Species Regulation 2017 and Section 9 of the Wildlife and Countryside Act 1981 (as amended).

- 12 Prior to occupancy the details of the location of all the ecological enhancement features including all outlined within the Ecological Impact Assessment (EclA) (MKA Ecology, [January 2024]) and Landscape and Ecological Management Plan (January 2024, The Environment Partnership) shall be submitted to and approved by the Local Planning Authority.

The approved ecological features must be thereafter installed/constructed in accordance with details shown on the approved plans and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 13 Prior to first occupation of a residential dwelling details of the location of at least 3 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing of all residential dwellings are to be submitted and approved by the local planning authority.

The approved hedgehog links must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the gardens.

Reason: To ensure the continued habitat connectivity for hedgehogs, common toads, and wildlife in general through residential gardens. 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), Policy G5, G6 & G7 of the London Plan.

- 14 a) The studio and residential homes shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. This includes the details of any acoustic boundary treatments to be erected on the site.

b) The means of enclosure for each building or use shall be implemented in accordance with the details approved as part of this condition before first occupation of that building or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 15 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first residential dwelling occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site and a programme for their implementation shall be submitted to the Local Planning Authority and approved in writing.

The development shall be implemented in full accordance with the details as approved and the agreed programme of implementation.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy S4 of the London Plan 2021.

- 16 a) No development (except Enabling Works, Vegetation clearance and Investigative Work) 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.

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.

- 17 Before each dwelling or the studio hereby permitted is first occupied, the parking spaces associated with the relevant dwelling or studio shall be provided as shown on Proposed Masterplan - Ground Floor Plan - Dwg. No. T120100 Rev. P03.

The car parking spaces provided shall not be used for any purpose other than the 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.

- 18 Notwithstanding the approved plans, 6 disabled persons parking spaces shall be provided and clearly marked with a British Standard disabled parking symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose. Details of the disabled persons parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

Such arrangements shall be completed before the relevant building is first occupied and shall thereafter be kept available/ maintained for such use at all times.

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, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T6 and T6.1 of the London Plan.

- 19 Prior to occupation of the development full details of the electric vehicle charging points to be installed within the development shall have been submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points shall be implemented in full accordance with the approved details prior to first occupation of the dwelling/use to which it relates 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 policies T6 and T6.1 of the London Plan 2021.

- 20 Before the permitted development is occupied a Car Parking Management Plan 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 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6 of the London Plan 2021.

- 21 Prior to the occupation of the residential units and community facility, details of proposed cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

For the avoidance of doubt, 290 (281 long and 9 short stay) cycle parking spaces 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 cycles 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 22 Before the permitted development is first occupied a 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T7 of the London Plan 2021.

23 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to first occupation of the development 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, shall be 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 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); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021.

24 Part 1

Before development commences other than for Enabling Works, Demolition, Site Clearance and 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 site investigation shall be carried out in accordance with the approved details.

c) If the site investigation 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 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).

25 a) No extraction and/or ventilation equipment shall be installed as part of the development, until full details including a technical report have 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 development shall be implemented to the relevant dwelling in accordance with details approved under this condition before occupation of the relevant dwelling or the use is commenced 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted September 2012) and Policy D14 of the London Plan 2021.

26 The level of noise emitted from the installed ventilation and/or extraction 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.

- 27 The noise mitigation measures against road noise set out in the Noise Impact Assessment (Ref: RP02-17225-R4; produced by Cass Allen; September January 2024) shall be implemented in their entirety prior to the first occupation of the relevant house / block within the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed-use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and D14 of the London Plan 2021.

- 28 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref. J10/12616D/10/1/F1 by Air Quality Consultants dated January 2024 shall be implemented in its entirety before any of any house / block is first occupied and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 29 Prior to first occupation of the studio building hereby approved, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area.

- 30 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 31 a) If piling is required, then 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 .
- b) 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.

- 32 No demolition or development (except for Enabling Works, Vegetation Clearance, Investigative Work) shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development (except for Enabling Works, Vegetation Clearance, Investigative Work) shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. Where appropriate, details of a programme for delivering related positive public benefits; and
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To safeguard the archaeological interest on this site.

- 33 Notwithstanding the details approved, no development (other than site demolition and site preparation works, Investigative Work) shall take place until an updated Flood Risk Assessment & Surface Water Drainage Strategy for the development has been submitted to and approved in writing by the Council. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: 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 of the Barnet Local Plan.

- 34 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan.

- 35 Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

- 36 Prior to the occupation of the development of development, a postconstruction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

- 37 a) Prior to commencement of each building, detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

b) The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

Reason: To support the delivery of full-fibre or equivalent digital infrastructure in accordance with London Plan policy SI 6.



38 a) Prior to occupation of the residential dwellings a certificate 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 at least a Bronze 'Secured by Design' Accreditation.

b) Prior to the first occupation of the non-residential building at least a Bronze '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.

39 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 110 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).

40 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the occupation of the relevant new dwellinghouses (Use Class C3) permitted under this consent the relevant dwelling shall 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 abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

41 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 71.9% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2013 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), Policy SI 2 of the London Plan 2021.

- 42 The use of the studio building hereby permitted shall not be open to members of the public before 07.00 or after 23.00.

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

- 43 The studio building hereby approved for purposes falling within Use Class F1 and F2 shall only be occupied for such uses and shall not be used for any other purpose of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floor space within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers in accordance with policy DM01 of the Barnet Local Plan.

- 44 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the area of application site hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 45 The development must be carried out in accordance with the provisions of the Fire Strategy Statement (Dated 18/01/24 REF: AFF\_20342\_02\_LAND BETWEEN WOOD STREET & WELLHOUSE LANE\_FSS\_05) prepared by Affinity unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

## **RECOMMENDATION IV:**

That if the above agreement has not been completed by 31 July 2024, unless otherwise agreed in writing, the Director of Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, biodiversity net gain, open space management, replacement community facilities and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS4, CS5, CS9 and CS10 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM09, DM10, DM13 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

## **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 Thames Water  
Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1

8DB.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

6 Affinity Water

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

7 GLAAS - Archaeology

Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

8 LBB Highways

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 the construction traffic. 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.

Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Highways Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any

relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW.

Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

The applicant is required to submit a Street Works Licence application to the Highways Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW weeks before the start of works on the public highways.

For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres. Information on application for a crossover could be obtained from London Borough of Barnet, Highways Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition

survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

Surface of the highway and 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.

9 LBB Trees

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 LBB Ecology

All bat species and their roosts are strictly protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019). If roosting bats are confirmed to be present, then the applicant would be responsible for submitting the application for the BMCL to Natural England. They as the statutory nature conservation organisation will determine whether the details outlined within the licence application e.g., bat mitigation and compensation measures, are satisfactory to enable approval of the application and submission of the BMCL. The applicant will then be responsible for discharging all conditions of the licence, as per the methods and work schedule stipulated, and within the time frame of the Natural England licence.

In the unlikely event of any protected species (e.g. hedgehogs, reptiles,

amphibians) being found works must stop and the project ecologist consulted, and the correct level of additional surveys and mitigation applied including any licences to be approved and issued by the Natural England (if required). Following the appropriate level of intervention, the approved works may resume.

Bats are protected from disturbance that bats under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitat Regulation 2017 as amended. Where the risk of offences originating from lighting is sufficiently high, it may be best to apply the avoidance approach in Step 3 of the Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018). Advice from an ecologist and lighting professional will be essential in finding the right approach for your site according to their evaluation.

Soft landscaping should be designed where feasible with areas of planting consisting of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

A purpose-built wildlife friendly pond is recommended to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife ponds / RHS Gardening website.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan

Under the requirements of Section 90 of the Town and Countryside Planning Act (TCA) (inserted as S.90A and Schedule 7a Biodiversity Gain in England) as enacted by Schedule 14 of the Environment Act 2021, this application is subject to the General Biodiversity Gain Condition as obligated under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990; as enacted by Schedule 14 of the Environment Act 2021. No earlier than one day after planning permission is granted an application shall be submitted to discharge the requirement for a Biodiversity Net Gain Plan for approval by the Local Planning Authority.

The Biodiversity Gain Plan shall contain the completed Biodiversity Metric 4.0 (as



amended) and will show the calculation of the pre-development and post-development predicted biodiversity values, a plan detailing the habitat design/s for both onsite and any offsite provision, a detailed maintenance schedule including a description of arrangements for maintenance and monitoring of habitats enhancement in accordance with paragraph 9(3) of Schedule 7A to the 1990 Act applies. The Biodiversity Gain Plan shall deliver a 10% net gain over the baseline value and shall be monitored for 30 years thereafter.

All vegetation clearance during the active nesting bird season (March 1st to August 31st inclusive). If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds' nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

## **1.0 OFFICER'S ASSESSMENT**

- 1.1 This application has been referred to Strategic Planning Committee as it falls within one of the categories which must be referred to the Mayor of London under the London Mayor Order:

**Category 1B:** *“Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprise or includes the erection of a building or buildings – (c) outside Central London and with a total floorspace of more than 15,000 square metres.”*

## **2.0 POLICY CONSIDERATIONS**

### ***Key Relevant Planning Policy***

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.
- 2.3 Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.
- 2.4 A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.
- 2.5 More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

### ***National Planning Policy Framework (December 2023)***

- 2.6 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.

- 2.7 A new version of the NPPF was published on 20<sup>th</sup> December 2023. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.
- 2.8 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 also states that the purpose of the planning system is to contribute to the achievement of sustainable development. In addition, the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### ***The London Plan 2021***

- 2.9 The London Plan 2021 is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

#### Chapter 1 Planning London's Future – Good Growth

- 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 Design

- D1 (London's form, character and capacity for growth)
- D2 (Infrastructure requirements for sustainable densities)
- D3 (Optimising site capacity through the design-led approach)
- D4 (Delivering good design)
- D5 (Inclusive design)
- D6 (Housing quality and standards)
- D7 (Accessible housing)
- D8 (Public realm)
- D11 (Safety, security and resilience to emergency)
- D12 (Fire safety)
- D14 (Noise)

#### Chapter 4 Housing

- H1 (Increasing housing supply)
- H4 (Delivering affordable housing)
- H5 (Threshold approach to applications)
- H6 (Affordable housing tenure)

- H7 (Monitoring of affordable housing)
- H10 (Housing size mix)

#### Chapter 5 Social Infrastructure

- S1 (Developing London's social infrastructure)
- S4 (Play and informal recreation)

#### Chapter 6 Economy

- E11 (Skills and opportunities for all)

#### Chapter 7 Heritage and Culture

- HC1 (Heritage conservation and growth)

#### Chapter 8 Infrastructure and Natural Environment}

- G1 (Green infrastructure)
- G4 (Open Space)
- G5 (Urban greening)
- G6 (Biodiversity and access to nature)
- G7 (Trees and Woodland)

#### Chapter 9 Sustainable Infrastructure

- SI 1 (Improving air quality)
- SI 2 (Minimising greenhouse gas emissions)
- SI 3 (Energy Infrastructure)
- SI 4 (Managing heat risk)
- SI 5 (Water infrastructure)
- SI 6 (Digital connectivity infrastructure)
- SI 7 (Reducing waste and supporting the circular economy)
- SI 8 (Waste capacity and net waste self-sufficiency)
- SI 12 (Flood risk management)
- SI 13 (Sustainable drainage)

#### Chapter 10 Transport

- T1 (Strategic approach to transport)
- T2 (Healthy Streets)
- T3 (Transport capacity, connectivity and safeguarding)
- T4 (Assessing and mitigating transport impacts)
- T5 (Cycling), T6 (Car parking)
- T6.1 (Residential parking)
- T7 (Deliveries, servicing and construction)
- T9 (Funding transport infrastructure through planning)

#### Chapter 11 Funding the London Plan

- DF1 (Delivery of the Plan and Planning Obligations)

#### Chapter 12 Monitoring

- M1 (Monitoring)

*Strategic Supplementary Planning Documents and Guidance:*

- Barnet Housing Strategy 2015-2025
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Housing (March 2016)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Affordable Housing and Viability (2017)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Mayor's Transport Strategy (2018)
- Play and Informal Recreation (September 2012)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Housing Design Standards LPG (2023)

***Barnet Local Plan (2012)***

2.10 The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

*Core Strategy (Adopted 2012):*

- CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
- CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
- CS3 (Distribution of growth in meeting housing aspirations)
- CS4 (Providing quality homes and housing choice in Barnet)
- CS5 (Protecting and enhancing Barnet's character to create high quality places)
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS9 (Providing safe, effective and efficient travel)
- CS10 (Enabling inclusive integrated community facilities and uses)
- CS11 (Improving health and wellbeing in Barnet)
- CS12 (Making Barnet a safer place)
- CS13 (Ensuring the efficient use of natural resources)
- CS14 (Dealing with our waste)
- CS15 (Delivering the Core Strategy)

*Development Management Policies (Adopted 2012):*

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)
- DM03 (Accessibility and inclusive design)
- DM04 (Environmental considerations for development)
- DM06 (Barnet's Heritage and conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM13 (Community and education uses)
- DM15 (Green belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

*Local Supplementary Planning Documents:*

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2013)
- Sustainable Design and Construction (April 2013)
- Wood Street Conservation Area – Character Appraisal Statement (July 2007)

***Barnet's Local Plan (Reg 24) 2023***

- 2.11 The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 24 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The proposal site is also allocated as 'Site No.45' under the Draft Local Plan and is proposed for residential led development with publicly accessible open space and community uses.
- 2.12 As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th 2023 has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in Spring 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

- 2.13 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.

### **3.0 PLANNING ASSESSMENT**

#### ***Site Description***

- 3.1 The application site, known as land adjoining The Whalebones, comprises a largely green and undeveloped area of land located between Wood Street and Wellhouse Lane, within the ward of Chipping Barnet. The site is private land and has no public right of access.
- 3.2 Overall, the application site measures approx. 4.37 hectares and is divided into two land parcels, between which lies 'The Whalebones', a Grade II Listed single dwelling and its associated private vehicle driveway which is accessed from Wood Street. These fall outside of the application site boundary and are not proposed to be altered as part of this application. The site also contains a building currently used as a studio by the Barnet Guild of Artists and the adjoining stable block is used by the Barnet Beekeepers' Association. There are also a series of outbuildings used in association with the smallholding use of the site. The former stables and the whalebones arch are curtilage listed structures to the main house.
- 3.3 The site parcels are bound by Wood Street (A411) to the north and Wellhouse Lane to the south. To the east of the site is a dwelling house (2 Wellhouse Lane) and its associated garden. To the west of the site is Elmbank, a residential redevelopment of 114 homes. Further to the south of the site lies the Barnet Hospital and associated hospital parking, as well as a public bus interchange.
- 3.4 In terms of local designations, the site is wholly located within the Wood Street Conservation Area, is located within Flood Zone 1 and has a Public Transport Accessibility Level (PTAL of 2). There are a number of trees throughout the site, including trees which are subject to Tree Preservation Orders.
- 3.5 There is a very significant fall across the site, with a drop of approximately 13.8m across the main development area, i.e from the northern part of Area A to the southern part of Area A.

