

MEETING

PLANNING COMMITTEE

DATE AND TIME

MONDAY 23RD MAY, 2016

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Melvin Cohen LLB
Vice Chairman: Councillor Wendy Prentice

Maureen Braun
Eva Greenspan
Agnes Slocombe

Claire Farrier
Tim Roberts
Laurie Williams

Stephen Sowerby
Mark Shooter
Jim Tierney

Substitute Members

Richard Cornelius
Sury Khatri

Anne Hutton
Gabriel Rozenberg

Dr Devra Kay
Reema Patel

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 18 May 2016 at 10AM. Requests must be submitted to paul.frost@barnet.gov.uk 020 8359 2205.

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

Andrew Charlwood – Head of Governance

Governance Services contact: Paul Frost paul.frost@barnet.gov.uk 020 8359 2205

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
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Decisions of the Planning Committee

31 March 2016

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)

Councillor Maureen Braun	Councillor Stephen Sowerby
Councillor Claire Farrier	Councillor Mark Shooter
Councillor Tim Roberts	Councillor Jim Tierney
Councillor Agnes Slocombe	Councillor Sury Khatri (substitute)
Councillor Jim Tierney	Councillor Richard Cornelius (substitute)

Apologies for Absence

Councillor Melvin Cohen

Councillor Wendy Prentice

1. ELECTION OF CHAIRMAN

Due to the absence of the Chairman and Vice-Chairman, the first item on the agenda was the Election of the Chairman for the meeting.

Councillor Tierney was nominated by Councillor Farrier to be the Chairman for the meeting. The nomination was seconded by Councillor Slocombe

Councillor Greenspan was nominated by Councillor Cornelius to be the Chairman for the meeting. The nomination was seconded by Councillor Shooter.

Due to there being two nominations, the committee moved to vote on the nominations. Votes were recorded as follows:

Councillor Tierney	5
Councillor Greenspan	6

Therefore, Councillor Greenspan was elected to be Chairman for the meeting.

2. MINUTES OF THE LAST MEETING

RESOLVED – That the minutes of the meeting held on 16th March 2016 be agreed as a correct record.

3. ABSENCE OF MEMBERS

Apologies for absence were received from Councillor Melvin Cohen, who was substituted for by Councillor Richard Cornelius, and from Councillor Wendy Prentice, who was substituted for by Councillor Sury Khatri.

4. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

The following interests were declared:

Councillor	Item	Nature of interest	Details
Claire Farrier	17	Non-pecuniary	That the councillor is a regular visitor of the farm with her children.
Sury Khatri	17	Non-pecuniary	That the owner of the farm is in the councillor's ward, and that he knew the owner around 4-5 years ago.

5. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

6. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

7. MEMBERS' ITEMS (IF ANY)

None.

8. CAMDEN SPORTS AND SOCIAL CLUB EDGWAREBURY LANE EDGWARE HA8 8QP (EDGWARE)

The Planning Officer introduced the report, which related to Camden Spots and Social Club, on Edgwarebury Lane, Edgware, HA8 8QP.

The committee noted the additional information outlined in the addendum.

A representation was heard from Mr Laurence Hilton, who spoke in objection to the application.

Representations in favour of the application were heard from Councillor Brian Gordon, Councillor Daniel Thomas and Andrew Dismore, GLA Member for Barnet and Camden.

Mr Stephen Gertner spoke on behalf of the applicant.

Following discussion of the item, Councillor Shooter moved that the application be approved. This motion was seconded by Councillor Sowerby. Votes were recorded as follows:

For	10
Against	0
Abstain	1

RESOLVED – That the application be approved (therefore being a reversal of the officers' recommendation) subject to the conditions as laid out in the information appended to the minutes.

Reasons for approval:

- That the application has little or no detrimental impact to its, and the surrounding, environment so as to outweigh the benefit.
- That the application will provide a necessity for Barnet's Jewish community.

9. LAND AT PAVILION WAY, EDGWARE, HA8 9YA (BURNT OAK)

The Planning Officer introduced the item, which related to land at Pavilion Way, Edgware, HA8 9YA.

The committee noted the additional information outlined in the addendum.

A representation against the application was heard from Andrew Dismore, GLA Member for Barnet and Camden.

Representations were heard from Ms Moira Anderson (Head Teacher at Watling Park School) and Councillor Hugh Rayner, who spoke in favour to the application.

A further representation was heard from the applicant.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	6
Against	4
Abstain	1

The recommendation therefore carried, and the following was **RESOLVED**:

- **That the application be approved, subject to conditions detailed in the report.**

10. OLD BARN YOUTH CLUB AND LAND ADJACENT CORNER OF FALLOWS CLOSE AND TARLING ROAD LONDON N2 8LG (EAST FINCHLEY)

The Planning Officer introduced the item, which related to land at Old Barn Youth Club and land adjacent, the corner of Fallows Close and Tarling Road, London N2 8LG.

The Planning Officer outlined changes to the officers' recommendation, which were as follows:

1. Amendment to condition 1 – delete plan 24485/1 Location Plan.
2. Amend condition 15 to “a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, before the development hereby permitted is first occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less

than 20% of the approved parking spaces to be provided with active and 10% passive electric vehicle charging facilities.

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

3. Add new condition “The premises shall be used as a community centre as set out in the application documents and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

The committee noted the changes to the recommendation.

Representations against the application were heard from Ms Caroline Dean and Emily Burnham, who spoke on behalf of Julia Hines.

A further representation was heard from the applicant’s agent, Ian Butt.

Following discussion of the item, the Chairman moved to the officers’ revised recommendation. Votes were recorded as follows:

For	11
Against	0
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- **That the application be approved, subject to conditions detailed in the report and the revised recommendation as provided for by the Planning Officer at the meeting.**

11. OLD STATIONERS RECREATION GROUND BARNET LANE BARNET EN5 2UA (UNDERHILL)

The Planning Officer introduced the item, which related to Old Stationers Recreation Ground on Barnet Lane, EN5 2UA.

Following discussion of the item, the Chairman moved to the officers’ recommendation. Votes were recorded as follows:

For	11
Against	0
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- That the application be approved, subject to conditions detailed in the report.

12. BRENT CROSS CRICKLEWOOD REGENERATION AREA, LONDON, NW2 (CHILDS HILL, GOLDERS GREEN, WEST HENDON)

The Planning Officer introduced the item, which related to Brent Cross Cricklewood Regeneration Area, London, NW2.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	11
Against	0
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- That the application be approved, subject to conditions detailed in the report.

13. PHASE 1A NORTH, BRENT CROSS CRICKLEWOOD REGENERATION AREA, LONDON NW2 (CHILDS HILL, GOLDERS GREEN, WEST HENDON)

The Planning Officer introduced the item, which related to Phase 1A North, Brent Cross Cricklewood Regeneration Area, London, NW2.

A representation was heard from Mr David Arditti, who spoke against the application.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	11
Against	0
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- That the application be approved, subject to conditions detailed in the report.

14. BRENT CROSS REGENERATION AREA, LONDON NW2 (CHILDS HILL, GOLDERS GREEN, WEST HENDON)

The Planning Officer introduced the item, which related to Brent Cross Cricklewood Regeneration Area, London, NW2.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	11
Against	0
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- **That the application be approved, subject to conditions detailed in the report.**

15. BRETHREN MEETING HALL, 3 WELL GROVE, LONDON, N20 9QE (WHETSTONE)

The Planning Officer introduced the item, which related to Brethren Meeting Hall, 3 Well Grove, London, N20 9QE.

The committee noted the additional information outlined in the addendum.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	6
Against	5
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- **That the application be approved, subject to conditions detailed in the report.**

16. BELMONT RIDING CENTRE BELMONT FARM THE RIDGEWAY LONDON NW7 1QT (MILL HILL)

The Planning Officer introduced the item, which related to Belmont Riding Centre, Belmont Farm, The Ridgeway, London, NW7 1QT.

The committee noted the additional information outlined in the addendum.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	11
Against	0
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- **That the application be approved, subject to conditions detailed in the report.**

17. PLOT 8, LANACRE AVENUE, COLINDALE, NW9 (COLINDALE)

The Planning Officer introduced the item, which related to Plot 8, Lanacre Avenue, Colindale, NW9.

The committee noted the additional information outlined in the addendum, and the exempt addendum provided to committee members.

Representations against the application were heard from Chris Smith, Councillor Gill Sargeant and Andrew Dismore, GLA Member for Barnet and Camden.

A representation was heard from Anisa Darr on behalf of the applicant.

Following discussion of the item, the Chairman moved to the officers' recommendation. Votes were recorded as follows:

For	6
Against	5
Abstain	0

The recommendation therefore carried, and the following was **RESOLVED**:

- **That the application be approved, subject to conditions detailed in the report.**

18. ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION

The committee noted that this item was withdrawn from the agenda upon officers' request.

19. ADDENDUM (IF APPLICABLE)

Items detailed in the addendum were considered as part of the respective agenda items.

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

None.

The meeting finished at 9.55 pm

APPENDIX TO MINUTES – CAMDEN SPORTS AND SOCIAL CLUB CONDITIONS

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 1080 L001 Rev A, 1080 L002 Rev A, 1080 L003, 1314 008B, 1314 009 RevD, 1314 010 RevA, Outline Landscape Management Plan, Design and Access Statement, Tree Constraints Plan Revision A (20/05/2013)

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. Time limit

Details of the following reserved matters for Phases 2 and 3 as set out in the approved Phasing Plan 1314/008 Rev B shall be submitted to and approved in writing by the Local Planning Authority before this phase of the development is implemented:

- (a) Appearance
- (b) Layout
- (c) Scale

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.