#### ***Proposed Development***

- 3.6 This application seeks planning permission for the demolition of non-listed structures and construction of a new single storey studio building (Use Class F1/F2) and construction of 115 new residential dwellings (Use Class C3) ranging from 2 to 5 storeys in height.

- 3.7 The proposal comprises of 42 houses and 73 apartments of which 35.1% by habitable rooms is provided as affordable housing, equating to 47 units of both social and intermediate tenure.
- 3.8 A main vehicular access is proposed to be created from Wood Street to the north and a restricted secondary emergency vehicle access off Wellhouse Lane to the south. A further vehicular access point will be created off Wellhouse Lane to the east to serve the studio building and provide improved access to existing smallholding tenant.
- 3.9 The scheme would provide a total of 130 residential car parking spaces which would be provided at surface level for the houses and undercroft levels for the apartment blocks. 10 car parking spaces are proposed for the studio building. There would also be secure cycle parking spaces for 284 spaces for residents and 6 spaces for the studio visitors.
- 3.10 The scheme provides a total of 2.05ha of public open space on site (accounting for nearly 50% of the site area), comprising of play areas, sensory meadows, woodland walk and formal/informal paths and other publicly accessible areas including the ponds and meadows. In addition to the above, private and communal gardens are proposed to the residential houses and apartments throughout the development area.
- 3.11 An area to the east of the site (0.12ha) will be maintained for continued agricultural smallholding for the existing tenant.
- 3.12 The proposed scheme is divided into distinct sub-areas; A, B and C which evolved from the original heritage baseline appraisal which first identified and appraised the different qualities of the site:

Area A:

- 3.13 Area A is the largest area and is located on the western side of the site and will comprise all of the residential development. Two and three storey houses are proposed within the northern and central areas of the site with three apartment blocks, ranging from three to five storeys located in the southern part of the site.
- 3.14 A new site access would be created from the north of the site, off Wood Street and would have a main spinal route to the south. The access proposed along Wellhouse Lane to the south serves for emergency vehicle access only but would also provide pedestrian and cycle access.
- 3.15 A number of 'doorstep' play areas would be strategically located throughout the residential area, with dedicated communal gardens for each of the apartment blocks. In addition, a Woodland Walk – a 'meandering' footpath would run along the



eastern boundary of Area A.

- 3.16 This area also includes the provision of a new sub-station which is to be sited adjacent to the existing sub-station (along the northern-most boundary) which is to be retained. Maintenance vehicle access /arrangements will be unaltered.

Area B:

- 3.17 Area B is located at the central north area of the site and will provide new, public open space (approx. 1ha), together with a network of footpaths to allow direct pedestrian and cycle connections to Wood Street. It would also provide ecological and biodiversity enhancements through the provision of a refurbished pond, installation of a boardwalk and central grassed areas.

Area C:

- 3.18 Area C, to the eastern part of the site, is proposed to comprise of a mix of community and open space uses. Open space up to 1ha in size is proposed, including an equipped play area and a network of footpaths to connect pedestrians and cyclists to Wood Street and Wellhouse Lane, as well as ecological and biodiversity enhancements. Also proposed in this area, is a 'Healing Garden' which aims to provide a peaceful garden setting with users of the adjacent hospital in mind.
- 3.19 A new purpose-built, single-storey, studio building (comprising 177sqm) for the existing artist and beekeeping groups is proposed along southern part of the boundary. It will also be available for public use. A dedicated visitor parking area is proposed to the east of the building, accessed from Wellhouse Lane.
- 3.20 Along the eastern edge of the Site in Area C, it is proposed to maintain an area of land (approx. 0.12ha) to maintain as an agricultural smallholding for poultry with stock proof fencing for the existing tenant. The new Wellhouse Lane access will also serve the smallholding and Wellhouse Cottage.

***Revisions and additional information***

- 3.21 During the lifetime of the application, in response to consultee comments (namely the GLA), the applicant submitted updated plans and documents to address their comments. The main changes comprised of:
- Increasing the number of total habitable rooms to 35.1% which has resulted in an increase of one additional (affordable rent) apartment. Therefore, the total number of homes has been amended from 114 to 115;
  - Associated minor design changes to the form and footprint, as well as the internal layouts of Blocks A and B and associated amenity space provision, car and cycle parking spaces;

- minor adjustment to the red line to show the red line next to the existing Studio building, which has marginally increased the site area.

### **Relevant Planning History**

- 3.22 The most recent and relevant site history comprises of the below application and appeal:

**Reference: 19/3949/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Refused

Decision Date: 09.03.2021

Description: Demolition of non-listed structures and construction of a new single storey building to be used as an artists'/bee keepers' studio building (Use Class D1) with 14 associated parking spaces and new vehicular access point off Wellhouse Lane. Construction of 152 new residential dwellings (Use Class C3-40% affordable) consisting of 53 single family dwellings and 99 flats ranging from 2 storey to 4 storeys in height with 179 parking spaces and 4 visitor parking spaces. New landscaping, public open space, play areas, public realm, ecological enhancements and private agricultural land. Creation of new vehicular access points off Wood Street and off Wellhouse Lane. New pedestrian and cycle access points off Wood Street and Wellhouse Lane, restricted emergency vehicle access off Wellhouse Lane.

**Appeal Reference: APP/N5090/W/21/3273189**

Appeal Decision: Dismissed

Appeal Decision Date: 01/11/2021

- 3.23 In November 2020, the Strategic Planning Committee resolved to refuse the application with the committee approving the draft reasons for refusal in December 2020. In March 2021, the GLA advised that the Mayor was content for LBB to determine the application itself. The decision was issued on 9<sup>th</sup> March 2021.

A public inquiry was held from 31<sup>st</sup> August to 3<sup>rd</sup> September 2021 which following a decision notice on 1<sup>st</sup> November 2021 which dismissed the appeal. The appeal Inspector concluded the following key matters:

- *“The amount and extent of housing proposed within this valuable greenspace would result in substantial harm to the character and appearance of the area, including the WSCA”*
- *“whilst I consider the harms to heritage significance to be less than substantial, the scale of these fall above the middle of the spectrum, edging towards the upper end of the scale.”*
- *“Whilst the benefits of the appeal scheme are clearly significant, collectively these would not overcome the cumulative weight I attach to the identified harms.”*

3.24 Other planning history on the site includes:

**Reference: 19/2880/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/07/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 19/2881/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/07/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 19/0414/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Withdrawn

Decision Date: 03/04/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 19/0415/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Withdrawn

Decision Date: 03/04/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 18/4994/HSE**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: refused

Decision Date: 16/10/2018

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping.

**Reference: 18/4995/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Refused

Decision Date: 16/10/2018

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping.

**Reference: 18/0786/RCU**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 24/04/2018

Description: Construction of vehicular and pedestrian access gates set within 3no brick clad piers (Retrospective Application)

**Reference: 18/0787/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 24/04/2018

Description: Construction of vehicular and pedestrian access gates set within 3no brick clad piers (Retrospective Application)

**Reference: 17/6993/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/02/2018

Description: Removal of an existing timber storage shed and replacement with oak framed/timber clad barn style store/hobby room

**Reference: 17/7039/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/02/2018

Description: Removal of an existing timber storage shed and replacement with oak framed/timber clad barn style store/hobby room

**Reference: B/01924/11**

Address: The Studio, Whalebones, Wood Street, Barnet, Herts, EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 05/09/2011

Description: Provision of new access ramp and handrails to existing Art studio.

**Reference: N09123K/00**

Address: Land at Whalebones Wood Street Barnet Herts EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 08/06/2000

Description: Erection of bio treatment tank to replace chemical toilet.

**Public Consultation**

- 3.25 As part of the consultation exercise, 552 letters were sent to neighbouring properties and residents. In addition, the application was advertised in the local press and a site notice posted.
- 3.26 Following the submission of revised plans, a period of re-consultation was undertaken on the 31/01/24.

3.27 Overall, 429 responses have been received, comprising 398 letters of objection and 30 letters of support. This does include multiple letters from the same household as a result of the re-consultation period.

3.28 The objections received against the application as a whole can be summarised as follows:

- Scale contradicts Barnet, London Mayoral and national planning policies;
- Conflict with Wood Street Conservation Area Character Appraisal Statement;
- Inconsistent with Barnet's declaration of a climate and biodiversity emergency;
- Overdevelopment;
- Building materials and style of architecture are not at all in keeping with the local conservation area;
- Out of keeping with area;
- Loss of rural character;
- 5 storey is out of character;
- Inappropriate height in residential area;
- Impact on Listed Whalebones House;
- Green belt;
- Impact on conservation area;
- Overall design and quality are still of poor quality;
- Development should be directed towards brownfield sites;
- Revised scheme does not address underlying issues;
- Loss of site's rural character and links with the green belt and open country;
- Unclear about the long-term ownership and management of the public spaces or smallholding;
- Lack of affordable housing in the plan;
- Unsuitable proposed amenity spaces;
- Children's play area is not big enough;
- Type of accommodation is unbalanced;
- Loss of green space;
- Increased traffic;
- Pressure on road network and public services;
- Parking;
- Insufficient parking provision;
- Entrance on Wood Street;
- Disruption to residents due to construction;
- Impact on privacy;
- Increased noise pollution;
- Increased air pollution;
- Block out light;
- Damage to wildlife /biodiversity and environment;
- Net gain report shows net habitat loss of 24.08%;
- Destroy natural areas;
- Loss / removal of trees;

- Very little green space left;
- Stress on infrastructure;
- Conflict with Council Net Zero ambition;
- No information regarding who will be responsible for the maintenance and security of the proposed public space;
- Increased flooding;
- Water shortage; and
- Safety issues next to Barnet Hospital.

3.29 The letters of support received can be summarised as follows:

- Alignment with Barnet Core Strategy;
- This current plan may well be the best we are going to get so it should be approved;
- More housing needed;
- Current housing crisis;
- New application is much improved;
- Provision of 40% affordable housing is welcomed;
- The benefits of new homes and a new public open space outweigh the downsides;
- Proposals seem sensitive to the surroundings and wildlife;
- Provide much needed housing;
- Minimal damage to the green area;
- Plans are considerate of the local area;
- The proposal to retain around half the space as public green space;
- Design of new housing is of high quality and sympathetic;
- Do appear to address a lot of the objections we had;
- The outcome is a harmonious well thought out plan that is to be recommended;
- Support the application of reduced number of dwellings;
- Retention of the beekeeping and artist facilities at Whalebones;
- Great to give the public access to this beautiful green space;
- Good local resource for the artists and bee keepers;
- It offers other community benefits, including public open space, a long-term home for the Beekeepers and the Barnet Guild of Artists, and many affordable dwellings which are sorely needed by public service workers;
- Currently the land is of little use to anyone;
- Provision of usable green space;
- Benefit to the hospital;

*Elected Representatives:*

3.30 **Rt Hon Theresa Villiers MP, Julian Teare, former councillor for High Barnet ward and Dan King, Conservative candidate in High Barnet ward 2022**

We write to object to the above planning application for the fields at Whalebones. We would urge the planning committee to reject it as they did the last one brought forward for this very sensitive site. The changes made in the current proposals do not rectify the sound planning reasons given by the Inspector Jonathan Price for

turning down the appeal in the previous application in 2021. The application still contravenes Barnet and London planning policies.

Whalebones has left us some of the very last agricultural fields in the London suburbs. As a local landmark, they are rightly protected by the Wood Street Conservation Area. As the Barnet Society have pointed out, the fields are integral to the history and character of that conservation area and their loss would seriously harm it.

Building over some of the last remaining fields in Barnet would contradict several statements in Wood Street Conservation Area Appraisal Statement and result in substantial harm. This was acknowledged the Planning Inspector's dismissal in 2021 of Hill's appeal against refusal of their previous application.

The developers maintain that the flaws of the earlier application are mitigated by setting back the building line from Wood Street, to try to make it less visible from the road. But this change is not sufficient to remedy the problems identified by the inspector. For example, it would still not provide a visual break between the new houses and Elmbank. The separate identities of Chipping Barnet and Arkley would disappear. So key purpose of the conservation area would be undermined.

### Character

A fundamental aspect of Barnet's Local Plan is that development should be in keeping with the character of the surrounding neighbourhood.

Barnet planning policy DM01 provides that: "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."

Policy CS5 seeks to ensure that all development in Barnet respects the local context and distinctive local character and improves the quality of landscaping and in turn enhance the experience of Barnet residents.

The character of the land under consideration in this planning appeal is agricultural. Constructing over 114 new dwellings on these green fields is inconsistent with the character of agricultural land and the leafy, open nature of Whalebones. Reducing the number of units proposed from 152 to 114 is not a big enough change to remedy the problems with character which were an important reason why the council turned down the previous application.

A comment made by Historic England in response to the previous application was "...development across the site would collectively represent a visible urban hardening to this western part of the conservation area."

They concluded that the prominence of the land's open natural landscaped character and views out into Dollis Valley would be reduced, harming the character and appearance of the conservation area. We believe that this point also applies to this new application.

Although the number of units has been reduced, it is proposed that the buildings will range from two to five storeys, even higher than the previously refused application. The development is too dense for such a sensitive site.

It is inconsistent with the rest of the conservation area which is predominantly one and two storey buildings. The development would be visually overbearing, especially for residents in Collison Avenue.

### Public access

We understand that Gwyneth Cowing, the previous owner, allowed access by means of a permissive path. So providing a Woodland Walk (as envisaged by this current application) would only be replacing what has been withdrawn. It is also concerning that the application does not provide clarity about the long-term ownership and management of the proposed new public space. Nor is there certainty on how this park will be properly separated from the neighbouring property, Whalebones House.

### Nature and biodiversity

Just as was the case with the previous rejected application, this latest proposal would see the loss of wildlife habitats which make an important contribution to local biodiversity. The site, together with neighbouring Whalebones Park, currently supports bats, badgers, and deer. Birdlife includes species on the Red List such as Grey Wagtails. Local residents tell us that the fields are a feeding ground for a colony of swifts.

While it is proposed by the developers that part of the site will be open space, this would be in the form of an urban park. This cannot replicate the rural character or natural value of the land as it is now. The rich biodiversity of the fields would be replaced by areas of grass of limited ecological value.

Barnet Local Plan policy DM16 states that where the council is considering development, it will seek retention, enhancement or creation of biodiversity.

Concreting over a significant part of the fields would have the opposite effect. Moreover, this development on greenfield site would hinder the achievement of the purposes of Local Nature Recovery Strategies which are a requirement of the Environment Act. These strategies are expected to play a key role in achieving the Act's legally binding target to halting species decline by 2030, as set out in the Environmental Improvement Plan published by the Government in January.



In an era where it is becoming ever more apparent that we must act to prevent the disastrous loss of habitats after a record decline in biodiversity, this is not the time to build over precious fields which have survived London's expansion for so long. If the council is serious about its declaration of a climate and biodiversity emergency, we hope it will turn down this application.

Further detail on the ecological value of the site can be found in the objection submitted by Patrick Shanahan of Whalebones House, Wood St, Barnet EN5 4BZ.

#### Transport and infrastructure

The considerable distance from local shops and the nearest station inevitably means this would be a car-dependent development. As the main access to the development is in Wood Street, this would intensify traffic problems which already exist in Barnet Road and Wood Street.

The location has recently absorbed an increase in population with the construction of Elmbank and local facilities such as GP surgeries are already over-subscribed. We are campaigning to expand GP capacity in Barnet but new flats and houses at this location will intensify pressure on GP practices and availability of appointments.

#### Conclusion

In summary, if allowed these building plans would amount to a serious breach of conservation area policy which was put in place to protect a location of significant historical and environmental importance.

The scale, massing and density of the proposals are inappropriate for an open greenfield site of this sensitivity and would amount to an overdevelopment. Building over these fields would contravene planning policy on protecting biodiversity, as well as making it harder to meet legally binding targets set on nature recovery and conservation. The Whalebones site provides a green lung which helps to fight pollution and the loss of trees and open space will hamper efforts to improve local air quality. These green fields should not be sacrificed to meet excessive London Plan targets for building new homes.

It would contradict other Council, London Mayoral and national planning policies which value open space, the environment and farming.

#### Neighbouring / Residents Associations and Local Amenity Groups

### **3.31 Hendon and District Archaeological Society**

This application is for the same site as the refused 19/3949/FUL - a large site on the edge of the ancient settlement of Barnet which may well contain remains of

archaeological importance, most of which has not been built on in recent times. In 2019 Historic England advised that an archaeological condition should be attached to any permission granted (Laura O'Gorman's letter CLO29507 of 13th August 2019, subsequent to, and more precise than, her letter CLO28679 of 26th March 2019 included in the Archaeological Assessment document for 23/4117/FUL). The Society asks for such a condition to be attached if 23/4117/FUL is approved.

### 3.32 **The Barnet Society**

The Barnet Society objects to this planning application on three main grounds: (1) overdevelopment, (2) harm to the Conservation Area, and (3) breaches of policy on open space, the environment and farming.

#### Overdevelopment

The 114 homes proposed far exceed what is necessary to fund re-provision for the artists, bee-keepers and farming by tenants, and for maintenance of the estate. We accept that some enabling development may be necessary to fund re-provision and maintenance of the estate, but that need only be a small fraction of the number of units proposed.

This is a large development on land which the Inspector described as a 'valuable undeveloped area of greenspace'. The remaining open space would have the character of an urban park, not the rural character it has now – part parkland, part agricultural smallholding. There would be greater encroachment into the central area than was proposed in the 2019 application. Some buildings would be of 5 storeys, i.e. the same as the tallest of the hospital buildings. Setting back the building line from Wood Street would not be sufficient a visual break between Elmbank and the new buildings on the south side of Wood Street and would blur the current separate identities of Chipping Barnet and Arkley.

#### Harm to the Conservation Area

The resulting loss of green space would seriously harm the Wood Street Conservation Area (WSCA) and set a very bad precedent for Barnet's other conservation areas.

The Whalebones fields are integral to the history and character of the WSCA, and so must be preserved or enhanced. The WSCA extends this far west specifically to take in Whalebones and defines its 'open rural character' and 'views in and across the site' as key. Building over the last remaining fields would brutally contradict several statements in Barnet's WSCA Appraisal Statement and result in major harm. The Planning Inspector's dismissal of Hill's appeal against refusal of the previous application in 2021 recognised that the harm both to the Conservation Area and the setting of the listed house 'is of considerable importance and great

weight, sufficient, in my view, to strongly outweigh the public benefits which would flow from the development.'

### Breaches of policies on open space, the environment and farming

A development of this type and scale would contradict other Council and national planning policies in relation to open space, the environment and farming. It would also be contrary to New London Plan policies G4.B.1 (no loss of protected open space), G6.D (secure net biodiversity gain) & G8, 8.8.1 (encourage urban agriculture), as well as the Mayor's Environment & Food Strategies.

Disregarding all these would send Barnet residents a most unfortunate message about the Council's understanding of the increasing value we increasingly attach to the natural environment – not to mention other issues such as healthy eating and food security. It would also be inconsistent with Barnet's own declaration of a climate and biodiversity emergency.

### Other matters

We support public access to at least part of the estate and enhancement of its natural qualities. But the previous owner Gwyneth Cowing allowed access by means of a permissive path, so providing a Woodland Walk is only replacing what has been withdrawn.

The application is unclear about the long-term ownership and management of the public space.

Notwithstanding the technical reports, we remain concerned about the poor ground conditions and the possible impact of the development on the drainage of neighbouring areas.

### Conclusion

This site is precious: a unique historical survival and a living reservoir of biodiversity. Not only would the current proposals severely harm it, their approval would expose the eastern part of the site to further development. Their implementation would be a humiliating reminder of the Council's failure to protect its past and plan constructively for its future. Please refuse the application.

For the avoidance of doubt, none of the amendments proposed by the applicants since the Barnet Society submitted its comments on 8 December 2023 cause the Society to alter its views.

## **3.33 Barnet Residents Society**

In our decision to support this scheme we are mindful that the Whalebones site is

an open space and in the Wood St conservation area, so there are significant sensitivities surrounding any proposals for redevelopment. There is no bar in principle to development in a conservation area, but we appreciate that any development must 'protect and enhance' the area and there must be 'less than significant harm'. We are however conscious that the site has no public access and any direct benefit to the community is limited.

We supported the previous application. This application is very similar but with a number of improvements: a reduction the number of homes, buildings moved back from boundaries and the publicly accessible green space increased. Arrangements for the parties currently using the site, named in the original application, are much the same. The scheme is architecturally of a good standard, well laid out, and demonstrates considerable sensitivity to environmental issues. The proposal for a public park is in stark contrast to current absence of public access to this large green area.

Though not a planning consideration, we are mindful that The Trustees have said a failure to secure planning approval will lead to the sale of the site on the open market. A third party purchaser is most unlikely to be possessed of local sensitivities and efforts to respect Gwyneth Cowing's legacy. This could very possibly lead to a much denser development of the entire site, more limited access to green space and no assurances for the artists or beekeepers.

A further consideration is the emerging new Barnet Local Plan where the Council has identified the site as suitable for a mix of housing and green space and the Planning Inspectorate has commented the site should be developable with an indicative capacity up to 100 homes.

Change is inevitable. It is a matter of whether the current application is as good as might be achieved against the uncertainty of what might emerge from a future development proposal.

Especially considering the threat of sale to a new owner, most likely a developer, we have decided to support the revised scheme. The following aspects of the scheme would be beneficial to the community:

- 1 - There is no current public access to the site so it does not directly benefit the community - other than the sense of having a green 'lung' within a built-up area and knowing it supports wildlife
- 2 - The housing would occupy some 50% of the site but would be spaciouly laid out with a lot of greenery included
- 3 - Approaching 50% of the site would become a public open space including landscaping, a wooded walk and children's play area. Add in the privately owned Whalebones House and its woodland (not part of the scheme) then over 60% of the overall site would remain undeveloped, providing extensive wooded and parkland areas including public access

- 4 - Greening of the site would include extensive planting of 200 additional trees
- 5 - Views to the south towards Totteridge will be retained
- 6 - The Guild of Artists occupies a rapidly decaying building on the site. They, along with the beekeepers would be housed in a purpose-built replacement building which should guarantee their long-term future
- 7 - The architecture is of a good quality with pitched roofs and a maximum height is four storeys
8. - Two-thirds of the frontage facing Wood St would be parkland and tree planting along the boundary would make the site invisible from Wood St except at the entrance, and maintain a visible green separation between High Barnet and Arkley
9. Tenure would include 40% affordable, potentially a positive for workers at Barnet Hospital

We conclude the scheme should meet the 'protect and enhance criteria' and any harm to the listed building or the conservation area would be less than substantial.

### 3.34 **Barnet & District Beekeepers Association (BDBKA)**

BDBKA is an association with a current membership of 114 members and has been benefiting the Barnet and District communities since 1911. Gwyneth Cowing and subsequently the trust has supported BDBKA by providing us facilities on the site. Whilst we are saddened by the circumstances bringing about the application to develop the site we have been grateful for the constructive communication and consideration of the Hill Group. The site and available buildings are currently in poor condition. Hill Group has been sensitive to and understanding of the need to ensure the site continues to support BDBKA and the Barnet Guild of Artists for the benefit of the local community and the need to maintain open space at the site. The Hill Group plans make appropriate provision for bespoke facilities for both BDBKA and the Barnet Guild of Artists. This includes providing a communal meeting place and storage for BDBKA as well as appropriate open space for maintaining a training apiary which is of vital importance to the association and its ability to operate in the local Barnet area. Our concern is the trust will sell the land regardless and without the trust these vital considerations will be lost and with it our local presence in the community.

### 3.35 **The Gwyneth Cowing Foundation**

We again write as the trustees of The Gwyneth Cowing Foundation which is the charity set up by Miss Cowing in 1973 and the owner of the land immediately to the east of the land in respect of which this application has been made. While we are also the trustees of her Will Trust and of her 1968 Settlement, who are with Hill parties to the application as the landowners, we are an entirely separate legal entity.

Mindful of our three different capacities we have continued to be at pains in the continuing discussion between us, with our advisers and with Hill to ensure that the

charity is not adversely affected by the proposals and we have concluded not only that is so but that there are also significant advantages to it.

So the purpose of this letter is once more to indicate our total support for what is proposed both as to the principle and the detail. A huge amount of time had been spent by the trustees of the Will Trust and 1968 Settlement and their advisers in consulting various interested parties and modifying the original proposals accordingly where appropriate and possible to do so and more has since been spent on further modifying them since the loss of the appeal.

There was one specific matter we drew to your attention last time although not one of planning. This related to the treatment of the agricultural tenant of most of the area the subject of the application, Peter Mason about which there had been adverse uninformed comment. The truth of the matter is that he and his wife had been and have continued to be kept fully informed throughout the process and The Foundation Trustees are agreed that they may in future continue to live in the cottage on our land they presently rent for the lifetime of the survivor of them but rent free. In addition an area of land, "The Mason Plot", will be transferred to us to enable the Masons to continue keeping poultry immediately adjacent to their cottage.

While the present agricultural use of the land the subject of the application is no longer practicable we as the Foundation Trustees are pleased that on a smaller scale it will continue on our land. Miss Cowing would have been delighted that this will happen. We also are delighted to see significant parts of the land opened up for public access as open space with a commitment that this will be protected into perpetuity for this purpose, making a long lasting positive contribution to the amenity of this part of High Barnet. Furthermore, High Barnet is an expensive place to live and the proposal of 41% affordable housing will also be a significant local benefit.

We are also delighted that the proposal includes the provision of a new studio for The Barnet Guild of Artists and The Barnet Beekeepers which has been designed with their input to ensure it meets their needs and provides significantly more and better space than they currently have access to. Miss Cowing was a supporter of both groups. Initially this will be by a gift of the relevant land to us as trustees of The Cowing Foundation with a view to granting a 99 year lease to a recently formed artists' charity. There are some 200 local artists and beekeepers.

We do hope the committee will grant the permission.

#### Summary Responses from External Consultees

### 3.36 **Greater London Authority (GLA)**

Strategic issues summary

*Principle of development:* Given the advanced stage of the draft Local Plan, the proposed redevelopment of the site to provide new housing, publicly accessible open space and a new community/educational building as well as the retention of agricultural activity, is acceptable (on balance) in line with London Plan policies G4, G8, H1 and S1 and Objective GG1.

*Affordable housing:* The scheme would deliver, 34.6% affordable housing (by habitable room) comprised of 60.9% affordable rent and 39.1% London Shared Ownership units and therefore does not qualify for the Fast Track Route (FTR). The applicant is strongly encouraged to make the necessary changes to meet the FTR given the marginal percentage increase required and acceptability of the tenure mix.

*Urban Design:* The layout, scale, height, typology and materials of the buildings appropriately respond to the existing context and are broadly supported.

*Heritage:* Less than substantial harm has been identified; however, this harm could be clearly and convincingly outweighed by the public benefits of the scheme and GLA officers will consider the heritage harm in the balance at Stage II.

*Transport:* A reduction in car parking is required, as well as additional information/action on dedicated footpaths, crossing facilities, cycle parking design, maintenance of pedestrian routes and the travel plan. Various transport-related plans are to be appropriately secured as well as s278 works, parking for disabled people and ECVP provision.

Other issues on *Sustainable* and *Green Infrastructure* also require resolution prior to the Mayor's decision making stage.

*Recommendation:* That Barnet Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 95. Possible remedies set out in this report could address these deficiencies.

### 3.37 **Affinity Water**

#### Water Quality

We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation

methods will need to be undertaken.

For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

#### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

#### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures.

### **3.38 Historic England**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

### **3.39 Historic England Greater London Archaeological Service (GLAAS)**

The planning application is not in an Archaeological Priority Area.