3. Time limit reserved

Application for approval of all the reserved matters referred to in condition 2 shall be made to the Local Planning Authority in writing before the expiration of three years from the date of the original permission H/04748/12 dated 05.07.2013.

Reason: To comply with section 92(2)(a) of the Town and Country Planning Act 1990.

4. Time limit

Phase 1 of the development must be begun not later than three years from the date of the grant of the original permission H/04748/12 dated 05.07.2013..

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

5. Materials

Before the development hereby permitted commences, details of the materials to be used for the building and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

6. Time limit implementation

Phase 2 and 3 of the development must be begun no later than whichever is the later of the following dates:

- (i) the expiration of five years from the date of the original decision notice dated 05.07.2013; or,
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.

7. Means of enclosure

Before the development hereby permitted is brought into use the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

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

8. Refuse

Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

9. Hours of working

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.

Reason:

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

10. Landscaping

All work comprised in the approved scheme of landscaping for Phase 1 shall be carried out before the end of the first planting and seeding season following commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

11. Retention of Landscaping

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 phase 1 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12 Construction Management Plan Obl

No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

13 Vehicular access

Means of vehicular access/ egress to the development shall be from Edgwarebury Lane only.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

14 Drainage

Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (ref: D1.FF0 R1; dated: October 2012; prepared by: Cemetery Development Services) and subsequent calculations, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the first phase of the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Core Strategy policies CS7 (Enhancing and protecting Barnet's open spaces) and CS13 (Ensuring the efficient use of natural resources), DM policies DM01 (Protecting Barnet's character and amenity), DM04 (Environmental considerations) and DM16 (Biodiversity), and the Sustainable Design and Construction SPD.

15 Disabled parking

The disabled parking spaces shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building 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.

16 Parking

Before the development hereby permitted is brought into use, parking spaces, cycle parking and turning spaces shown on plan number(s) 1314/008 (Rev B) shall be provided and marked out within the site in accordance with the submitted scheme. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

17 Visibility

No structure including fences or planting exceeding 1.05 metres in height shall be erected to the left or right of the access within the visibility splay when merging from private access on to public highway.

Reason: To preserve sight line and 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.

18 Refuse

Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the

Public Highway, at floor level, otherwise, the development access should be designed and constructed to adoptable standards in order to allow refuse vehicles to access and turn around within the site. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

19 Ecology

Prior to the commencement of the development, a Management Plan shall be submitted and approved by the Local Planning Authority and shall detail:

- a) how the development will be implemented in accordance with the proposals and mitigation set out in the ecological surveys
- b) how the landscape and ecology of the site shall be maintained
- c) how any ecological impacts arising on the implementation of phases 2 and 3 will be addressed, and
- d) how public access to the site will be provided, managed and maintained

Reason: To safeguard local ecology and biodiversity and ensure the benefits of public access to the site, in accordance with policies DM15 and DM16 of the Adopted Barnet Development Management Policies 2012.

20 Slow worms

No site works or works on this development shall be commenced before, a survey is carried out and submitted to the Local Planning Authority for approval, to establish the presence of slow worms. If found a mitigation strategy shall be submitted to and approved by the Local Planning Authority. The site clearance shall be implemented as approved in the strategy.

Reason: To safeguard any slow worms (a protected species) which may be present on the site in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

21 Geophysical survey

Before the development commences, a geophysical survey of the site by the applicant shall be undertaken, aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultants report will need to establish the significance of the site and the impact of the proposed development. This report shall be submitted to the local planning authority and Greater London Archaeological Advisory Service for their approval.

Reason: To safeguard the archaeological record in accordance with development management policy DM06 of the Adopted Barnet Development Management Policy 2012.

22 Levels

Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

23 Services – trees

Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site including water storage measures as outlined in the drainage condition shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

24 Method Statement - Trees

No siteworks or works on this development shall be commenced before 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 are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

25 Landscaping phases 2 and 3

A scheme of hard and soft landscaping for phases 2 and 3 including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority within three years of this grant of permission.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting season following the competition of phases 2 and 3, or the competition of the development, whichever is sooner.

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 competition of the 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

Informatives

1. Crossover

If the development is carried out it will be necessary for the existing crossover on the footway to be reinstated by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

2. Surface water

Advice to applicant on surface water condition: In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

3. Additional information

The additional information accompanying this application is: Land and visual assessment; design and access November 2015; Planning Statement 17 December 2015; Burial Needs Report, Ecology Report, Flood Risk Assessment, Historic Environment Assessment, Planning statement, Report on Community Engagement, Transport Statement, Tree Report..

4. Breeding season

If tree works are required, they should occur between mid-September and November or during April to avoid the bat hibernation and breeding seasons. Cavity features should be inspected by endoscope, either by or under the supervision of a licensed bat ecologist. Works should only proceed if no evidence of bats is discovered

5. 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.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £10,290 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a NIL payment under Barnet CIL.

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.

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

You 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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

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Location **The Spires Shopping Centre High Street Barnet EN5 5XY**

Reference: **16/0288/FUL**

Received: 15th January 2016

Accepted: 21st January 2016

Ward: High Barnet

Expiry 4 June 2016 (EOT)

AGENDA ITEM 7

Applicant:

Proposal: Amalgamation and extension of Units 24, 25, 26 and 27 to create a single Class A1 retail unit over ground and first floors, change of use and extension of Units 11B, 12 and 13 from Class A1 (Retail) to Class A3 (Restaurant), extension of Unit 11A. Public realm improvements and associated works.

Recommendation: Approve following legal agreement

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 of seeking to secure the following:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

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

(c) Travel Plans

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. The following Travel Plans of this nature shall be entered into:

- A Local Level Travel Plan (for a shopping centre).

(d) Travel Plan Monitoring

A contribution of £15,000 (index linked) towards the monitoring of the Travel Plans for the development.

(e) Local Employment Agreement

The production of a framework for growth in local employment and training through the following:

- o Forecasting of job opportunities
- o Notification of job vacancies
- o Local Labour Target
- o Jobs Brokerage and skills training
- o Apprenticeships and work experience
- o Use of local suppliers

- o Delivery of specific LEA targets

(j) Monitoring of the Section 106 Agreement

A contribution of £750 (index linked) towards the monitoring and management of the S106 planning obligations

Recommendation 2

That upon completion of the agreement specified in Recommendation 1, the Service Director - Development Management and Building Control approve the planning application reference 16/0288/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director - Development Management and Building Control

- 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:

3504-AL(04)2060-PL2; 3504-AL(04)2100-PL3; 3504-AL(04)2101-PL3; 3504-AL(04)2102-PL3; 3504-AL(04)3100-PL5; 3504-AL(04)3101-PL4; 3504-AL(04)3102-PL3; 3504-AL(05)2150-PL3; 3504-AL(05)2151-PL3; 3504-AL(05)2152-PL1; 3504-AL(05)3150-PL4; 3504-AL(06)2160-PL3

3504-AL(06)3160-PL3; AL(02)1000 REV PL2; AL(02)2010 REV PL2; AL(02)2012 REV PL2; AL(02)2020 REV PL2; AL(02)3011 REV PL2; AL(02)3012 REV PL2; AL(02)3020 REV PL2; AL(02)3030 REV PL2; AL(02)2005 REV PL2; AL(04)2050 REV PL5; AL(02)2055 REV PL3; Draft Framework Travel Plan (Campbell Reith); Mechanical and Electrical Statement (Cudd Bentley Consulting); Planning and Retail impact assessment statement (Montagu Evans); Plant assessment (Sharps Redmore); Statement of Community Involvement (Hunter); Transport Statement (Campbell Reith); Sustainability Statement (Cudd Bentley); Design and access statement (Leslie Jones)

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 (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 3 a) Other than demolition no development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5 Prior to the relevant phase of the development commencing, details of the proposed shopfronts to be used in the development hereby approved including cross sections elevations at a scale of not less than 1:20 shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details and retained thereafter unless otherwise agreed in writing.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

6 Prior to the relevant phase of the development commencing, at a scale of 1:20 of the construction detailing of all new build elements of the scheme including louvres, fixtures and fittings are submitted and approved in writing by the Local Planning Authority and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

7 a) Prior to the relevant phase of the development commencing, 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

strategy for its maintenance, shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

8 No approval has been given for extraction, filtration and ventilation equipment and plant. A planning application shall be submitted for this development prior to the first occupation of each A3 unit. The following shall thereafter only be provided in accordance with such approved details:

a) All external plant and plant

b) Kitchen extraction and discharge, including, smoke grease and odour control in accordance with DEFRA Guidance on the control of odour and noise from commercial kitchen exhaust systems.