Although not within an Archaeological Priority Area, the application envisages major development on a greenfield site implying potential for new archaeological discoveries as noted in the applicant's archaeological desk-based assessment. The relatively modest level of existing archaeological information from the site and its surroundings, and the historic land use as a common, are consistent with an overall



low to moderate potential. In my view the northern part of the site alongside the historic ridgeline road Wood Street on the permeable Stanmore Gravel would have moderate potential whilst the London Clay to the south has low potential. The western side of the site was historically used for allotments but the rest appears to have seen little or no cultivation suggesting good preservation potential.

If you grant planning consent, paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

#### **3.40 Metropolitan Police - Designing Out Crime**

Should any planning permission be granted for this proposal then I would respectfully request that its approval contains a relevant formal planning condition 'whereby the development must achieve Secured by Design (SBD) accreditation, prior to occupation'.

#### **3.41 NHS London Healthy Urban Development Unit (HUDU)**

The HUDU Planning Contributions Model has been used to calculate the contribution. The HUDU Planning Contributions Model calculates a healthcare capital s106 requirement of £353,420.

#### **3.42 Thames Water**

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

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

## Summary Responses from Internal LBB Consultees

### 3.43 **Affordable Housing**

Satisfied with the proposed mix and tenures.

### 3.44 **Drainage**

Further information required.

### 3.45 **Ecology**

Subject to final comments and approval from Greenspaces in relation to the proposed Offsite BNG offsetting the proposed development could be approved on ecological subject to planning obligations, conditions and informative.

### 3.46 **Energy and Sustainability**

The application has clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, as per the London Plan: Policy SI 2, 9.2.2. Therefore, a Section 106 agreement is recommended for the development to meet the policy requirements.

### 3.47 **Environmental Health**

No objection subject to S106 obligation and conditions being attached.

### 3.48 **Greenspaces & Leisure**

No objection. Greenspaces has agreed in principle to the feasibility of delivery of off-site net gain on the Land North of the Dollis Brook. A S106 obligation will be required to secure the creation and management of the agreed neutral grassland and mixed scrub.

### 3.49 **Heritage**

The proposed development has been designed to reduce, minimize and mitigate harm to the character and appearance of the Wood Street Conservation Area and on the setting of the grade II listed Whalebones House. The improvements to the design and layout are beneficial to that purpose and welcomed. They will reduce the degree of harm to the designated heritage assets. However, as acknowledged by the applicant, there will inevitably be harm arising from the development as a result of the change in character of the site from one which is open/pastoral to one that is developed. This change will harm the existing qualities of the site and consequently its contribution to the wider conservation area and setting to the listed building will be diminished.

In comparison with the appeal scheme the amount of harm has been reduced and the harm that remains is considered to be less than substantial to the significance of the designated heritage assets and at the middle of the spectrum, edging towards the lower end of the scale.

In coming to a decision on the proposed development and in accordance with the NPPF, it will need to be considered whether there are sufficient public benefits which result from the scheme to outweigh the harm caused to the significance of the designated heritage assets.

### **3.50 Transport and Development**

No objections subject to appropriate planning obligations and conditions. The provision of 128 spaces for the residential element of the scheme is acceptable. The priority junction arrangement with the access on Wood Street was agreed with LBB officers for the previous application will remain unchanged. This is acceptable. An assessment of the impact of the additional vehicle trips from the development has been carried out. The results show that the junctions tested on Wood Street and Wellhouse Lane would have spare capacity. With this level of trips, it is unlikely that the additional trips from the development will have a noticeable impact on the local highway network.

### **3.51 Trees**

The scheme of itself and the proposed landscaping around the development is broadly acceptable.

### **3.52 Urban Design**

The scheme is considered to respond sensitively to its landscaped context and the Wood Street Conservation Area. The buildings have been thoughtfully designed and would contribute positively to the local area with a distinctive character. It is noted that consideration has been given on reducing the visual impacts of the scheme and also considerable efforts have been made to minimise impacts on the neighbouring buildings.

We are supportive of the approach to design, layout, scale, massing and architectural expression. The proposals will transform the site and provide a well-designed residential scheme of contemporary approach within a sensitive setting. Good quality materials and detailing is essential to realise the concept of the proposal. A well-considered palette of materials would engage positively with the existing context. Buildings are intended to be finished with a high-quality brick.

## 4.0 OFFICER'S ASSESSMENT

### Principle of development / Land Use

#### *Agricultural Use*

- 4.1 The site is currently tenanted under an Agricultural Holdings Act tenancy and is used for the keeping of poultry and growing of hay.
- 4.2 Whilst Barnet has no specific policies relating to protection/loss of agricultural land, in order to demonstrate that the land could not be viably used for agricultural purposes, the applicant previously provided an Agricultural Viability Report (2018) which scopes whether the land could viably continue in the event that the current tenancy agreement ceases. An update to that report has been resubmitted for this application.
- 4.3 The conclusions of this report state that following a survey and analysis, any form of agricultural enterprise based at the site would be limited by several factors inherent to its soil type, location, size and the poor-quality infrastructure and facilities on site. The update states that there is no material difference to alter the previous conclusions drawn in relation to the agricultural viability of the site.
- 4.4 The update also reviews the potential of the site to be used as a community farm. The conclusions of this remain that a community farm model for the site would not realistically be sustainable viable to the gross margin figures and are low when set against the establishment costs, ongoing fixed costs and labour / drawings.
- 4.5 The GLA Stage 1 is accepting of the report submitted in terms of London Plan policy G8.
- 4.6 Therefore, Officers remain satisfied that it has been suitably demonstrated that the land could not be viably used for an agricultural use. With regards to the current tenant, the proposals have committed an area of land (approx. 0.12ha) at the eastern end of the application site, adjoining Wellhouse Cottage, to be retained for continued use of the existing tenant as an agricultural small holding. This is secured by a specific obligation in the planning legal agreement.

#### *Open Space*

- 4.7 The existing site is privately owned and there is no right of public access. The site comprises of elements of open land and vegetation but also areas of developed land, such as the studio and outbuildings. The site is not designated as open space / public open space within the Barnet Local Plan but it is evident that the site provides significant visual amenity value to the surrounding area. In addition, Map 10 of the Core Strategy illustrates that the majority of the site (areas A and B) lies within an area as being deficient in public open space.

- 4.8 Policy DM15 expects that in areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises, the Council will expect on site provision in line with the standards set out in the supporting text (para 16.3.6). This text places success and value of an open space on quantity, quality and accessibility. In deficient areas, the Council expects new open space to be provided in line with the following standards; parks, Children's play, sports pitches and natural green spaces.
- 4.9 Whilst the land is not protected public open space, London Plan policy G4 does states that all types of open space, regardless of their function, are valuable in their ability to connect Londoners to open spaces at the neighbourhood level. However, as the site is not publicly accessible, it is considered that it offers limited benefits currently to the wider community in terms of open space.
- 4.10 The supporting Landscape Design and Access Statement has undertaken a study of existing open spaces within the surrounding area and has produced a series of diagrams to illustrate the existing and proposed effects. The scheme will provide a provision of 2.05ha of publicly accessible open space which would be principally provided in two areas either side of the Whalebones curtilage. This provision would be considered as "Local Parks and Open Spaces", as defined in Table 8.1 of The London Plan. The GLA in their Stage 1 comments advise that the proposed open space provision meets the London Plan requirements and is supported. They comment that if permission is granted, it is expected that the provision and maintenance of the proposed open space will be robustly secured via the Section 106 agreement with public access to the open space secured in perpetuity.
- 4.11 The new public open space strategy will provide a series of spaces including open space, a sensory meadow, woodland walk, and children's play areas. In addition to this, the proposal includes the provision of agricultural land for the existing tenants, which is located to the east of the site, adjoining Wellhouse Cottage.
- 4.12 Having reviewed the submitted open space study, Officers consider that in comparison to the existing site position, the proposal will provide significant benefits in the provision of public open space in an area of deficit and also provide a range of social, health and educational benefits. Whilst there are other small open spaces nearby, the provision of this open space in this area will allow the areas of deficit around the application site to the north, south and west, the ability to access open space within the recommended walking distance. The density of built development outside of the proposed 400m bubble decreases and therefore officers are satisfied that this is an appropriate open space provision.
- 4.13 Officers consider that the quality of the proposed open spaces is very high and is of considerable quantity which has only increased within this application compared to the previous scheme. The proposal will create new pedestrian and cycling routes through the site, providing enhanced accessibility between Wood Street and

Wellhouse Lane. In terms of satisfying the Barnet policy criteria of quantity, quality and accessibility, it is considered that these 3 elements are strongly met by the proposed development.

- 4.14 Overall, 2.05 ha of open space represents 47% of the total site area. When the re-provision of agricultural land is combined with the proposed publicly accessible open space and blue infrastructure, the retained green cover equates to in excess of 50% of the total site area.

### ***Community facilities***

- 4.15 The existing site contains a building currently used as a studio by the Barnet Guild of Artists. The beekeepers utilise the adjacent former stables building which does lie outside of the application site boundary. These are currently accessed via The Whalebones driveway.
- 4.16 A new purpose-built building is proposed within Area C and will provide 177sqm of new floorspace, which will have separate spaces for each group at each end of the building with a central foyer/community space which can be used by either group or the public. All the different spaces would have their own independent entrances.
- 4.17 Barnet Policies CS10 and DM13 outline the Council's expectations for the provision of community facilities. Policy DM13 states that the loss of a community use will only be acceptable in exceptional circumstances where *"New community use of at least equivalent quality and quantity are provided on the site or at a suitable alternative location."*
- 4.18 The proposed replacement building will provide a purpose-built building with the relevant groups having been engaged in the design of the building and their future needs. Whilst the footprint of the building has been reduced from the appeal proposal, the proposal still provides a slightly increased of floorspace compared to the existing position.
- 4.19 The replacement building will be re-provided within the application site and as such the proposal is considered to be fully compliant in terms of policies CS10, DM13 and the relevant London Plan policies. The GLA comment that provision of a larger new building for community/educational use is strongly supported in line with London Plan Policy S1 and that the building's availability for all community groups/members should be secured through the S106 agreement.
- 4.20 Whilst the building has been designed primarily to accommodate the Artists and Beekeepers, the use of the building could also be utilised by other public groups or for exhibitions, events, functions etc.

## **Housing Delivery**

- 4.21 Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 – 2028/29.
- 4.22 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.
- 4.23 Barnet’s proposed Local Plan seeks to deliver to 2036, a minimum of 35,460 new homes equal to 2,364 new homes per annum.
- 4.24 Barnet’s Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24).
- 4.25 The Reg 24 lists the application as ‘Site No.45’ for residential led development with publicly accessible open space and community uses. A Statement of Common Ground (SoCG) between the applicant and the Council was agreed and submitted as part of this process and set out an indicative capacity of 100-120 residential units. As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. The Inspectors have described the site as ‘developable’; though recommending a Main Modifications that would *“provide certainty that the indicative residential capacity contributing to housing supply in the Plan is reduced to 100 dwellings...[and] also make clear that a design-led approach in accordance with Policy D3 of the London Plan will be necessary at application stage for a proposal for up to 100 dwellings or any uplift to that number to ensure that the development responds appropriately to the historic character of the site and its surroundings.”*
- 4.26 Therefore, given that the draft Local Plan has undergone an Examination in Public and the acceptance of the site as developable, the draft Local Plan can be afforded increasing weight given its advanced stage.

## **Housing Quality**

- 4.27 A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the ‘sustainable development’ imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 ‘Planning London’s Future - Good Growth’, Chapter 3 ‘Design’ and Chapter 4 ‘Housing’, and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the design-led approach), D5 (Inclusive design), and D6 (Housing

quality and standards). It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance SPD.

### **Unit Mix**

- 4.28 Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council’s Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.
- 4.29 The emerging Local Plan identifies that 3-bedroom (4 to 6 bedspaces) properties are the highest priority, homes with 2 (3 to 4 bedspaces) or 4 bedrooms (5 to 8 bedspaces) are a medium priority for market sale homes.
- 4.30 The application development proposes the following unit mix across the application site:

<b>Total Unit Mix</b>		
<b>Flat Unit Mix</b>	<b>No. of Units</b>	<b>Percentage Mix (%)</b>
1B2P	26	23
2B3P	3	3
2B4P	37	32
3B5P	7	6
<b>Total No. of Flats</b>	<b>73</b>	<b>64%</b>
<b>House Mix</b>		
<b>House Mix</b>	<b>No. of Units</b>	<b>Percentage Mix (%)</b>
2B4P	16	14
3B6P	4	3
4B8P	22	19
<b>Total No. of Houses</b>	<b>42</b>	<b>36%</b>
<b>Scheme Total</b>		
	115	100

- 4.31 Overall, it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need. The proposed provision of 42no. two, three and four bed houses is considered to be a significant benefit of the proposed scheme. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Barnet Local Plan.



## **Affordable Housing**

- 4.32 Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.
- 4.33 The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.
- 4.34 The emerging Barnet Local Plan seeks to align with the London Plan requirements but still maintains the 60/40 tenure split.
- 4.35 The application as originally submitted proposed (by habitable room) 34.6% affordable housing comprised of 60.9% affordable rent and 39.1% London Shared Ownership. The GLA advised that whilst the tenure mix is acceptable, the proposed provision does not qualify for the Fast Track Route, being below the 35% threshold.
- 4.36 The applicant has sought to address the above comments and revise the scheme in order to increase the number of affordable habitable rooms to 35.1%. This has resulted in an additional unit to the overall scheme.
- 4.37 The scheme proposes the following affordable housing provision:

<b>Tenure</b>	<b>No. Units (%)</b>		<b>No. Habitable Rooms (%)</b>	
Shared Ownership	47 (40.9%)	18 (38.3%)	172 (35.1%)	65 (37.6%)
Affordable Rent		29 (61.7%)		108 (62.4%)

- 4.38 The proposal would deliver 35.1% by habitable room with a tenure split of 62.4% social rent and 37.6% Shared Ownership. By unit, the scheme would deliver 40.9% by units with a split of 61.7% social rent and 38.3% shared ownership.
- 4.39 Therefore, the proposed affordable mix is compliant with London Plan policies H4, H5 and H6 and Barnet Policy DM10. The Council's Affordable Housing team is therefore satisfied with the number of units proposed and has worked with the applicant on the tenure provision.

### ***Standard of accommodation***

- 4.40 Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.
- 4.41 All the dwellings in the detailed element of the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit sizes and also meet the minimum areas for bedrooms, bathrooms w/c's and storage and utility rooms.
- 4.42 All the houses are either dual or triple aspect. Whilst some of the apartments are single aspect, these apartments will not be directly north facing. Officers are satisfied that the residential quality of these units will provide a good standard of amenity for future occupiers.
- 4.43 The GLA confirm that all units would meet the London Plan and Mayor's Housing SPG internal space standards...[and] The proposed cores for the apartment blocks are efficient, with a maximum of eight units per core.

### ***Wheelchair Access Housing***

- 4.44 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessibility and inclusive design, whilst policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan Policy D7.
- 4.45 A total of 12 homes will be wheelchair user/adaptable dwellings (M4(3)) which equates to 10% of the total number of homes. Whilst these are all currently arranged within Block B and designated for Social Rent units, it is advised that they should be spread across unit typologies and tenures. However, this can be re-considered at a later stage and further details / provision of M4(3) units will be sought via condition.

### ***Amenity space***

- 4.46 London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 4.47 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. The minimum requirements are set out in table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
For Flats: 5m <sup>2</sup> of space per habitable room	Minor, major and large scale
For Houses: 40m <sup>2</sup> of space for up to four habitable rooms 55m <sup>2</sup> of space for up to five habitable rooms 70m <sup>2</sup> of space for up to six habitable rooms 88m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, major and large scale

- 4.48 The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in paragraph 4.48 above.
- 4.49 Each of the apartments in Blocks A, B and C are provided with private external balconies, with each of the 1B2P units having balconies comprising of 5sqm, the 2B4P units with 7sqm balconies and 3B5P apartments with 8sqm. The combined areas of the private external balconies and communal gardens would provide 1,559sqm, exceeding the Barnet requirement.
- 4.50 Each of the houses are provided with private external gardens, starting from 44sqm. The combined total of garden area is 5,236sqm.
- 4.51 In addition to the above, all the residents will have access to the 2.05 hectares of landscaped public open space.
- 4.52 Overall, it is considered that acceptable levels of high-quality outdoor amenity space are afforded to all future residents, in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

### ***Children's Play Space***

- 4.53 Policy S4 of the London Plan seeks to ensure that development proposals incorporate good-quality, accessible play provision for all ages. At least 10m<sup>2</sup> of suitable playspace should be provided per child.
- 4.54 Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) 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. In addition, Barnet’s emerging Local Plan (Reg. 24 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor’s SPG.

- 3.55 Using the GLA’s population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 78. The development would therefore need to provide 780m<sup>2</sup> of children’s play space, broken down as follows:

<b>Age</b>	<b>Play Requirement (m<sup>2</sup>)</b>	<b>Play Provided (m<sup>2</sup>)</b>
0-4	370	400
5-11	260	300
12+	150	100
<b>Total</b>	<b>780</b>	<b>800</b>

- 3.56 The proposed development would provide 800sqm of play space in the form of Local Area of Play (LAP), a Locally Equipped Area of Play (LEAP) and a variety of opportunities for natural play features. The Landscape Design and Access Statement sets out the proposed play provision with equipped play areas would be provided in the eastern portion of the site (Area C) for children of all age groups. Within the development area (Area A) there would be three LAPS providing doorstep play for under 5s.
- 3.57 Adults and the over 12+ age group would be further provided for by the play and outdoor sports facilities at Old Court House Recreation Ground which are within 800m walking distance of the site.
- 3.58 The GLA comment that “The application proposes to provide 800 sq.m. of play space and the play elements appear to be diverse and inclusive; this is welcomed. Additionally, the spaces would allow for passive surveillance and be accessible by all households regardless of tenure. The proposed quantum of play space is acceptable in line with Policy S4.”
- 3.59 Overall, Officers are satisfied that the proposed development would make satisfactory provision for Childrens’ playspace in accordance with policy, in accordance with Policy DM02 of the Barnet Local Plan Development Management Policies DPD (2012) and Policy S4 of the London Plan (2021).

***Privacy and overlooking of future residents***

- 3.60 Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.
- 3.61 The Council’s Sustainable Design and Construction SPD (2016) sets that in new

residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new builds properties where there are material justifications.

- 3.62 The Design and Access Statement provides a design response into the positioning of buildings within the development to ensure that there is adequate provision of privacy. Officers consider that the scheme is well designed so to ensure that future occupiers of these units would be likely to enjoy good levels of privacy.

### ***Noise impacts on future residents***

- 3.63 In relation to noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment. This assessment sets out to validate the existing noise data collected in 2017 for the previous long-term noise data. The attended survey confirmed that the existing long-term noise data are still valid. The report therefore draws upon a combination of existing and new data for its assessment.
- 3.64 The noise survey revealed that noise levels are dictated by road traffic noise emissions from Wood Street and Wellhouse Lane. No significant noise was identified from The Arkley pub to the northwest of the site. There is noise identified from the Barnet Hospital at the southern edge of the site as ambulances pass and also some low-level noise from mechanical plant. However, the report concludes that it was not significant in comparison to road traffic noise.
- 3.65 The report concludes that the design of the proposed development is considered to be acceptable with regard to noise, subject to the adoption of acoustically upgraded glazing and ventilation, along with acoustic screening around gardens. The proposed design of the development has taken into account the impact of noise on internal areas by setting back dwellings from the edge of the site boundary and minimising the number of habitable rooms that are orientated towards the roads.
- 3.66 In regard to noise in external amenity areas, the report predicts that noise levels in the majority of gardens across the development will be within the recommended levels. However, noise levels in the gardens at the northern edge of the site and the balconies of Block A and Block B are predicted to slightly exceed the upper recommended levels by virtue of their closer proximity to main roads. For the house gardens, it is recommended that 1.8m high close-boarded timber fencing be installed between and around the perimeter of gardens where levels exceed the recommended noise levels. For the balconies, whilst this is not ideal, it is not uncommon for noise levels on balconies in urban areas to be higher than the recommended level
- 3.67 The potential noise impact of domestic ASHPs in gardens of houses has been assessed as 'low impact', and the report finds that the units are acceptable with

regard to noise.

- 3.68 A separate assessment of the noise impact of the proposed F1/F2 single storey studio building was undertaken to address consultee comments made by the London Borough of Barnet Environmental Health Team. The assessment concluded that no adverse noise impacts are expected given the proposed use of the building and the distances to surrounding sensitive receptors.
- 3.69 The submitted Noise Impact Assessment has been reviewed by the Council's Environmental Health team and satisfied with the information provided, subject to conditions relating to the associated noise mitigation measures.

### ***Air Quality impacts on future residents***

- 3.70 An assessment has also been undertaken on the potential impacts on air quality during the construction and operation of the proposed development. It concludes that the overall effects, with appropriate mitigation through a range of best practice can applied during construction, are judged to be not significant. During the construction works, a range of best practice mitigation measures will be implemented to reduce dust emissions.
- 3.71 The London Plan requires new development to be air quality neutral. Barnet also requires that all relevant planning applications meet the Air Quality Neutral benchmarks. The assessment concludes car trips generated by the proposed development exceeds the air quality neutral benchmark derived for an average development in outer London mitigation will therefore be required to account for the excess transport emissions above the air quality neutral benchmark. This is a result of the higher provision of car parking spaces within the development compared to London Plan standards. Therefore, the applicant has provided a technical note relating to the damage cost calculation. The note sets out a total damage cost of £4,135 in combination of a range of mitigation measures such as EV charging points, improvements to pedestrian crossings, and car club. This will be secured as a S106 obligation.
- 3.72 The submitted air quality assessment was reviewed by the Council's Environmental Health team who have advised that the proposed development is acceptable in terms of air quality.

### ***Overheating***

- 3.73 London Plan Policy SI 4 (Managing heat risk) seeks to reduce the impact of the urban heat island effect in London and encourages the design of places and space to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate changes and the urban heat island effect on an area wide basis.

3.74 The Council's Energy and Sustainability Officer has reviewed the application in respect of overheating and advised that *"Overheating has been analysed, via a Domestic Overheating Assessment, using the Chartered Institute of Building Services Engineers (CIBSE) TM59 methodology, as required by London Plan Policy SI 4... The proposed development utilises a range of appropriate measures to avoid overheating and follows The London Plan's Cooling Hierarchy. Measures include:*

- 1. Reducing the amount of heat entering the building (improved building fabrics)*
- 2. Minimal glazing with low G-Values*
- 3. Minimising internal heat generation*
- 4. Exposed thermal mass*
- 5. Natural ventilation through fully openable windows in most cases.*
- 6. Some solar shading via balconies and overhangs*
- 7. Mechanical ventilation with heat recovery to apartments"*

3.75 The Council's Officer finds that the development is policy compliant in terms of overheating risk.

### ***Secure by Design***

3.76 Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development and design to achieve Secure By Design Accreditation.

### **Design**

3.77 High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 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. 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.

3.78 All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

### ***Masterplan concept***

- 3.79 The submitted Design and Access Statement (DAS) and Landscape Design and Access Statement begins by noting the key observations from the appeal decision and then outlines the evolution of the masterplan in order to address the heritage harms. The concept continues to be heritage and landscape led, retaining the 3 distinct sub-areas parcels: A to the west, B to the north and C to the east.
- 3.80 Within the original appraisal, Area A was identified as offering the most potential for development given the lower landscape quality of two over-grown fields. Area B was considered to have little development potential other than the site of the existing agricultural buildings and artist studio. The Parkland character with mature trees and pond in grassland was identified as potential public open space. Area C was identified as having an important 'parkland' landscape character, especially in the northern half with hedge and tree screening to the grassland setting. The southern site adjacent to the hospital has lower quality planting and opportunity for sensitive development.
- 3.81 The DAS illustrates the evolution of the masterplan principles following the extensive pre-application discussions, public and stakeholder engagement.

### ***Layout***

- 3.82 Area A to the west of the site, comprises all of the proposed residential development, comprising of 115 houses and apartments. The layout takes the form of a more uniform grid which seeks to increase visual permeability across the site. Across this area, the residential zone has been further reduced and set back from the boundaries to minimise the perceived and actual impact from the views the north and south, Whalebones House and Collison Avenue.
- 3.83 There have been a number of key amendments made across the site to enhance the scheme from the previous appeal:
- Along the Wood Street boundary, the housing zone has been pushed further back from the frontage with an enhanced landscape offering in-between;
  - Apartments on the northwestern boundary replaced with 2 and 3 storey houses, with increased separation distance from Collison Avenue;
  - Increased separation distance from Whalebones House;
  - Retention of building line along Wellhouse Lane with increased planting;
  - Reduced floorspace of the Studio building within Area C;
  - Removal of houses within Area C, maintaining the openness in the view across the site from Wood Street
  - Homes north of the Whalebones House pushed northwards to reduce impact on setting.
- 3.84 Officers are supportive of the proposed layout approach across the site with three



distinct land parcels. The layout provides for an improved and enhanced relationship between built elements and open landscape and provides good connections and visual permeability across the site. In terms of the Inspector's comments, it is considered that the proposed layout makes positive improvements to reduce, minimise and mitigate the harm previously identified.

- 3.85 Within their Stage 1 response, GLA officers "*welcome the building layout as it allows for more generous distances between the buildings facing Wood Street and significantly slender elevations. Compared to the previous scheme, the proposed buildings and the distances between them result in a more legible and less 'cluttered' experience which is also illustrated in the emerging skyline. By freeing up 'Area C' next to the studio building from housing, the proposal retains the openness of the landscape and does not hamper the Whalebones House. Keeping this part of the scheme open allows for appreciation of the studio, which sits comfortably in the landscape.*"

### **Scale and massing**

- 3.86 The proposal consists of a number of building typologies throughout the proposal, comprising of 2 and 3 storeys houses and 3 to 5 storey apartments blocks.
- 3.87 Houses are modest in scale with gable fronted elevations and pitched roofs. The footprint and height of these are considered to be entirely appropriate and reflective of the surrounding context. The differing typologies provide an interesting and high-quality scheme which are considered to sensitively merge into the surrounding landscaped area. In light of the previous appeal, the scale and massing has been appropriately addressed with 2 and 3 storey houses along the western boundary with Collison Avenue and 2 storeys along the eastern area of Area A, closet to Whalebones House.
- 3.88 As the land slopes downwards from Wood Street, the typologies transition in the lower central part of the site from 3 storey houses to part 3 to 5 storey apartment blocks. The southern most part of Area A has been accepted as having the least sensitive character and is able to support increased height / density. Officers continue to support this approach. The blocks are considered to have been successfully designed to reduce their scale by breaking the facades into more residential scale, using various details, stepped elevations, material changes and gable ends to separate the facades. The pitched roof articulation on the fronting elevations also helps break down the mass, resulting in a more domestic appearance. Overall, it is considered that there is an appropriate transition of the apartment block's scale and bulk. The scale of these proposed blocks are comparable to the adjacent Elmbank development and therefore would not be visually out of the character with the surrounding area.
- 3.89 In order to accommodate the increase affordable housing provision, there have been minor adjustments to the form of Blocks A and B and a minor adjustment to

the footprint of Block B. The changes to the overall massing, whilst relatively minor are considered to have actually improve the visual perception of end gable elevation of Block B.

- 3.90 The Studio building in Area C has been kept to a single storey in scale and this is supported.
- 3.91 The Council's Urban Design Officer comments that the scheme is considered to *"respond sensitively to its landscaped context and the Wood Street Conservation Area. The buildings have been thoughtfully designed and would contribute positively to the local area with a distinctive character. It is noted that consideration has been given on reducing the visual impacts of the scheme and also considerable efforts have been made to minimise impacts on the neighbouring buildings."*
- 3.92 GLA Officers find the proposed height zones to be broadly supportive. The slight variation in height and typologies moving down the site *"allows for a smooth transition between a somewhat more urban character to the south towards a more landscape-led, lower rise to the north."* GLA Officers are supportive of the proposed studio building.
- 3.93 The applicant has submitted a Landscape and Visual Impact Assessment which illustrates the proposed development with a series of wireframes from a number of viewpoints. The conclusions of this assessment find that the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape or townscape character beyond the site boundary. Officers are in agreement with these findings. Whilst it is noted that the effects of the proposed development will affect some aspects of the openness of the site, these are not considered to result in significant harm as they will be seen from less sensitive parts of the area (south along Wellhouse Lane) or from private space. The proposal along all boundaries provides for enhanced open green frontages and landscaped area which will limit views into the development.
- 3.94 For the reasons set out above, Officers consider that the proposed scale and mass/bulk is appropriate and in keeping with the surrounding character and appearance of the wider area. In terms of the Inspector's comments, it is considered that the proposed scale and massing makes positive improvements to reduce, minimise and mitigate the harm previously identified.