Reason: To ensure that the proposed development does not prejudice the amenities of residential neighbours and the wider locality and does not detract from either the quality of life for adjoining occupiers or the character and appearance of the wider area in accordance with Policies DM01 and DM03 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 10 a) Prior to the first occupation of any of the approved units and notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:
- (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider,
 - (ii) 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,
 - (iii) the safe storage, collection and removal of all cooking fats and oils from the site by a specialist contractor
 - (iv) A fat trap which shall be installed to prevent the by-products of the cooking process from entering the water and sewerage systems.
 - (v) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 11 Condition: Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the submitted planning application. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 12 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. a method statement for the demolition of the existing building; and
- xi. details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 13 The A3 use hereby permitted shall not be open to customers before 8am or after 11.00pm on weekdays or before 9am or after 11.00pm on Sundays and bank holidays.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 14 Before the development hereby permitted commences, a Centre Management Plan including details of centre access and management of public spaces, customer dispersal, means of enclosure of the shopping centre, and measures to prevent noise and disturbance from activities taking place in the southern service road shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the plan shall be implemented in accordance with the agreed Plan.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 15 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

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.

- 16 a) The uses hereby approved shall not commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

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

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

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

- 18 a) No development shall take place 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 noise generating sources; as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 19 The Salisbury Road servicing access shall not be used for servicing the new restaurant units outside the hours of 7.30am - 7.00pm.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 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 pm on other days.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 21 The development shall be implemented in accordance with the details identified in the approved Energy Strategy (by Cudd Bentley) in full prior to the first occupation of the development.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2, 5.3 and 5.7 of the London Plan.

- 22 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2011.

- 23 Prior to the commencement of the use of the units hereby approved, a Secured by Design Strategy shall be submitted to and approved in writing to the Local Planning Authority. The use shall be implemented in accordance with the approved strategy.

Reason: To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

- 24 Condition: Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

Informative(s):

- 1 The plans accompanying this application are:

3504-AL(04)2060-PL2; 3504-AL(04)2100-PL3; 3504-AL(04)2101-PL3; 3504-AL(04)2102-PL3; 3504-AL(04)3100-PL5; 3504-AL(04)3101-PL4; 3504-AL(04)3102-PL3; 3504-AL(05)2150-PL3; 3504-AL(05)2151-PL3; 3504-AL(05)2152-PL1; 3504-AL(05)3150-PL4; 3504-AL(06)2160-PL3
3504-AL(06)3160-PL3; AL(02)1000 REV PL2; AL(02)2010 REV PL2; AL(02)2012 REV PL2; AL(02)2020 REV PL2; AL(02)3011 REV PL2; AL(02)3012 REV PL2; AL(02)3020 REV PL2; AL(02)3030 REV PL2; AL(02)2005 REV PL2; AL(04)2050 REV PL5; AL(02)2055 REV PL3; Draft Framework Travel Plan (Campbell Reith); Mechanical and Electrical Statement (Cudd Bentley Consulting); Planning and Retail impact assessment statement (Montagu Evans); Plant assessment (Sharps Redmore); Statement of Community Involvement (Hunter); Transport Statement (Campbell Reith); Sustainability Statement (Cudd Bentley); Design and access statement (Leslie Jones)

- 2 In accordance with paragraphs 186 and 187 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.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £52,570 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £202,770 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 4 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(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 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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.

- 10 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

- 11 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 12 The applicant is advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular access in accordance with the Manual for Streets.

The applicant is advised that prior to carrying out any construction works on public highway trial holes must be carried out in order to locate and to identify the cover depth of all existing services affected by the proposed highway works. Prior to excavating the trial holes the applicant is advised to contact the highway's Development Control Section in order to arrange a site meeting and agree the location of the proposed trial holes and to ensure that a Council's Highway Engineer is present to witness the trial holes and record the cover depths of all services exposed. The application for the proposed highway works will only be registered for processing once the trial holes have been carried out on site in the presence of a Highway Engineer. The applicant will require a work permit licence from the Council prior to carrying out any trial holes on public highway. The address and contact details for the Development Control Team is as follows.

Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway. To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

The applicant is advised that any alterations if required to the existing waiting and loading restrictions on public highway as a result of the proposed development will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that High Street is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am & 4.30pm-6.30pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic. Please contact Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555 for further advice.

Officer's Assessment

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

The London Plan

The London Plan (March 2016) is the development plan in terms of strategic planning policy. The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres) and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Economy:

4.1 (Developing London's economy); 4.7 (Retail and town centre development); 4.8 (Supporting a successful and diverse retail sector and related facilities and services; and 4.9 (Small shops).

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to

Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes);

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

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 relevant to the determination of this application are:

Barnet 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)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being 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)

Barnet 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)

DM07 (Protecting housing in Barnet)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Delivering Skills, Employment, Enterprise and Training from Development Through S106 (February 2014)

Sustainable Design and Construction (April 2013)
The Spires Town Centre Framework (July 2012)
Chipping Barnet Town Centre Strategy (June 2013)
Planning Obligations (April 2013)

Strategic Supplementary Planning Documents and Guidance:
Accessible London: Achieving an Inclusive Environment (2004)
Planning for Equality and Diversity in London (2007)
Sustainable Design and Construction (2014)
Character and Context (2014)
Accessible London: Achieving an Inclusive Environment (2014)
Social Infrastructure (2015)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This document was published in March 2012 and it is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these Regulations. The applicant has confirmed their agreement to the obligations set out in Recommendation 1.

Key Relevant Planning History

Reference: B/03808/14

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 11 September 2014

Description: Removal of condition 7 (Unit 1 delicatessen use) pursuant to planning permission B/01775/14 dated 20/06/2014.

Reference: B/03847/14

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 20 August 2014

Description: Non-material amendment for planning permission B/01775/14 dated 20/06/14 for "Change of use of Unit 1 from Class A1 retail to Class A3 (restaurant and cafe), change of use of the upper floors of Units 1 and 32B to Class A1 (retail) and / or Class A2 (financial professional services) and / or Class A3 (restaurant and cafe) and / or Class B1 (employment), removal of the rotunda, extension and installation of new shopfronts, provision of an external seating area" . Amendments include changes to wording to condition 12 - "details of the signage beam and it's fixture to building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on

this element of the permitted development. The development shall be implemented in accordance with such details as approved."

Reference: B/01776/14

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 20 June 2014

Description: Installation of various adverts including 3no. externally illuminated fascia signs, 1no. externally illuminated menu box and window graphics.

Reference: B/01775/14

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 20 June 2014

Description: Change of use of Unit 1 from Class A1 retail to Class A3 (restaurant and cafe), change of use of the upper floors of Units 1 and 32B to Class A1 (retail) and / or Class A2 (financial professional services) and / or Class A3 (restaurant and cafe) and / or Class B1 (employment), removal of the rotunda, extension and installation of new shopfronts, provision of an external seating area.

Reference: B/00815/12

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 15 May 2012

Description: Change of use of Unit 33 at first floor level from Gym to retail use (Class A1) to provide additional floorspace to Unit 1. Reconfiguration involving amalgamation into Unit 1, new shopfront and alterations to High Street elevation involving replacement fenestration.

Reference: B/00852/12

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 24 May 2012

Description: Installation of internally illuminated fascia signs and directory panels to High Street and Stapylton Road entrances. Installation of internally illuminated freestanding car-park direction sign at junction of Stapylton Road and Salisbury Road.

Reference: N04478BX/06

Address: The Spires Shopping Centre, High Street, Barnet, EN5 5XY

Decision: Approved subject to conditions

Decision Date: 22 June 2006

Description: Installation of internally illuminated fascia sign.

Public Consultations and Views Expressed

Public Consultation

To publicise this application letters and emails were sent to 264 addresses in February 2016. The application was also advertised on site and in the local press at that time. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

Number of Responses from Residents and Businesses

12 responses objecting to the proposal were received. 2 of the objectors have requested to speak at committee. 5 responses supporting the proposal were received. 2 representations were also received. Any responses received following the publication of this report will be set out in the addendum to the committee report.

Responses from Residents, Landowners and Businesses

The comments made in the objection received to the application can be summarised as follows.

- Would object to existing cafes losing their outdoor seating
- The ground level car park pedestrian entrance closes before retail units close and is a convenient route.
- There will be a disturbance as a result of the change of use.
- There would be noise from extraction fans, condensers.
- The service road is used by staff on their breaks and as a result would cause added nuisance as a result of the later hours of working.
- The three additional restaurants would be too many
- The additional restaurants would create additional smells.
- There would be an increased risk of vermin as well as more waste dumped in the service road.
- The need for restaurants is questionable.
- While the need for an anchor store to create additional footfall, the proposed design should better reflect the existing architecture of the centre.
- There should not be three restaurants in a row.
- The appearance including materials should be more considered.
- Greater use of the service road would impact on Salisbury Road with extra noise, congestion and a reduction in air quality.
- The existing service road is closed from 1900 to 0730 daily. The new opening hours of the proposed units would lead to additional amenity impact.
- An agreement was made to ensure that the service road would be locked overnight and on Sundays and public holidays. This agreement cannot be relinquished.
- The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties in Salisbury Road.
- The height of the flue would lead to a public safety hazard, as would an increase in traffic.
- This proposal would lead to additional parking in local streets.
- Based on previous experience, construction work would be harmful to amenity.
- The proposed development would exacerbate anti social behaviour concerns.
- The Spires should maintain its character and identity rather than become another bland mall.
- This development should incentivise future regeneration of the town centre.

Response: Full responses to the material planning considerations raised in the objections received from residents and businesses are provided by Officers in subsequent sections of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the objectives of development plan policies in all relevant regards.

Comments from Local Associations and Societies

Barnet Society

Supports the application. The comments made can be summarized as follows:

- The scheme is an improvement on that which was previously publicised.
- A masterplan should be published for the whole site including the backland and access area off Union Street and the marketplace and car parks.
- Obliterating the courtyard landscaping is unnecessary and regrettable as the existing centre landscape contributes to its appeal and identity.
- Outside shopping hours, the back of house activities for restaurants should be controlled with security and fire safety safeguarded.

Barnet Residents' Association

Supports the application. The comments made can be summarized as follows:

- The Spires has struggled for several years and further revitalization is required.
- The initial architectural integrity would be harmed, but the long term intentions would ultimately produce a very different but cohesive built environment.
- The existing multistory car park could open later to accommodate the additional opening times, however, the local highway street network and the free parking at Stapylton Road will accommodate the demand. The car park should operate later.
- 51 staff parking spaces would be lost and the Travel Plan fails to make an acceptable response to this impact.
- There should be a comprehensive review of all car parking facilities in Barnet town centre.
- Concern that residents living in Salisbury Road would endure harm from the later night opening of these units.

Consultation Responses from Statutory Consultees and Other Bodies

Transport for London:

The High Road forms part of the Strategic Road Network for which TfL is the transport authority. The applicant has submitted a Transport Statement which is welcomed. The proposed change of use is expected to increase vehicular movements during the PM peak hours. However, as the parking occupancy is below stress thresholds, TfL do not expect this to have any impact on the surrounding roads. The method of servicing is agreeable with TfL and as a result, Transport for London have no objection to the application.

Thames Water:

The consultee advises the installation of a properly maintained fat trap on all catering establishments. A recognised contractor should be arranged to collect with the disposal of cooking oils and fats.

Thames Water have no objection to the scheme with regard to the sewerage infrastructure capacity. The developer should make suitable provision for surface water drainage. The development should not encroach over the public sewers and these should remain accessible for their access.

No objections are however raised to the application.

Internal Consultation responses

Traffic and Development Team

The consultee raises no objections to the proposed development.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

Site Description and Surroundings

The application site consists of the Spires Shopping Centre, car parks and servicing yards situated on the western side of Barnet High Street. The site is enclosed by the High Street to the east, Salisbury Road and Monken Hadley (service road) to the south, Stapylton Road to the west and Bruce Road to the north. The site is surrounded by a mixture of uses with residential directly to the south of the site in Salisbury Road which are separated from the centre by a service road. The High Street contains retail properties at ground floor with residential above. There is a public library to the immediate west. There is expansive surface car parking around the site particularly on its northern side. Waitrose supermarket currently has a servicing bay in this location. Beyond the site is Barnet Market Place. Together with the Market Place and the Territorial Army Centre, this site forms the Barnet Triangle. Given the location, the site is within one of the Borough's designated town centres and the primary retail frontage continues through into the centre.

The site comprises of a predominantly single storey shopping centre largely constructed as one built form and development which has an access and frontage to the High Street and an exit to the rear at Stapylton Road. The eastern end features a pair of spires which provide a landmark to a recently redesigned and modernised high street presence. This leads to a modest and discreet form of development comprising of an arcade with open and enclosed elements including tables and chairs associated with cafes and other pleasant landscaped areas. This leads to a multi storey car park at the rear and a large food retail supermarket.

The centre has a generally high occupancy rate to a range of well known retailers although there are some empty units. The High Street and the town centre as a whole lacks a specific anchor store with a substantial floorspace.

The site is located in a conservation area. The site is not listed and although there are listed buildings within the High Street and Barnet Town Centre area, the proposed development would not affect the setting of these buildings.

Description of the Proposed Development

Detailed planning permission is sought for a development of two parts at the Spires Shopping Centre. The first and principal part involves the demolition of four units and the erection of a single, two storey retail unit (which has been defined in application documentation as a Multi Storey Unit (MSU)). The second part is the amalgamation of four units on the southern side of the centre and their extension to ultimately create three restaurant units (A3) use.

The application also proposes changes to landscaping within the centre, and changes to access around the centre for pedestrians, servicing and delivery vehicles and staff parking.

In respect of the multi storey unit (MSU) the proposals seek the demolition of units 24, 25, 26 and 27 to create one double height unit. The replacement MSU would incorporate a much reduced roof profile. The unit would present as a two storey unit into the courtyard with a full height glazed façade and stone and brick surrounds. The roof would lip over the top of the façade and would be constructed from powder coated aluminium standing seam roof with a slim projecting eaves. The solid surrounds to the façade would reflect the

material treatments to the new construction at the front of the centre while the roofing materials would be of a colour to match the existing roofscapes within the centre.

Demolition of the four existing units would result in the loss of 897sq.m. However, this would be compensated by the provision of 2259sq.m of replacement A1 (retail) floorspace in an open plan layout over two storeys. The unit would have a depth of approximately 35m and a width of 30m at the rear elevation widening to 34.95m at its widest point. The building would be no higher than the existing unit that the proposed development replaces. The proposed unit would be serviced from the rear via the northern access road from Stapylton Road.

The proposed development would compromise the existing HGV docking bay for Waitrose which faces east towards the rear of the High Street. In order to compensate for this loss, the application also proposes the relocation of the HGV docking bays to the northern elevation of the Waitrose supermarket.

Signage and precise shopfront design will be assessed via separate planning applications after the commencement of development.

The second element of the development involves the loss of one unit and the subsequent change of use of three units from A1 (retail) to A3 (restaurants). The units would also be extended forward into the public landscaped area by approximately 2m. The proposal would result in the loss of 447sq.m of retail floorspace in these existing units at the ground floor level in addition to 203sq.m within the roof space. Unit 11A is currently an A3 unit and the loss of this amounts to the loss of 203sq.m of A3 floorspace. The scheme would provide for 993sq.m of floorspace within A3 use.

This part of the scheme would retain the original roof profile within the development. The creation of three new restaurant units dictate that there would be a requirement for services and plant to support extraction and ventilation. This has not been submitted with this application on the basis that the specific requirements for individual tenants are not yet known. As per the MSU unit signage and shopfront design will be reserved for future applications.

The scheme also proposes changes to the existing hardstanding/landscaping within the centre. Some of the soft landscaping and planting will be removed and replaced with Yorkstone paving and new seating surrounding planters. Other changes to the roof would also occur with the cupola over the central enclosed atrium being removed.

It is proposed that the additional car parking demand would be met by existing car parking facilities in the area including The Spires multi storey car park and the public car park in Stapylton Road. As a result no new dedicated car parking would be provided to support this application.

3. PLANNING CONSIDERATIONS

Principle of redeveloping the site:

Planning permission is sought for significant changes to the Spires Shopping Centre including the partial redevelopment to create a two storey single occupier unit and the loss of other retail floorspace to provide three new restaurants as described above. The

proposals form part of a phased redevelopment and regeneration of the Centre which has already begun through the redesign of the High Street frontage.

The scheme would both create a larger scale anchor store for Barnet town centre. There is currently no anchor store in the town centre with all large floor area units occupied by supermarkets. The construction of the new MSU would create over 2250sq.m of retail floorspace replacing 897sq.m of existing retail floorspace currently in situ. The proposed development would result in the net increase in this location of the centre of 1362sq.m.

The scheme also includes the change of use of A1 (retail) floorspace to create three new restaurants which are to be located together as consecutive units within the retail frontage. This scheme would result in the loss of 650sq.m of retail and the net gain of 790sq.m of retail floorspace. Consequently the scheme would result in a gain of 712sq.m of wholly new retail floorspace as well as 790sq.m of wholly new restaurant floorspace.

Location of new retail floorspace.

The Spires Shopping Centre is located within the designated Chipping Barnet town centre and the primary retail frontage within the core of the centre extends into the centre. As such, all of the units within the centre are located within the primary retail frontage. The NPPF and policy DM11 of the Local Plan Development Management Policies DPD outlines the requirement that all substantial retail development should satisfy the requirements of a sequential approach to the location of new retail development. In the first instance, new development should be located within the town centre and the primary retail frontage. In this regard, the scheme would be acceptable, compliant with the locational requirements for new retail floor space as set out in the NPPF and the Development Plan.

Provision and location of new A3 restaurant floorspace

Policy DM11 of the Local Plan Development Management Policies DPD also seeks to protect the existing retail (A1) floorspace within a town centre and particularly within a primary frontage. Policy DM11 states that a development proposal which reduces the combined proportion of class A1 retail use at the ground floor level in the primary retail frontage below 75% will not be permitted. There should not be an over concentration of similar uses which detracts from the retail function in the centre. The supporting text to policy DM11 states that preventing an over concentration of similar non class A1 uses is important to maintaining the vitality and viability of a town centre. Where a proposed use or development would create three or more adjacent non retail uses of any class, the proposal would be resisted.

Normally, policy DM11 states that the loss of an A1 unit will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. However, if it can be demonstrated through marketing that there is no viable long term demand for continued use, A3 use would be acceptable.

No marketing has been carried out. In respect of the preservation of the primary retail frontage, the existing level of retail units within the primary frontage (by percentage of units) is 73.5%. The implementation of the planning permission would result in A1 retail units forming a proportion of 70.9% of all units within the primary frontage in this town centre.

As such, the provision of new restaurant floorspace arising from existing retail units would be unacceptable. Nevertheless, this discrepancy should be assessed in the context of the benefits that the proposal would deliver and the support that the scheme finds within Supplementary Planning Guidance including the Town Centre Framework and the Town Centre Strategy. Both these documents support the proposal that has come forward in respect of providing a large retail unit within Barnet Town Centre and the provision of additional restaurant and non-retail uses.