### ***Character and Appearance***

- 3.95 The Design and Access Statement sets out that the proposed architectural style seeks influence from the site's history and surrounding area. A simple vernacular form is proposed which utilises a palette of materials of differing brick colours and roof tiles which are considered reflective of the surrounding area and appropriate to integrate the development within the conservation area.

- 3.96 The Council's Urban Design Officer supports the overall architectural style and comments that *"the proposal will transform the site and provide a well-designed residential scheme of contemporary approach within a sensitive setting"* and the *"Buildings are intended to be finished with a high-quality brick."*
- 3.97 The GLA Officers welcome the simple material palette and façade articulation and consider it a sensitive approach in keeping with the context,
- 3.98 Overall, Officers consider that the architecture presents a high-quality appearance which responds to its surroundings. It is considered that the scheme provides an attractive development which is contemporary in appearance and reflects the traditional features of the conservation area and neighbouring built form. For these reasons, the proposed development is considered to be appropriate and acceptable.

### **Conservation and heritage**

- 3.99 London Plan Policy HC1 requires development proposals to conserve significance by being sympathetic to the assets' significance and appreciation within their surroundings and avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Barnet policy DM06 indicates that all heritage assets will be protected in line with their significance and development proposals must preserve or enhance the character and appearance of Barnet's conservation areas.
- 3.100 Under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory duty to consider the impacts of proposals upon listed buildings and their settings. Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Officers note that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

### **Wood Street Conservation Area**

- 3.101 The Wood Street Conservation Area (WSCA) runs east to west from the junction with the Great North Road at the top of Barnet Hill along the ridge towards Arkley. The conservation area was designated in 1969, and subsequently extended in 1979. It includes the historic shops coming up Barnet Hill and surrounding the St. John's Church, Union Street to the north, the villas facing Ravenscroft Park, and Wood Street itself westward as far as The Whalebones, with its land and the detached houses opposite.
- 3.102 In accordance with paragraph 201 of the NPPF and DM06 (c. point 1), in terms of its significance, the Character Appraisal divides the WSCA into five character areas, which the application site lies within '*Area 5: Bells Hill (includes the south side of Wood Street).*' Key characteristics of this area include a mixture of mid-19<sup>th</sup> century

small scale domestic development in a variety of vernacular styles and materials and a good collection of locally listed buildings. Predominant materials are red brick and clay tile, render and clay tile, yellow stock brick and slate.

- 3.103 The appraisal identifies Whalebones Park to be an extensive area of private land with very heavy tree screening around the boundary so views in and out are limited. It states that it is formally laid out and partly interspersed with more natural open areas. It sets out that trees make a very important contribution to the character and appearance of the conservation area and identifies that the tree boundary to Whalebones Park, amongst others, is one of the most notable tree groups within the conservation area. There are open views into Dollis Valley from Whalebones Park. The Appraisal also highlights Whalebones House, a Grade II listed building.
- 3.104 Paragraph 201 of the NPPF and C. point 2 of DM06 requires consideration of the impact on the significance of the heritage asset. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 3.105 The applicant has undertaken and submitted a Heritage Statement by SmithJenkins in support of the application. The Statement acknowledges that the site is a notable feature in the character area and contributes to character and appearance of the wider conservation area. In terms of impact, the report concludes that the proposed development would result in some less than substantial harm to the character and appearance of the conservation area through the development of open land, principally in Area A. The development of Area A will be experienced in views along Wood Street and Wellhouse Lane.
- 3.106 The Appraisal finds that views of Area A from Wood Street are limited, due to the dense boundary vegetation and there will be some impacts, such as from creating vehicle access into the site. The impact of this introduction of suburban built form is considered by the Appraisal to have been mitigated in the design through an increase in the distance between the development line and the road, retention of existing trees and hedges, enhanced new landscaping, and reduction in height of the houses and greater permeability between their forms.
- 3.107 In contrast to Area A, Areas B and C will have limited development as part of the application proposals given that these areas are visible on the approach to Whalebones, forming part of the experience of the asset. The proposed studio as well as some landscaping, pathways and new entrances across these areas will have a slight change to their appearance but largely their contribution to the conservation area through their openness and agricultural and parkland character will be preserved as currently experienced.
- 3.108 The Council's Conservation Officer has reviewed the scheme and associated heritage report and comments that "*various changes to the proposed development have been made since the dismissed scheme to mitigate the harm to the heritage*

*significance of the conservation area. Not least a reduction in the quantum of development, but also re-siting and re-designing the housing to reduce its impact and prominence. This is particularly evident to the north of the site fronting Wood Street. Further, removal of the 5 houses fronting Wellhouse Lane is proposed, along with a re-design and re-siting of the community building, a reduced size of car park and the removal of a vehicular entrance. There is also increased landscaping, particularly boundary planting to supplement the existing vegetation. All these changes will be of benefit in reducing the harm to the heritage significance of the conservation area, whilst acknowledging that harm remains. Design changes have been made in each of the three areas within the site, A, B and C. A series of 6 comparative views provided in the Heritage Statement illustrate the current proposals, the appeal scheme and the existing situation. In Area A, at the western end of the site, the houses facing Wood Street have been set back from the road and are more widely spaced to reduce their visual impact and improve openness. Improvements have also been made to the design of the houses which have been reduced in size and to landscaping with increased greenspace. The comparative viewpoints 1, 2 and 3 show the evolution in design and reveal the mitigated impact from Wood Street and the reduced prominence of the buildings. Viewpoint 4 shows the positive impact that removing the housing from Area C has had on the view towards the whale bones on Wood Street, where there is now an absence of new development. Viewpoint 5 is taken from the hospital car park on Wellhouse Lane. The Planning Inspector considered this lower lying area of Area A to have a less mature parkland character and comparatively reduced sensitivity to the visual change brought about by the proposed housing. The image shows that the development has not changed significantly in bulk and massing and thus still has a dominant visual impact from this viewpoint. The applicant acknowledges that the development here is of a similar scale to the refused scheme and would have a similar effect. Viewpoint 6 is taken from the eastern part of Wellhouse Lane close to the bus terminus. The omission of the housing and changes to the community building have had a highly beneficial effect on this part of the site and a substantial reduction in harm to its character.*

3.109 Historic England have decided not to offer any comments for this application.

### **The Whalebones**

3.110 The Whalebones is a Grade II Listed building and is characterised by Historic England as follows:

*“Early C19. Two storeys, stucco. Three sash windows, the outer ones very slightly bowed in a bowed section of the walling. Central solid stuccoed porch with hipped slate roof and curved headed windows in sides. Plain overhanging eaves. Hipped slate roof. The ground floor windows are French casements.”*

3.111 The Whalebones House also includes two curtilage listed structures comprising the adjacent stable block and the whalebone ‘arch’ on Wood Street at the entrance to

the Whalebones House site. The proposals do not directly affect this building and so the key assessment is to the setting of the heritage asset.

- 3.112 In assessing its significance, the submitted Heritage Statement identifies that the building has high architectural and historic interest. The setting of Whalebones House makes a contribution to its significance through the preservation of historic ancillary features of the house, the surviving features of its landscaped garden and the surrounding land. The immediate setting comprises the area which forms the surrounding garden and is a formal part of the listed building, enclosed by mature trees which limit visibility out to the surrounding area. The Heritage appraisal finds that proposed development will result in some 'less than substantial harm' to the setting of Whalebones House through erosion of its open surrounding character, principally to the west of the listed building, which contributes to its setting. In conclusion, the scheme has no direct impact on the listed Whalebones House. Whilst the proposed scheme would result in less than substantial harm to the significance of Whalebones, through changes to its wider setting, the Appraisal considers the impact to have been substantially reduced when compared to the appeal scheme. Whilst the development of Area A erodes some of the open character of the landscape, the preservation of Areas B and C, which are considered to contribute to its setting to a greater degree, preserve the key areas of its setting and therefore its significance. In its conclusions, the Heritage Statement finds that the degree of harm to the surrounding designated heritage assets would be "less than substantial" and at the lower to middle end of the spectrum.
- 3.113 A number of comments have been received in relation about the potential for impact on the existing curtilage listed structures of the Stable Block and Whalebones Arch. There is no considered impact to the 'Arch' and the scheme has been positive improvements to the appeal scheme by introducing smaller scale buildings which are also located further away from these structures.
- 3.114 The Council's Conservation Officer notes that *"the applicant has also made a number of changes to the development to address the harmful impact of the housing on the setting to Whalebones House in the dismissed scheme. These include, re-siting the housing further away from the listed building and providing a wider buffer to the west, whilst reducing their height, and re-aligning and re-designing the houses to the north to be more barn-like in appearance. Removal of the 5 houses to the east and re-designing the community building are also proposed. These revisions are welcomed and will reduce the impact of the new development on the setting of Whalebones House. However, the housing development will still adversely impact on the secluded setting of the listed building and the way in which it is experienced, albeit this would be reduced from the substantial harm identified in the appeal decision."*

### ***Non-designated heritage assets***

- 3.115 No. 2 Wellhouse Lane is a Locally Listed heritage asset, it was added to the London Borough of Barnet's Local List in 2022. It is located on Wellhouse Lane adjacent to the eastern boundary of the Site.
- 3.116 The Heritage Report recognises that No. 2 Wellhouse Lane is of architectural significance as a well-surviving example of a workers cottage from the early-19th century. Their former purpose is reflected in their simplistic design which has little decoration. The setting of 2 Wellhouse Lane makes a contribution to its significance through its immediate and wider setting. The development of Area C has the potential to affect the significance of the non-designated heritage asset through change within its setting with the proposed Artists and Beekeepers studio visible as well as the change on the character of the landscape from a pastoral one to a more managed landscape. Whilst these introduce new built elements in to the extended setting of the non-designated heritage asset they would be seen some distance from the locally listed building and the architectural and historic significance of the locally listed building would remain appreciable. Its significance would therefore be preserved.
- 3.117 No harm is considered to result to the setting of this non-designated heritage asset from the proposals.

### ***Conclusion on the effect of nearby designated heritage assets***

- 3.118 Part c of Barnet Policy DM06 sets out a number of criteria which proposals should demonstrate, including amongst other matters; the impact of the proposal in the setting of the heritage asset, how the significance and/or setting of a heritage asset can be better revealed and how the benefits outweigh any harm caused to the heritage asset.
- 3.119 The significance of the heritage assets has been identified above and it has been found by all parties (applicant's Heritage consultant, LBB Conservation Officer and Appeal Inspector) that the proposed development would cause '*less than substantial harm*' on the designated heritage assets of the Conservation Area and Listed Building.

The proposed scheme has made a number of amendments which seek to reduce, minimise and mitigate the harm previously identified:

- reduction of the overall number of residential units proposed within the site;
- the location, layout, form, height and detailed design of the buildings has overall reduced the level of harm compared to the previous application;
- the reduction in scale of built development drawing back development from the Wood Street frontage and reductions in height adjoining Elmbank, with the majority of development contained within one area of the site i.e. most of Area A
- the removal of houses within Area C help retain the openness along Wellhouse Lane and removes built form from the backdrop view to the Whalebones Arch and

provides for increased new public open space in order to maintains its parkland character.

- 3.120 Criterion c. point four of Policy DM06 refers to how can the setting of the asset can be better revealed. In terms of The Whalebones, it is already noted that the house is barely visible from the public realm due to the mature trees and established planting. The site and its entrance is not directly affected by the proposed development and as such the setting of the heritage asset will remain as it is currently. The residential zone within Area A has been moved further away from Wood Street and with the removal of houses within Area C, these combined measures with the significant new landscaping proposals as part of the scheme so its isolated feeling will be enhanced and the limited public view retained. In terms of the conservation area, it is noted that the site is currently private and therefore opening up the site with a number of new open spaces with significant landscaping will better reveal the immediate context along Wood Street and Wellhouse Lane. The significant additional landscaping will reinforce the verdant character of this part of the conservation area.
- 3.121 The applicant has submitted a Landscape and Visual Impact Assessment which illustrates a series of wireframes of the proposed development from a number of viewpoints. It is considered that these wireframes illustrate that the proposed development would not be out of context with the surrounding area in terms of scale and bulk.
- 3.122 The larger apartment buildings are set within the southern part of Area A where they have a lesser visual impact. Due to their positioning within this site, the proposed height and the topography of the site, the height is not considerable to be overly harmful. Whilst the adjacent Elmbank development does not lie within the conservation area, the scale of these proposed blocks are comparable to this adjacent development.
- 3.123 The WSCA Appraisal Statement notes that there are open views into Dollis Valley from Whalebones Park. There are some glimpsed views along Wood Street where the hedgerow is lower in height. It is acknowledged that these views would be eroded by the proposed development and that these open views would be reduced. It is agreed with the consultee comments that this will result in harm to the conservation area. However, views from within the site are not considered to have significant weight as it is private land and not enjoyed by the wider public.
- 3.124 Officers acknowledge that the proposed development will cause a degree of harm to the designated heritage assests and that this amounts to 'less than substantial harm.' As required by paragraph 208 of the NPPF, applications that directly or indirectly affect the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy DM06 also requires a balancing of harm with identified benefits.



3.125 The applicant has identified the benefits of the schemes, which include the provision of newly-accessible public open space, natural open space, provision of new community facilities, provision of new housing and affordable housing. The benefits of the proposal and the balancing of these will be made within the 'Planning Balance' section at the end of the report.

### **Archaeology**

3.126 The application is supported by a desk-based Archaeological Assessment, prepared by Heritage Network. The report finds that the site lies in an area with a Low potential for the survival of buried remains of Early Prehistoric to Early Medieval date, increasing to a Low to Moderate potential for remains of Medieval date and a High potential for remains of Post-medieval and Modern date. The potential significance of such remains, should they be present on the site, may be considered to be Major for all periods up to the Early Medieval, reducing to Moderate for the Medieval and Post-medieval periods and Negligible for the Modern period. Any remains that might survive are, however, likely to have been affected by the 19th and 20th century activity on the site.