The Chipping Barnet Town Centre strategy (June 2013) appraises the strengths, issues and weaknesses of the town centre. The strategy states that the Spires Shopping Centre is hidden from view with a discreet entrance. Furthermore, the lack of larger floor plan larger units fails to attract more significant brands, limiting the range and quality of retail provision within the town centre. In addition, Chipping Barnet is perceived as not competing well on its leisure and evening offer when compared to other town centres in the Borough of Barnet. The Town Centre Strategy goes hand in hand with an Adopted Planning Framework for an area defined as the Retail Triangle comprising The Spires, the Market and the Territorial Army Centre.

The proposed development would strengthen the primary shopping frontage of Chipping Barnet that runs through The Spires, complying with the Council's policies and strategies for improving the town centre's vitality and viability. It will assist in drawing consumers into the heart of the centre and is a step towards building the "retail triangle" of the High Street, The Spires and the TA Centre. The proposals will also provide increase employment opportunities for the town centre and assist in promoting the evening economy by increasing footfall and limiting expenditure leakage.

Standard of amenity for adjoining neighbours:

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The development of the proposed Multi Storey Unit on the northern side of the shopping centre would project towards the rear elevations of properties in the High Street. With the exception of 131 High Street which is being redeveloped with six studio units on the upper floors, there are no residential units above shops which may be affected by the proposed development. There are three units which have rear facing windows at the first, second and third floor levels. The building envelope will extend to the full depth of the plot and oversail the ground floor parking for that development. As a result the extension to The Spires and the rear elevation of 131 High Street would be approximately 5.5m apart and situated off set to the southwest of this proposed development. The building would be higher than the first and second floor windows and would contribute to a reduction in the quality of amenity for future occupiers of the two rear facing studio units located at the first and second floors. The proposed development would not be a face on obstruction to the

proposed development but would be a limiting factor in respect of daylight and sunlight particularly in the winter months given that their internal floor area is only 34 sq.m.

The Council has permitted a scheme at 131 High Street which is currently under construction. This scheme was a re-submission of a previously refused application both by the Council and the Planning Inspector. In their decision, the Inspector did not object to the massing of this scheme, thus the Council had, at the time, little grounds to refuse the revised application. This scheme is now under construction and introduces 3, single aspect studio flats in close proximity to the boundary of the site with poor outlook over the servicing yard. The proposed MSU unit extends in to the service yard, lying to the south of these units and would, at its closest point, be approximately 5 metres from the windows of these units.

The relationship of the two schemes is regrettable given that the standard of amenity internally is deficient in the context of London Plan and SPD standards. However, it is a material consideration in the determination of the application, and needs to be considered accordingly

These units already have a poor outlook, but the development has been sited to ensure that the proposed development would not present an obstruction to the outlook of the residential units. Residents would instead have an oblique view of the rear façade of the building and the remainder of the service yard to the west. Whilst the outlook from these will be affected by the proposed development, it is not expected that there would be a sense of overbearing as a result of the proposed two storey building.

On the balance of the benefits of the proposed development against the already poor outlook of the residential units, it is officer's opinion that the benefits to the Town Centre as a whole outweigh any potential harm to these units. Whilst the Council should not be promoting development that impacts on residential quality, it is noted that these units are yet to be constructed and occupied and measures are being put in place with regard to noise to ensure that residential amenity is not compromised from plant and equipment.

On the southern side of The Spires, the proposed development would not encroach towards Salisbury Road. The proposal would not result in the existing shopping centre increasing in height and as such, the proposed development would not create a sense of enclosure or a loss of any daylight or sunlight amenity.

However, the proposal involves the change of use of these existing units from retail (A1) to restaurant (A3). In order to function effectively and viably as restaurants, these units would require plant, extraction and ventilation to operate throughout the proposed opening hours. Furthermore, the new restaurant uses would operate through the day and evening up to 2300.

At present the centre closes at approximately 1900 and the rear service road is closed. The service road separates the shopping centre from a terrace of residential properties and the southern elevation to rear garden boundary distance is approximately 10.3m. The elevation to elevation distance is 33m. The service yard is also used for customer collection of pre-purchased goods, refuse storage and collection, (which is all kept alongside the rear garden boundary) and staff smoking areas. The service road also separates one elevation of the multi storey car park from residential properties. Irrespective of all these functions, this land is private land.

The proposed development would give rise to additional amenity impacts in respect of the introduction of additional noise and changes to air quality. Local objectors have also expressed concern in regards to security due to the longer opening hours for both the units and the service road.

In respect of noise from plant and mechanical extraction, the applicants have produced and provided a (mechanical) plant assessment with the intention of establishing the impact that might arise from plant and equipment for adjoining residential properties to 2300. At this stage, the report only assesses external plant. The design of internal plant has yet to be formulated and would in any case have to comply with BS 8333:2014.

Following the withdrawal of Planning Policy Statements in 2012, the Government's planning policy in respect of noise connection with development, is set out in the Noise Policy Statement for England in conjunction with the NPPF. Taken together, the statements are intended to ensure development avoids significant adverse impacts on health and quality of life. Noise from development should be measured on the basis of its difference from observed background noise levels taking account of frequency of occurrence.

The assessment of the likely impact of the proposed development has been carried out in relation to 131 High Street and 16 - 18 Salisbury Road which have been identified as being the closest units to the development. The existing background noise survey was undertaken for a period of 24 hours on 6 - 7 January 2016. In respect of Salisbury Road which because of its residential character is taken to be the most sensitive location, the lowest background noise level was recorded as being just 38dBA. New plant should not exceed 39 dB(A) when measured from a point 1 metre outside the nearest window at 131 High Street. If the plan has continual tonal noises, this should not exceed 34 dB(A). In relation to 16 - 18 Salisbury Road, this should not exceed 38 dB(A) or 33 dB(A) respectively. This is to be conditioned. It should be noted that this relates to the day time (0700 - 2300) operations of the cooking process ventilation, filtration and extraction plant. The uses proposed will not be operated outside of these times and equipment will also not be used outside of these times. Both the hours of use of the restaurant units and the plant is conditioned to operate no later than 2300.

The plant proposed has not been designed and this will be dependent on the specific requirements of the individual occupiers. A condition will be imposed on the basis that no occupation shall occur until a planning application has been submitted for the extraction systems for each unit. Each application would need to demonstrate the design and appearance, position and effectiveness of reducing likely impacts to acceptable standards.

The proposed units would also be likely to require on site refrigeration and frozen storage of food. The service road already features condenser plants attached to the southern elevation and the installation of further units would not detract from the existing character and appearance of the centre on visual amenity grounds. Nevertheless, these units would also require a condition to establish and regulate the likely noise levels and subsequent impacts.

In respect of air quality, it is likely that three new extraction systems would need to be installed which would extract cooking odours out of the building into the atmosphere. Such equipment should be located and orientated to direct cooking odours away from residential properties. The nearest residential properties are situated behind the prevailing wind direction, thereby reducing the likely impacts in respect of odour. The applicant has advised that the proposed development will be likely to comply with DEFRA (2005) which

is seen to be acceptable. On this basis, it is considered that the proposed development would be likely to be acceptable.

Refuse storage for existing units on the southern side of the development comprises Eurobins which are located against the rear garden fences of Salisbury Road properties. Otherwise there is no formal storage of refuse. Containers are situated outside their respective properties and the width and layout of the service road permits a refuse contractor's vehicle to enter and manoeuvre along the service road and out of the site in forward gear. This prevents refuse having to be moved substantial distances. Similar containers would be provided to the new units in order to meet the needs of each unit. A waste management plan is to be required for submission by condition. A further condition is imposed requiring the specific controlled treatment of cooking fats and oils, and other by-products of cooking to prevent adverse or harmful impacts on amenity.

The disposal of glass bottles and containers is often a noisy process which is harmful to residential amenity. This activity should be controlled so that it takes place during the daytime at times that may be set out in a waste management plan to be submitted by condition.

In respect of the northern side of the site, the scheme would result in the re-organisation of servicing and delivery arrangements as well as parking. It is considered that servicing bay for Waitrose would be sufficiently distant from the rear of 131 High Street, although the turning circle would be located directly outside of this property. Nevertheless, this is an existing service yard and turning circle and it is considered that there would not be any new or adverse impacts arising from this scheme. This will be secured through condition.

Conclusions on the impact on amenity

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy. Officers consider that the submission has taken account of the environment and uses surrounding the site in an appropriate manner and find that the design approach put forward provides the future occupiers of the new dwellings with adequate amenities. The application is therefore found to be acceptable in this respect.

Design, appearance and character matters:

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;

contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The Spires Shopping Centre was constructed largely as one architectural entity and this is apparent throughout the centre, with the low pitch roofs, facades and open courtyard spaces remaining unchanged throughout. The centre features small units within a low key modest and pleasant shopping environment. The centre retains continuity in respect of materials and built form throughout with the exception of Waitrose and the car park at the western end and the recently redesigned frontage to the high street. The principal characteristics of the centre include the overhanging roofs and canopies, glazed roof atriums and well maintained hard and soft landscaping within the route through the centre.

Planning permission is sought in relation to the redevelopment of part of the existing centre to create a new two storey retail unit, providing over 2250sq.m of retail floorspace for a single occupier. The proposed replacement unit would differ from the established appearance and architectural integrity of the centre as a whole. The proposed development will open up part of the northern side of the centre, creating a prominent façade with a significantly reduced roof element. The proposed façade would be predominantly glazed with the stone and brick surrounds. Above would be a powder coated aluminium roof scape. The building would be no taller than the existing established roof ridgelines within the centre. The development would differ from the established context and character of the Spires Centre. The new multi storey unit is unashamedly modern and contrasting with the existing form of the centre. However, as explained previously, a variety of constraints result in the nature, form and appearance of the proposed development. The lack of existing large floorplan retail units for non-food retailing within The Spires and the town centre as a whole, has prevented the introduction of a major anchor unit within Chipping Barnet which would contribute to the regeneration of the town and have a stimulating impact on the centre's retail offer. Due to the pattern of units within the High Street primary retail frontage which do not offer the level of accommodation, it would be necessary to consider The Spires as an alternative location for redevelopment. Subsequently, in considering locations around The Spires, the position of the southern service road and the necessary retention of the northern service yards, the proposed location is the only reasonable site to provide for a substantial retail unit within the primary retail frontage.

Given the policy support expressed in Supplementary Planning Guidance for both larger retail units in Chipping Barnet town centre and for a further intensification of evening economy uses and the elimination of other sites which are not suitable for this form of development, it is considered that the intervention into the architectural identity and integrity of the centre is justified.

The new development opens up the centre, allows for light to permeate the centre and creates a more open and welcoming space. The proposed new unit is designed with brick piers, yellow coloured glass panels, stone bands at the top of the elevation in horizontal and vertical form. The façade has a matching dark grey powder coated aluminium standing seam roof which has a slim profile and reduces the overall bulk of the proposed development. Ultimately, the proposed development would seek to complement the existing building in a contemporary fashion with materials and colour to match without being visually dominant. The removal of an overhanging roof profile from the development

would expose the development and create appropriate spacing and setting around its frontage to ensure an acceptable visual amenity within the centre.

The proposed development would project out into the existing service yard and car park to the north of the existing shopping centre. This part of the development would be constructed principally from brick with soldier course brick banding running horizontally around the elevations. The proposed development would again differ from the appearance and articulation of the elevations of the existing building. However, the proposed extension has an elevation towards backland space that is generally not seen to be part of the public realm and ultimately has a functional role that dictates the appearance of the subsequent building. Nevertheless, the extension would be seen to be proportionate to the size and scale of the existing shopping centre building. The height would not exceed the height of the existing building and would therefore be discreet and subordinate in the context of longer views through the existing backland areas to the rear of the High Street from Chipping Close, Bruce Road and Stapylton Road.

At the southern side of the centre, the changes of use to A3 (restaurants) are less visually intrusive in comparison. The proposed change of use would introduce a forward extension into the mall space and the creation of new shopfronts which would be subordinately and proportionately contained within the space. The roof profile including the ridge line would remain as existing. The existing development would also be restrained and minimal when viewed from the southern service road and Salisbury Road. The only interventions to the building would be ventilation and extraction plant and flues, as well as condensers and refrigeration plant. Details of these features (including their performance) will be reserved by condition for future approval.

Trees and landscaping:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The existing centre features a mix of soft landscaping within the courtyards and Yorkstone paving throughout the majority of the centre. As part of the scheme, the existing planting and landscaping would be removed and replaced with new planters and seating with changes to the existing paving in the courtyards. The centre already benefits from high quality paving and the applicant is expected to provide hard landscaping of equivalent quality.

A condition will be imposed to ensure that a (soft) landscaping plan is submitted prior to the construction of that element as well as a maintenance plan for its long term retention. Details of hard paving materials will also be secured through condition.

Transport, parking and highways matters:

Policy context

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.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. Schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Parking provision

The shopping centre benefits from a multi storey car park on site. The car park is operated by a different entity to that of the centre and the applicant is therefore restricted as to how the car park can operate to support the proposed development. As a result, the car park closes at 2030 Monday to Saturday with the exception of Friday when it closes at 2130. Furthermore, it is reported that the car park operates below capacity.

There are a number of other Council owned car parks around Barnet Town Centre which make a contribution to the parking demand associated with the town centre for shoppers, customers and the local working population. Council owned car parks are free after 1830. In addition, there is a Controlled Parking Zone around the centre, including Salisbury Road which operates from 0800 to 1830.

The site is located in a PTAL 3 location despite being a town centre. The relatively low level of passenger transport accessibility is as a result of the distance from a railway line or underground station.

The London Plan (2016), provides the relevant parking standard for commercial development in the London Borough of Barnet. The methodology used provides a ratio of floorspace per parking space based on the PTAL location. A shopping mall or town centre location within a PTAL 3 area would require one space for a range of 35 - 50 sq.m of floorspace. The net increase of 1362sq.m of retail floorspace would therefore generate a parking requirement of between 28 - 39 additional spaces. No parking should be provided for A3 uses (except for disabled parking).

Given the capacity within the existing multi storey car parking centre and in surrounding car parks, it is considered that the parking demand would be adequately met through existing facilities without recourse to on street parking after the CPZ restrictions end.

The proposed development is expected to increase the total number of people trips during the PM peak by 224 two way trips. Of these trips, only 19 are vehicle trips. With the proposed development only expected to generate an additional 19 vehicle movements

over the existing situation during the PM peak, it is considered that the proposal will have minimal impact upon the local road network and its associated junctions.

It is concluded that the scheme can be managed within the existing network capacity. Officers consider that the proposed development is unlikely to have any significant detrimental impact on the highway network and the proposal is considered to be acceptable and compliant with the objectives of policies in this respect. In reaching these conclusions account has been taken of the impacts arising from committed developments in the surrounding area.

Travel Plan

A Travel Plan is to be secured against the development through the Section 106 planning obligation. The Travel Plan is based on the principle that there would be no additional car parking spaces for shoppers or staff, who will rely on the existing facilities. In addition, all waste and servicing will be contained within the demise of the existing centre. Nevertheless, the Travel Plan aims to reduce private car travel through staff commuting, staff travel for business and customer parking and travel. The Travel Plan sets out a range of measures to ensure that parking demand for staff and customers is adequately managed to limit the impact on the effectiveness of the highway network as well as recognition and promotion of other sustainable means of transport.

Access and site layout

Vehicular access for the site would be provided from the existing means of access from Salisbury Road (for the southern side of the centre) and from Stapylton Road for the car park and the service yard.

There are no proposed changes to these access points which will remain adequate and fit for purpose. The proposed development would involve significant new footprint within the northern service yard. This would prejudice the existing servicing arrangements for Waitrose. Part of the application involves the relocation of the loading bay for Waitrose to accommodate HGVs. The applicants have demonstrated that the servicing arrangements and turning circles can be adequately accommodated within the rear of the site for Waitrose and the MSU. Servicing for units 17 - 23 and 28 to 30 will also be maintained to north of the centre. This will result in longer distances to for moving goods to and from the parking areas, however, this is considered not to fundamentally harm the ability for these units to be adequately serviced.

Pedestrian access for customers is provided from Barnet High Street, from Stapylton Road and from the car park which would be preserved.

A condition has been included in those recommended to ensure that appropriate refuse and recycling facilities are delivered within the development and that a suitable strategy for the collection of refuse and recycling from the site is in operation at the point that the development is brought into use. Subject to such controls the proposal is found to be acceptable in this respect.

Subject to the controls in place through the conditions and planning obligation recommended Highway Officers conclude that the layout and access arrangements proposed for the development would not be detrimental to highway or pedestrian safety and are satisfactory in all other relevant regards. The proposal is found to be acceptable

and compliant with the objectives of development plan policies in this respect, subject to the conditions and planning obligations recommended.

Parking, highways and transport conclusions

The Council's Traffic and Development Team have assessed the proposal and consider it to be acceptable in all relevant regards. For the reasons outlined above the scheme is found to be acceptable and compliant with the objectives of development plan policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The proposed restaurant and retail area will facilitate an inclusive, accessible environment for all users. The scheme has been designed in accordance with Part M of the Approved Document of the Building Regulations. Ultimately, this will result in level access throughout the centre, into and within new units and the provision of disabled parking and disabled toilet facilities in public places. Details of the measures are set out within the design and access statement.

Safety and security matters:

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

At present service roads and pedestrian routes through the centre are closed after trading hours to limit the risk of crime and anti-social behaviour. The car park closes at approximately 9pm. The change of circumstances whereby units within the centre will likely be open until 11pm will mean that the public would remain within the centre for a longer period of time. Staff leaving the centre after the close of business would also add to activity associated with the uses. It is essential that access and circulation is effectively controlled particularly around the southern service road to maintain the safety and security of residents living in Salisbury Road. It is proposed that a customer management plan and a community safety strategy would secure the implementation of adequate measures to reduce the likelihood and risk of crime.

Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding (Flood Zone 1). The Environment Agency has not responded to the consultation. Notwithstanding this a condition has been included in those recommended to ensure that appropriate drainage infrastructure and systems are installed as part of the development.

Thames Water has responded to the consultation and not raised any objections to the proposal. Thames Water have made a number of points in respect of waste water and water infrastructure matters and these have been included as conditions and informatives. Thames Water have required the installation of a properly maintained fat trap to prevent substances entering the sewerage and foul water network and causing a blockage. Furthermore, the consultee has advised that adequate drainage is provided and retained for surface water and that access is maintained for public sewers.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

Sustainable urban drainage systems (SUDS) were introduced in April 2015 requiring all major developments to make suitable arrangements for the introduction of a SUDS regime that is most appropriate for the development. This would prevent surface level flooding in the aftermath of major storm events. This includes drainage to appropriate drainage channels, soakaways, watercourses and other measures. A condition is imposed on this planning permission to require the provision of a sustainable drainage strategy to identify and implement the most appropriate strategy for the site.