3.127 The Greater London Archaeological Advisory Service (GLAAS) has reviewed the report and comments that *"Although not within an Archaeological Priority Area, the application envisages major development on a greenfield site implying potential for new archaeological discoveries as noted in the applicant's archaeological desk-based assessment. The relatively modest level of existing archaeological information from the site and its surroundings, and the historic land use as a common, are consistent with an overall low to moderate potential. In my view the northern part of the site alongside the historic ridgeline road Wood Street on the permeable Stanmore Gravel would have moderate potential whilst the London Clay to the south has low potential. The western side of the site was historically used for allotments but the rest appears to have seen little or no cultivation suggesting good preservation potential...I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.* However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

3.128 GLAAS have suggested the wording of a suitable condition to attach should planning permission be granted.

### **Amenity Impact on Neighbouring Properties**

3.129 Part of the NPPF's (2023) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions

result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

### ***Privacy, overlooking and Outlook***

- 3.130 The Barnet Residential Design Guidance SPD states that 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. Shorter distances may be acceptable between new build properties where there are material justifications.
- 3.131 The nearest neighbouring properties are The Whalebones House, the Elmbank residential blocks along Collison Avenue located to the west of the site, the residential houses located along Wood Street (north side), and No.2 Wellhouse Lane to the east of the site.
- 3.132 The DAS illustrates the critical and overlooking distances with a clear marked diagram.
- 3.133 Along the northern boundary of the site, the proposed houses have been set back considerably from Wood Street, ranging from 27.8m to 33.4m. There is also a large area of proposed open space with enhanced landscaping and boundary enhancement. With all existing residential dwellings sited on the opposite side of Wood Street, there no overlooking / privacy concerns along Wood Street.
- 3.134 Along the western part of the site, the proposed buildings will be offset from the Collison Avenue boundary by 7.8 metre to 19 metres. The separation distances between the Collison Avenue blocks and the proposed new buildings would be between 16.7 metres and 31 metres. The majority of the western part of the proposal is occupied by detached and semi-detached houses. Only the rearmost building within Collison Avenue will face onto a proposed apartment block. Whilst it is acknowledged that in some locations the separation distance is less than set out in guidance, direct impacts have been reduced due to the careful placing of recessed balconies and the positioning of core / service area at the nearest points. Officers are satisfied that the proposal does not result in any adverse sense of enclosure or overlooking, or perceived sense of overbearingness.
- 3.135 With Whalebones House, there is a significant level of landscaping around the boundary and the nearest buildings are located 50m to 56.7m to the house. As such, there is not considered to be a detrimental impact on Whalebones House in terms of overlooking.
- 3.136 The other neighbouring dwelling house is located at No.2 Wellhouse Lane to the east, beyond Area C. There are no dwellinghouses proposed in this area.

3.137 Accordingly, Officers are satisfied that the development would not compromise the privacy of existing residential occupiers living in neighbouring properties.

### ***Noise and General Disturbance***

3.138 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 residential character of the wider area.

3.139 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. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

### ***Air Quality***

3.140 Policy SI1 of the London Plan (2021) states that development proposals should not lead to deterioration of existing poor air quality or create new areas that exceed air quality limits. Therefore, development proposals must be air quality neutral and use designed solutions to prevent increased exposure to existing air pollution. An air quality assessment should be submitted with major applications. Policy DM04 of the adopted Barnet Local Plan Development Management Policies DPD (2012) states that where there is a localised source of air pollution, buildings should be designed and sited to reduce exposure to air pollutants; and that development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments, where appropriate.

3.141 An Air Quality Assessment has been submitted in support of the application and concludes that the construction and operational air quality effects of the proposed development are judged to be 'not significant' and that suitable mitigation measures can be implemented to reduce dust emissions during construction works.

### **Transport, highways and parking**

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

### ***Residential car parking***

3.143 London Plan Policy T6.1 states that new residential development should not exceed the maximum parking standards set out in the table below:

<b>Location</b>	<b>No. of beds</b>	<b>Maximum parking provision</b>
Outer London PTAL 2 – 3	1 – 2	Up to 0.75 spaces per dwelling
Outer London PTAL 2 – 3	3+	Up to 1 space per dwelling

3.144 Barnet DM17 car parking standards for residential development are higher than those set out in the London Plan as it pre-dates it. However, emerging Local Plan policies would seek to align with the London Plan. Parking requirements for different types of units with the range of provision as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

3.145 The development proposes a total of 130 residential parking spaces for the 115 new homes, which equates to an average of 1.13 spaces per home. The Council's Highways Officer is accepting of the proposed residential car parking provision.

3.146 Whilst the GLA comments are to reduce the level of car parking in line with London Plan Standards, it is considered that the higher level of proposed provision of parking is appropriate in this instance and is supported by Barnet's Highways service. It is acknowledged that this exceeds the maximum standards, however taking into account public comments on this issue and the need to avoid overspill on nearby streets, it is considered there is sufficient justification in seeking to depart from London Plan policy.

3.147 In terms of blue badge parking, this will be provided in line with the London Plan with 3% of the dwellings from the outset and space for additional 7% will be allowed for within the design.

3.148 Electric vehicle charging points will be provided at all spaces if possible but will be confirmed via condition. This would exceed the London Plan standards.

### ***Non-residential parking***

3.149 There are no car parking standards for D1 use (studio/event/community space) and thus provision is assessed on a case-by-case basis. Assuming a ratio of 1 space

per 10 people, the provision of 10 spaces means that the maximum number of people that the studio/community hall can accommodate must be around 100 people. The proposed parking provision for the community use element of the development is considered to be reasonable.

### ***Cycle Parking***

- 3.150 The development will provide a total of 284 cycle parking spaces for the residential units and 6 for the studio building. The Council's Traffic and Development service has confirmed that this quantum of cycle parking exceeds the London plan requirements and is therefore acceptable.

### ***Internal layout, Access and servicing***

- 3.151 Area A will benefit from two vehicular accesses, one on Wood Street at the northwestern end of the site and the other which will be for emergency access only, at the southwestern end of the site on Wellhouse Lane. A third access point is situated further north along Wellhouse Lane and it serves the Studio building and small-holding in Area C.
- 3.152 As part of the access proposal, a crossing facility is proposed over Wood Street through a dropped kerb and tactile paving arrangement. New pedestrian access will be created across the northern boundary with Wood Street which will connect onto the footpath which runs along the southern side of Wood Street. A network of paths are then provided within the site which connects to Wellhouse Lane to the south.

### ***Access on Wood Street***

- 3.153 A crossroad junction with dedicated right turn lanes is proposed and is acceptable by the Council's Traffic and Development service. The access itself will be designed with a bell mouth arrangement connecting directly to Wood Street and will benefit from footway provision along either side of the access road before transitioning to a shared surface arrangement which is consistent with the principles of the previous application on the site.
- 3.154 A Stage 1 safety audit has submitted in support of the application. It identifies that additional right turn conflict may lead to collisions associated with crossroad junctions. However, Highways consider this risk to be low and further any residual risk could be sufficiently mitigated by regular maintenance of the line markings at the junction. Since the proposed junction layout has been unaltered and the number of units reduced since the previous scheme, Highways remain of the same opinion.
- 3.155 The development proposal includes the provision of a new sub-station which is to be sited adjacent the existing substation which is to be retained. It is proposed that maintenance vehicle access / arrangements will be the same as that of the existing sub-station.

### ***Access on Wellhouse Lane***

- 3.156 Access to Area C will be via Wellhouse Lane which will take the form a simple priority-controlled T-junction. This is consistent with the design for the previous application which was accepted by the Council's Traffic and Development Service.

### ***Refuse / Servicing***

- 3.157 In terms of servicing, the Highways Officer confirms that the submitted swept path analysis demonstrates that refuse vehicles and emergency vehicles can enter and exit the site in a forward gear. The location of refuse stores across the site is considered to be acceptable and ensures that vehicles can reach locations within 10m of the collection point.

### ***Road Safety***

- 3.158 The Highways Officer comments that given the scale of development and anticipated trip generation from the site, it is inevitable that there will be additional traffic on Wood Street which could potentially increase vehicle/vehicle and vehicle/pedestrian conflicts, particularly on Wood Street. However, it is considered that this could be mitigated by improved pedestrian and road safety measures which would reduce any potential impacts.

- 3.159 Active Travel Zone (ATZ) audit was undertaken as part of the transport assessment and covered four key destinations in the area. For each route, the main recommended improvements were proposed as follows:

*a) Route 1 - From the site to Barnet High Street*

Mainly to clear hedgerow and overgrown vegetation along Wood Street in the vicinity of the site order to increase footway width and improved pedestrian safety and usability of the path.

*b) Route 2 - From the site to Barnet Hospital*

To provide dropped kerbs and tactile parking on Wellhouse Lane on the southern boundary of the site to create uncontrolled pedestrians crossing points on Wellhouse Lane.

*c) Route 3 - From the site to Foulds School*

Resurfacing the footway at the junction of Wentworth Road/ The Avenue

*d) Route 4 - From the site to High Barnet Underground Station*

Provision of additional wayfinding signage on the path leading to the station.

- 3.160 The Highways Officer comments that the scope of the ATZ audit is acceptable.

### ***Trip generation***

- 3.161 The Highways Officer has confirmed that an analysis of the potential trip generation from the site has been undertaken using industry standard database called TRICS. The results show that the development will generate a 33 two-way vehicle movements during the AM peak (8-9am) and 34 two-way vehicle movements during the PM peak. The corresponding person trips for the AM and PM peak hours are 60 and 71 respectively.
- 3.162 The impact of this level of trip generation on the surrounding highway network has been assessed by the Highways service. The site will generate 32 - 33 trips on foot during the peak hour. The submitted Transport Assessment indicates that the pedestrian network is of good quality and sufficient to accommodate the additional pedestrian trips.
- 3.163 There will be an additional 1 bicycle trip per hour and this is considered to have a minimal impact and can be safely accommodated within existing facilities.
- 3.164 The development is forecasted to generate an additional 6 bus trips and in the AM peak and 6 additional trips in the PM peak. With a service of 18 buses per hour, this will result in approximately 1 extra trip per 2 buses in the peak hours.
- 3.165 A similar assessment for the underground train indicate that there will be 17 and 18 underground trips during the AM and PM peak hours respectively. This level of trip generation will result in 1-2 extra passengers per service in the peak hours which is not considered to have a material impact on the service.
- 3.166 An assessment of the impact of the additional vehicle trips from the development has been carried out. The results show that the junctions tested on Wood Street and Wellhouse Lane would have spare capacity. With this level of trips, it is unlikely that the additional trips from the development will have a noticeable impact on the local highway network.
- 3.167 Overall, the Council's Traffic and Development service are satisfied that the proposed development does not raise any significant highways issues, subject to the mitigation measures being secured by S106 agreement and conditions. Whilst, it is accepted that the proposal exceeds the maximum car parking standards set out by the London Plan, however, Officers consider there is appropriate justification to depart from this requirement.

### **Landscaping, trees and biodiversity**

- 3.168 Paragraph 131 of the National Planning Policy Framework (2023), Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012) all recognise the importance of green infrastructure in the enhancement of biodiversity, sustainable urban drainage,

responding to climate change, and enhancing both character and amenity of places, collectively delivering sustainable development. Policy G6 (Biodiversity and access to nature) of the Mayor's London Plan (2021) requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain.

### ***Landscape and Open Space***

- 3.169 As previously mentioned, the application proposes the creation of several areas of open space within the development site. The submitted Landscape Design and Access Plan provides a comprehensive and detailed breakdown of the proposed landscaping and open space provision.
- 3.170 The proposal will deliver multi-functional open spaces which include (amongst other things):
- 2.08 ha publicly open space;
  - 800sqm children's play space
  - Doorstep play and communal gardens within the residential areas;
  - Play on the way within the Wood Street open space and the Woodland Walk;
  - Sensory meadow;
  - Woodland Walk
  - Refurbished ponds and existing areas of grassland to be diversified;
  - Enhanced boundaries to the public realm;
  - Artists' and Bee Keepers garden;
  - Creation of direct pedestrian and cycle routes between Wood Street and Wellhouse Lane;
  - Agricultural small holding
- 3.171 As assessed earlier within the report, Officers consider that the provision of new publicly open space is appropriate in terms of its size and consider that the proposed landscaping is of a high quality and will result in highly valued open space for existing and new residents. New pedestrian accesses are to be provided from Wood Street which onto a network of paths are then provided within the site which connects to Wellhouse Lane to the south. This enhanced permeability and connectivity is considered to be a benefit to the surrounding area.
- 3.172 In terms of management, it is anticipated that the ownership of new public open spaces and children's play area within the park area will be transferred into an Open Space Trust who will be responsible for the management and maintenance of these areas in perpetuity. This will be secured by a S106 obligation.
- 3.173 London Plan policy G5 expects major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The policy expects Boroughs to identify an appropriate amount of urban greening but in the interim recommends a target score of 0.4 for predominately residential developments.



- 3.174 The scheme provides a high level of greening in and around the site for both public and private use, which will both enhance and soften the built forms. The landscape design proposals have demonstrated that the development will achieve an Urban Greening Factor 0.514 – as detailed in the Landscape Design and Access Statement. This is in exceedance of the London Plan Policy. The Council's Tree Officer has considered the landscape design submissions and comments that landscape is broadly acceptable subject to a number of amendments with regards to planting specification. The landscape design will in time help soften the impact of the buildings.
- 3.175 As such, subject to conditions requiring final details of landscaping specification and maintenance, Officers are satisfied that the development would align with the urban greening objectives of London Plan (2021) Policy G5 and the character and appearance aspirations of Barnet Local Plan Policy DM01.

### **Trees**

- 3.176 There is considerable tree coverage across the site with a number of trees present subject to Tree Preservation Orders (TPO). Trees are also offered protection by virtue of the site's location within a conservation area.
- 3.177 London Plan Policy G7 (Trees and woodlands) sets out that development proposals should ensure 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, determined by, an appropriate valuation system.
- 3.178 The application is supported by a Tree Survey, Arboricultural Impact Assessment (AIA), Tree Constraints Plan and AIA Plan.
- 3.179 The survey assessed 223 trees across the site, of which 6 are Category A (High Quality), 64 are Category B (Moderate Quality), 121 are Category C (Low Quality) and 32 are Category U (Poor Quality). To facilitate the development, it is proposed to remove 31 individual trees and 6 small groups of trees. Those to be removed, predominantly fall within Category C/U (33 trees), with 4 Category B trees. Based on the tree survey, it is estimated that the tree groups to be lost have c. 30 identified stem. The AIA concludes that the impacts of tree removal are generally of little individual significance and their loss will not affect the visual character of the area.
- 3.180 The replanting scheme will be substantial and offer considerable enhancement and replaces mainly low / poor quality trees. The replanting scheme comprises of a total of 215 new trees which represents a net increase in excess of 150 trees.
- 3.181 The Council's Tree Officer has reviewed the arboricultural submissions and comments that the loss of trees within Area A and C can be mitigated in the long

term with replacement tree planting.