Energy, climate change and sustainable construction matters:

London Plan Policy 5.2 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

Non-domestic developments should currently achieve a 35% reduction in carbon dioxide emissions when compared to a building constructed to comply with the 2013 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

In addition, the Sustainable Development and Construction SPD requires major non-residential development to achieve a 'very good' BREEAM rating. The Sustainability Statement advises that the scheme pre-assessment stage evaluation would meet a very good rating. The sustainability statement advises that it is likely that the proposed development would be able to meet a 'very good' rating post development. As such, the proposed development would accord with the requirements of both local and strategic policy.

Carbon dioxide emissions

The application is accompanied by an Energy Statement and related documentation prepared by Cudd Bentley. These confirm that the proposal could achieve the 35% reduction in carbon dioxide emissions (when compared to a building constructed to comply with the 2013 Building Regulations) needed to comply with London Plan policy 5.2 and the Mayor of London's Sustainable design and construction SPG.

The submission anticipates that the scheme could achieve a reduction of 38.73% in terms of carbon dioxide emissions relative to a building constructed to comply with the minimum requirements of the 2013 Building Regulations.

The energy reductions proposed are considered to have been achieved in a manner which is consistent with the energy hierarchy. They are also adequate for the scheme to comply with the requirements of policy on the reduction of carbon dioxide emissions. A condition has been recommended to ensure that the development achieves the level of carbon dioxide reductions required by development plan policies as a minimum.

The submission proposes the use of on site renewable energy generation technologies as part of the development and suggests that photovoltaic panels would be the most suitable technology in this instance. It also identifies that these would achieve a reduction of approximately 36.8% in carbon dioxide emission. This is found to be sufficient to meet the objectives of London Plan policy 5.7.

Other aspects of sustainable design and construction

A Sustainability Statement, prepared by Cudd Bentley, has been submitted with the application. This identifies a number of sustainable design features that the proposal could incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of measures to reduce carbon dioxide emissions and the installation of facilities for cyclists. Conditions have been recommended to ensure that the key elements of developing sustainably are carried through to implementation. Such an approach will ensure that the scheme achieves an appropriate level of sustainability. In respect of renewables within the 'Be Green' element of the Mayor's energy hierarchy, the scheme proposes to use air source heat pumps to make the relevant contribution.

Subject to these controls the proposal is found to be acceptable in this regard.

Planning obligation matters:

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. The position in respect of planning obligations for employment and training, travel plans and travel plan monitoring and incentivisation is set out in previous sections of this report.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment towards the costs of undertaking the work relating to securing the planning obligations recommended, in line with the adopted Supplementary Planning Document for Planning Obligations.

Officers consider that the combination of the planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet and Mayoral CIL regimes, 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.

The Council seeks a Local Level Travel Plan with a £15,000 monitoring fee. In addition, a Local Employment Agreement based on an uplift of 78 new positions arising from the

development is also proposed to be secured. This would support economic growth in Barnet and support for local employment and training.

Barnet Community Infrastructure Levy:

The proposed development is liable for charge under the Barnet Community Infrastructure Levy. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which the scheme would finally be liable for under the Barnet CIL at the time planning applications are determined. Bearing this in mind the development might be expected to generate a Barnet CIL charge of £202,770

Mayoral Community Infrastructure Levy:

The proposed development is liable for charge under the Mayoral CIL. Because of the nature of the way in which Mayoral CIL is calculated it is only possible to estimate the contribution which the scheme would finally be liable for under the Mayoral CIL at the time applications are determined. Bearing this in mind the development might be expected to generate a Mayoral CIL charge of £52,570

4. EQUALITIES AND DIVERSITY ISSUES

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

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

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

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

In broad terms the proposal would result in a development for use by the whole community, including the whole spectrum of people who share a protected characteristic and those who do not. The conditions recommended for the application would ensure that in several regards the development proposed would exceed the minimum requirements of legislation, such as Part M of the Building Regulations, which relate to schemes meeting the needs of people who have certain protected characteristics. The conditions would also

ensure the scheme was designed in a manner which takes appropriate account of the needs of disabled users and that disabled standard parking spaces are included.

With the conditions recommended proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters. This includes the development achieving a high quality inclusive design approach, which creates an environment that is accessible to all and would continue to be over the lifetime of the development. It is also recognised that the design of the building to which the application relates is such that it would be an improvement when compared to the existing buildings on the site, in terms of achieving equality and diversity objectives specifically. The proposal would therefore have a positive effect in terms of equalities and diversity matters in this respect.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in its Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are all considered in the appraisal and analysis set out in the relevant parts of this report.

6. CONCLUSION

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 Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

Appendix 1: Informatives

1 The plans accompanying this application are:

3504-AL(04)2060-PL2; 3504-AL(04)2100-PL3; 3504-AL(04)2101-PL3; 3504-AL(04)2102-PL3; 3504-AL(04)3100-PL5; 3504-AL(04)3101-PL4; 3504-AL(04)3102-PL3; 3504-AL(05)2150-PL3; 3504-AL(05)2151-PL3; 3504-AL(05)2152-PL1; 3504-AL(05)3150-PL4; 3504-AL(06)2160-PL3
3504-AL(06)3160-PL3; AL(02)1000 REV PL2; AL(02)2010 REV PL2; AL(02)2012 REV PL2; AL(02)2020 REV PL2' AL(02)3011 REV PL2; AL(02)3012 REV PL2; AL(02)3020 REV PL2; AL(02)3030 REV PL2; AL(02)2005 REV PL2; AL(04)2050

REV PL5; AL(02)2055 REV PL3; Draft Framework Travel Plan (Campbell Reith); Mechanical and Electrical Statement (Cudd Bentley Consulting); Planning and Retail impact assessment statement (Montagu Evans); Plant assessment (Sharps Redmore); Statement of Community Involvement (Hunter); Transport Statement (Campbell Reith); Sustainability Statement (Cudd Bentley); Design and access statement (Leslie Jones)

- 2 In accordance with paragraphs 186 and 187 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.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £52,570 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £202,770 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

- 4 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(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 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality

Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09);
4) London Councils Air Quality and Planning Guidance (2007).

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.

- 10 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 11 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 12 The applicant is advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular access in accordance with the Manual for Streets.

The applicant is advised that prior to carrying out any construction works on public highway trial holes must be carried out in order to locate and to identify the cover depth of all existing services affected by the proposed highway works. Prior to excavating the trial holes the applicant is advised to contact the highway's Development Control Section in order to arrange a site meeting and agree the location of the proposed trial holes and to ensure that a Council's Highway Engineer is present to witness the trial holes and record the cover depths of all services exposed. The application for the proposed highway works will only be registered for processing once the trial holes have been carried out on site in the presence of a Highway Engineer. The applicant will require a work permit licence from the Council prior to carrying out any trial holes on public highway. The address and contact details for the Development Control Team is as follows.

Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for

approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

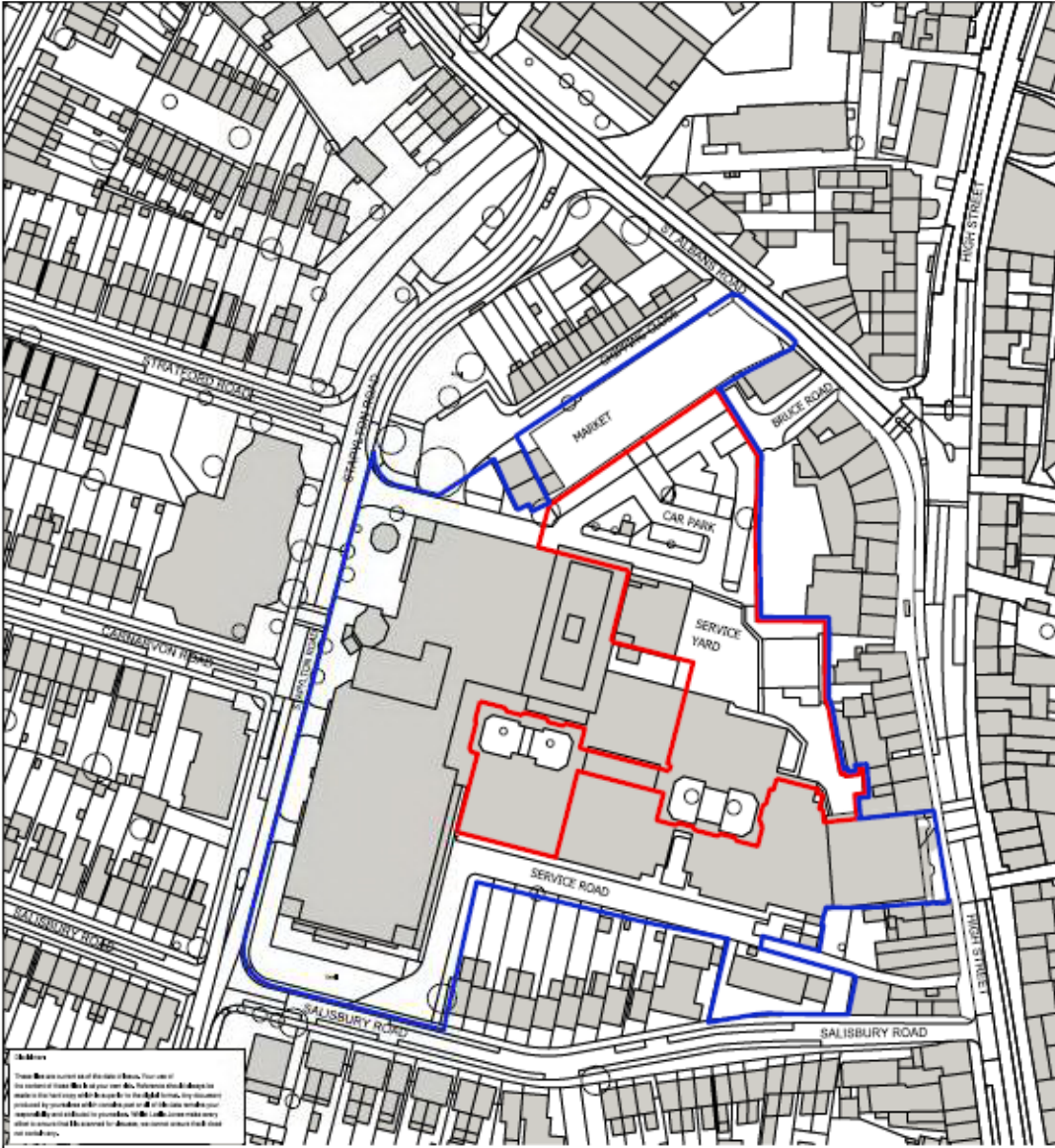
The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