- 3.182 The applicant has submitted a Tree Valuation Report at the request of the Council's Tree Officer which assess public amenity loss using primarily a depreciated replacement cost appraisal methodology, namely Capital Asset Value for Amenity Trees (CAVAT). CAVAT allows the value of a tree to be assessed by extrapolation from the cost of a newly planted standard tree, using the ratio between their respective trunk areas as the critical measurement.
- 3.183 Overall, Officers are satisfied that in terms of trees, the removals will have a limited impact on the site / wider area and the proposed replanting and landscaping scheme will provide significant benefits. The report concludes that the temporary loss in value is mitigated adequately in the landscape proposals purely by the single stemmed trees with the multi-stemmed specimens and shrub planting adding to this.

### ***Ecology***

- 3.184 Paragraph 180 of the NPPF (2023) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021 seek to ensure that development proposals manage impacts on biodiversity and aim to secure net biodiversity gain. Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012) broadly aligns with these policies in principle, as does Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 24).
- 3.185 The Council's Ecologist has reviewed the submission documents and surveys and comments as follows:

#### **Roosting bats**

- 3.186 The submitted Nocturnal Bat Roost Survey (MKA Ecology, January 2024) reiterated that the previous nocturnal bat surveys confirmed the presence of four trees supporting common pipistrelle roosts. The trees on site were subjected to a Ground Level Tree Assessment in 2023, of these trees 70 were found have suitability to support roosting bats. Of these 8 trees were subject to further bat emergence surveys including those four previously confirmed roosts. No bat emergences were recorded during surveys in 2023. None of the four building (buildings 1 – 4) were found to have roosting bats and so the buildings were deemed to be absent of roosting bats. No further mitigation will be required in relation to these structures. It is noted that Tree 25 (popular) will be removed to facilitate the development, while the remaining trees which previously had confirmed roost will be retained.

#### **Foraging and commuting bats**

- 3.187 The submitted Bat activity survey (MKA Ecology, January 2024) determined through the combined transect and static recorder surveys between August 2022

and May 2023 confirmed the presence of low diversity of species with bat activity were occasionally recorded. Bat commuting routes were confirmed along hedgerow, and foraging activity were confirmed around hedgerows and mature trees throughout the site. All boundary trees and hedgerows will be maintained to ensure that there is no distribution to the habitat connectivity for bats on site.

- 3.188 The Council's Ecologist welcomes the proposed inclusion of 50 purpose-built bat roost boxes to be included as part of the ecological enhancement for the site. He advises that a strict dark corridor along the boundaries of the site and adjacent woodland must be secured by means of a Bat Sensitive Lighting Strategy.
- 3.189 The Council's Ecologist welcomes the amended EclA report which outlines the proposed enhancements of the existing hedgerows and acid grassland, and provision of wildflower meadows to provide ideal pollinating plant species and log piles for the benefit of invertebrates and the species which predate them. These enhancements will be secured by means of the ecological enhancement plan. The retention of dead log piles on site and the provision of additional hibernacula and log piles within key habitat area onsite will increase the overall coverage of egg laying habitat onsite e.g. woodland, acid and meadow grassland.

#### Priority Habitats

- 3.190 The Council's Ecologist accepts the findings and assumption of the Botanical Walkover Survey report (MKA Ecology, January 2024) that the out of two core areas of acid grassland confirmed to be present on site. He is confident that no priority habitat will be negatively impacted by the proposed scheme and the remaining area of other lowland acid grassland in the eastern section of the site will be sufficiently safeguarded.

#### Non-native plant species

- 3.191 The submitted PEA report revealed the presence of a number of non-native plant species. A detailed Invasive Non-Native Species Management Plan would need to be conditioned (subject to planning approval) to deal the necessary avoidance/treatment, removal, and disposal measures by a suitably experience third-party invasive species removal specialist to prevent such invasive species spreading offsite.

#### Great Crested Newts

- 3.192 There was no confirmed evidence of Great Crested Newts within the ponds surveyed.

### Badgers

- 3.193 Due to the confirmed presence of moderate suitable foraging and sett building habitat for badgers within the site, it is recommended that a pre-commencement badger survey would need to be conditioned.

### Invertebrates

- 3.194 Due to the low likelihood of protected stag beetles being present on site and breeding within the dead wood piles onsite a Precautionary Working Method Statement would be required to reduce the risk of injuring or disturbing these Schedule 5 listed invertebrate species and their larvae.

### Breeding birds

- 3.195 The submitted Breeding Bird Survey (MKA Ecology, September 2023) confirmed the presence of 38 species of birds, 14 species holding territory with the site, 17 species of conservation concern and four species confirmed to be breeding (woodpigeon, wren, dunnoek, and tawny owl). The retention of key breeding habitat for these four species must be secured throughout any approved development with vegetation clearance being restricted to only being undertaken outside of the active nesting bird season which occurs March to August inclusive. The enhancement of existing lowland acid grassland and the provision of purpose built and species-specific nest boxes including tawny owl nest boxes, swift bricks, and bird bricks would need to be implemented subject to planning approval.

### Reptiles

- 3.196 The Council's Ecologist raises no objections to the findings and recommendation of the Reptile Survey (Reptile Survey Report, MKA Ecology, March 2023) as no reptiles were recorded onsite during the seven reptiles visit between 22/09/2022 and 16/10/2022. The proposed provision of hibernacula, log piles and tussocky grassland as part the wider ecological enhancement of the site is welcomed as these measures would provide suitable foraging, sheltering and hibernating habitat for reptiles that were to be present onsite.

### Biodiversity Net Gain

- 3.197 The Environment Act 2021 introduces a statutory requirement for biodiversity gain to be achieved on new developments. However, this only came into effect from 12 February 2024. Whilst the application was made well before this date and therefore exempt from BNG requirements, the applicant has nonetheless, sought to provide BNG within the proposal.
- 3.198 The applicant has produced a revised Biodiversity Net Gain assessment (Biodiversity Net Gain Assessment 4.0, January 2024, V6, and Defra Metric 4.0

spreadsheet) for both the onsite and offsite areas. The proposed post-development onsite BNG score including all habitat retention, enhancement and creation will be 35.34 habitat units and 7.10 hedgerow which equates to a Net Loss of -13.07 Biodiversity units onsite, and net gain of +1.25 hedgerow unit onsite. This loss will be principally from the reduction of other neutral grassland and other acid grassland (17.77 units onsite)

3.199 To address the significant onsite Net Loss MKA Ecology have proposed the following offsetting scenario as outlined in the attached PDF (MKA Ecology, January 2024).

- 2.6ha of the existing modified grassland in poor condition to be enhanced to other neutral grassland in good condition.
- 0.48ha of mixed scrub in good condition to be created to replace an area of the existing modified grassland

3.200 The Council's Greenspaces department has agreed in principle to the feasibility of delivery the necessary of site habitat enhancement the existing modified grassland to other neutral grassland (medium distinctiveness, good condition) and creation of mixed scrub (medium distinctiveness, good condition) to delivery 4.03 and 14.28 units (18.31 units). The proposed offsetting would ensure that the proposed development results in a Net Gain of 10.78% (habitats) and 21.33% (hedgerows).

3.201 A site on the Land North of the Dollis Brook has been agreed between the Council and the applicant for providing offsite enhancements.

3.202 The Council's Ecologist is satisfied with the findings of the ecological submissions subject to planning obligations, conditions and informatives.

3.203 Overall, subject to conditions, Officers are satisfied that the scheme would accord with Paragraph 180 of the NPPF (2023) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021; Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012); and Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 24).

## **Energy and Sustainability**

### ***Energy***

3.204 London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

3.205 An Energy Strategy has been submitted in support of the application which has been reviewed by the Council's Energy and Sustainability Officer. The energy

statement outlines a series of measures, through air source heat pumps for the houses and exhaust air heat pumps for the apartments.

- 3.206 The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean, Be Green and Be Seen. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO<sub>2</sub> emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 71.9% CO<sub>2</sub> reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A contribution of £91,390 will be required to be secured via planning obligation.

### ***Water Consumption***

- 3.207 In terms of water consumption, a condition would be recommended in the event planning permission is granted 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 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).
- 3.208 The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

### **Flood Risk / SuDS**

- 3.209 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".
- 3.210 The application is accompanied by a Flood Risk Assessment & Surface Water Drainage Strategy. This has been initially assessed by the Council's appointed drainage specialists who require further details / information to be submitted. However, as this matter has been resolved in previous applications, Officers consider that this can be satisfactory addressed through condition.

### **Fire Strategy**

- 3.211 London Plan Policy D12 (Fire safety) states that all development proposals must achieve the highest standards of fire safety. Developments should be designed to

incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire.

3.212 A Fire Safety Strategy Report, prepared by Affinity, has been undertaken to demonstrate that the development proposals comply with local and regional planning policy. The Fire Strategy sets out for the proposals functional objectives relating to means of egress; suppression; combustibility and content control; structural resistance and passive systems; fire service access and facilities; and management. The report provides a holistic overview of the proposed fire safety strategy principles for the development, which is in conformity with the London Plan standards. The report has been updated to reflect the comments made by the GLA in their Stage 1 comments.

### **Other Materials Matters**

#### ***Access to Health***

3.213 As noted in the consultee comments section of this report, the NHS London Health Urban Development Unit (HUDU) provided comments on the application. They have requested a sum of £353,420 towards the estimated capital costs of mitigating the impacts of the development on local health services. However, Officers consider the request to be disproportionate and unnecessary as it is considered that the infrastructure impacts of this development on the health are best addressed through the Community Infrastructure Levy (CIL). The Council has recently revised the amount of its Community Infrastructure Levy charge from £135 to £300 per sqm for residential development. The intention of this increased amount was to simplify the Section 106 process and ensure that a greater sum of money can be secured to address the infrastructure impacts of development, instead of securing a large and complex range of financial contributions towards each matter. Contributions towards health impacts have been taken into account in the CIL charge, and for that reason Officers consider that the contribution requested is unjustified.

#### ***Public Toilets***

3.214 The GLA Stage 1 response advised that in line with London Plan Policy S6, public toilets should be provided and be appropriately secured by the Council. The policy expects that large-scale developments that are open to the public, such as shops, sport, leisure and health care facilities, transport hubs, cultural and civic buildings and large areas of public realm should provide public toilets. It advises that Boroughs should define 'large-scale' for their local circumstances and where no local definition is given, 'large-scale' should be taken to mean developments that come under Category 1B, Part 1 of The Town and Country Planning (Mayor of London) Order 2008.

3.216 Barnet's emerging local Plan glossary defines 'Large scale' as residential development over 200 units or a site of 4 hectares or more. Whilst the proposal

includes large areas of public realm, it is not considered appropriate for public toilets to be included in this scheme for a number of reasons. Mainly, there are heritage constraints across this site and the proposal seeks to minimise the built form, particularly within Areas B and C. It is considered that the close proximity of Barnet Hospital could help serve this need.

### **Planning Balance**

3.217 As stated earlier, after an assessment of the proposed development, Officers find that less than substantial harm will be caused to the designated heritage assets of the WSCA and The Whalebones. In accordance with Barnet policy DM06 and paragraph 208 of the NPPF, the harm should be weighed against the public benefits.

3.218 The proposed benefits of the scheme are:

- Provision of 115 new homes
- 35.1% of affordable housing by habitable room (41% by unit)
- 2.05 hectares of new, publicly accessible open space;
- Enhanced landscaping and biodiversity measures;
- Purpose built studio for the existing artists and beekeepers;
- New pedestrian and cycle routes; and
- Economic benefits through direct and indirect jobs and increased household expenditure.

3.219 For the reasons given in the assessment sections above, it is identified that there would be less than substantial harm to the significance of the designated heritage assets by virtue of the proposed development being within its setting and resulting in provision of built form in an area of undeveloped land.

3.220 The Appeal Decision relating to the Previous Application is also a material consideration. The proposed scheme has made a number of positive amendments which seek to reduce, minimise and mitigate the harm previously identified:

- overall reduced quantum of homes and built form;
- increased gap between Wood Street frontage and the northern part of Area A, thereby reducing the built development that is visible. There is now a more substantial landscaped boundary, and this area fronting Wood Street acts as a natural buffer between the proposed built development form and Wood Street itself, reducing the visual intrusion of the new residential houses;
- the design of the proposed development along the western boundary of the site shared with Collison Avenue is now predominantly houses rather than apartment blocks;
- removal of all of the five homes in Area C, and therefore no longer encroaches closely to the Whalebones House, and also improves the views/background to the Whalebones Arches;



- In Area A, along the eastern boundary with the listed building Whalebones House, the homes have been moved eastwards, reduced in height and the proposed 'Woodland Walk' has been retained and increased in width, providing a natural buffer between the two boundaries; and
- The separation distance between Whalebones House and the homes to the north has increased, along with these homes being reduced in scale and being re-designed in a "barn style".

3.221 Officers consider that above measures positively address the concerns raised by the Inspector in the dismissed appeal.

3.222 In this case, Officers acknowledge there would be a package of benefits that would arise from the development which have been maintained and enhanced from the previous appeal scheme.

3.223 Barnet's Reg 24 Local Plan has now been through an Examination in Public, with the Inspectors Interim findings stating that that the site is developable subject to agreed modification. This is now considered to have increasing weight in the decision-making process. It is considered that the scheme has followed a designed approach which focuses on heritage and landscape and also provides a high-quality architectural scheme. It is considered to respond to the EiP Inspectors who sought to ensure that any scheme brought forward responds appropriately to the historic character of the site and its surroundings.

3.224 In applying paragraph 208 of the NPPF and Barnet policy DM06 c, it is considered that the package of public benefits is of considerable importance and it would outweigh the harm that would arise through the impact on the setting of the designated heritage assets in this case.

3.275 Subject to mitigation, measures relating to landscaping, highways, noise, contamination, air quality, transport impacts and sustainability will be secured via S106 obligations and relevant conditions.

#### **4.0 Equality and Diversity Issues**

4.1 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.”

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

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

4.3 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 this important legislation.

4.4 The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

4.5 A minimum of 10% of units will be wheelchair adaptable.

4.6 The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

4.7 The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

## **5.0 Conclusion**

5.1 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 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 a Stage 2 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.



This page is intentionally left blank