The applicant is advised that any alterations if required to the existing waiting and loading restrictions on public highway as a result of the proposed development will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that High Street is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am & 4.30pm-6.30pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic. Please contact Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555 for further advice.

Appendix 2: Site location plan



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	AGENDA ITEM 8 Planning Committee 23 May 2016											
	<table border="1"> <tr> <td style="text-align: right;">Title</td> <td>11 Middleton Road, London NW11 7NR</td> </tr> <tr> <td style="text-align: right;">Report of</td> <td>Head of Governance</td> </tr> <tr> <td style="text-align: right;">Wards</td> <td>Garden Suburb</td> </tr> <tr> <td style="text-align: right;">Status</td> <td>Public</td> </tr> <tr> <td style="text-align: right;">Enclosures</td> <td>Appendix A – Report from the Finchley and Golders Green Area Committee consider on 10 March 2016</td> </tr> <tr> <td style="text-align: right;">Officer Contact Details</td> <td>Paul Frost, Governance Service, Team Leader paul.frost@barnet.gov.uk</td> </tr> </table>	Title	11 Middleton Road, London NW11 7NR	Report of	Head of Governance	Wards	Garden Suburb	Status	Public	Enclosures	Appendix A – Report from the Finchley and Golders Green Area Committee consider on 10 March 2016	Officer Contact Details
Title	11 Middleton Road, London NW11 7NR											
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Status	Public											
Enclosures	Appendix A – Report from the Finchley and Golders Green Area Committee consider on 10 March 2016											
Officer Contact Details	Paul Frost, Governance Service, Team Leader paul.frost@barnet.gov.uk											

Summary
<p>Agenda Item 9, 11 Middleton Road, London NW11 7NR, was reported to the Finchley and Golders Green Area Planning Committee on 10 March 2016. Following the consideration and voting process, the Chairman referred the item to its parent body, the Planning Committee for determination.</p>

Recommendation
<p>1. That the Planning Committee consider and determine the application as set out in the report at Appendix A that the Finchley and Golders Green Area Planning Committee considered on 10 March 2016.</p>

WHY THIS REPORT IS NEEDED

- 1.1 The Constitution gives power to a Chairman of an Area Planning Chairman to refer any decision of the Committee to the relevant Committee to which it reports to, by indicating immediately after the decision is taken that he/she requires the decision to be referred up.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 10 March 2016. Having considered the application and been put to the vote, there was an equality of votes.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the substantive report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2 As set out in the substantive report.

5.3 Legal and Constitutional References

- 5.3.1 Constitution, Responsibility for Functions- Paragraph 6 sets out the powers available to a Committee in order to resolve an item to be referred.

5.4 Risk Management

- 5.5 As set out in the substantive report.

5.6 Equalities and Diversity

- 5.7 As set out in the substantive report.

5.8 Consultation and Engagement

- 5.9 As set out in the substantive report.

6. BACKGROUND PAPERS

- 6.1 Report to the Finchley and Golders Green Area Planning Committee on 10 March 2016.

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=721&MId=8409>

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Location **11 Middleton Road London NW11 7NR**

Reference: **15/07926/HSE** Received: 24th December 2015

Accepted: 5th January 2016

Ward: Garden Suburb Expiry 1st March 2016

Applicant: Mr Michal Surname

Proposal: Extensions to the rear at basement, ground and first floor level. Re-modeling of the front entrance and proposed new windows and doors. New light well and new openings. Lowering of the internal and external basement level, changing of the roof tiles and relevant internal changes

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan: 392 1PL 000, 392 1EX 01, 392 1EX 02 392 1EX 03, 392 1EX 04, 392 1EX 05, 392 1EX 06, 392 1EX 07 392 1EX 09 and 392 1PL, 392 1PL 00 REV A, 392 1PL 01, 392 1PL 02 REV A, 392 1PL 03, 92 1PL 05, 392 1PL 06 REV A, 392 1PL 08 REV A and 392 1PL 09.

Changing tiles: 392 EXR 100, 392 EXR 101, 392 EXR 102 and 392 EXR 103.

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) and those shown on the approved plans.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed first floor windows in the side elevation facing towards no.13 Middleton Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 6 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the first floor rear extension hereby approved, facing towards nos.9 or 13 Middleton Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 8 The screens and balustrades of the proposed rear terrace shall be installed in accordance with the approved plans before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 The premises shall be used for a single family dwellinghouse (C3(a)) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application property is a two storey, semi-detached dwellinghouse located on the North side of Middleton Road. Either side of the application site is nos.9 (adjoining) and 13 (adjacent) Middleton Road. The applicant properties are not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the applicant properties which might limit development. There are no protected Trees on or adjacent to the application site. Levels drop from front to rear of the site and this has been utilised to create a basement to the property. The front garden area is currently hard surfaced and is used for parking.

2. Site History

Reference: 15/06053/192

Address: 11 Middleton Road, London, NW11 7NR

Decision: Lawful

Decision Date: 15 October 2015

Description: Demolition of existing dormers and creation of new partial hip to gable and rear dormer roof extensions and 1. no rooflight to front to facilitate loft conversion. Lowering of existing basement.

Reference: 15/06090/HSE

Address: 11 Middleton Road, London, NW11 7NR

Decision: Approved subject to conditions

Decision Date: 18 February 2016

Description: Rear extension at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes. (AMENDED PLANS)

Reference: 16/1011/NMA

Address: 11 Middleton Road, London, NW11 7NR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Non-material amendment pursuant to planning permission 15/06090/HSE dated 04.02.2016 for " Rear extension at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well.

Alterations to porch, driveway, side elevation and relevant internal changes". Amendments include "Lowering of the basement, associated internal alterations"

Reference: F/05597/13

Address: 11 Middleton Road, London, NW11 7NR

Decision: Refused

Decision Date: 12 December 2014

Description: Retention of extension to raised rear terrace.

3. Proposal

This application furthers a previous application approved by Finchley and Golders Green Committee.

The application seeks permission for the erection of extensions to the rear at basement, ground and first floor level. Re-modeling of the front entrance and proposed new windows and doors. New light well and new openings. Lowering of the internal and external basement level, changing of the roof tiles and relevant internal changes.

- Enlargement of the basement 0.75 metre to the rear and lowering of the basement level with inclusion of a new front lightwell as well as no.3 side lightwells and an exposed lower ground floor terrace to the rear. As previously approved (except the lowering of the basement).

- Ground floor rear extension to project 0.75 metres beyond the existing rear elevation of the dwelling for a width of 5 metres. Alterations to the existing raised rear terrace; proposed terrace would project 2.75 metres beyond the rear building line of no.09 and 3 metres beyond the existing rear building line of the application property at its Eastern edge. The proposed terrace would have a maximum width of 4.6 metres, would be at the same level as the ground floor of the property and would feature a set of stairs that would run from the terrace down to the level of the rear garden. To the front of the property, the proposed light well would be enclosed by a glass balustrade with a height of 1 metre. As approved previously.

- At first floor level a rear extension is proposed to project 2.8 metres beyond the rear elevation of the dwelling with a width of 5 metres. The proposed first floor rear extension would support a shallow crown roof with an eaves height to match the original dwelling and a maximum height set below the main ridge height by 4 metres. As approved previously.

- New boundary screening. Along the western side boundary in front of the dwelling for a length of 9.5 metres as well as along the Eastern side boundary for a length of 22 metres timber fencing with a height of up to 1.8 metres is proposed (1 metre high close to the highway). Along the Eastern boundary towards the rear of the property timber fencing is proposed with a height of 2.5 metres. As approved previously.

- Alterations to the curtilage of the dwelling including resurfacing of the front and sides of the property and alterations to levels. A porous 'Ecopave' material is proposed to the front of the site and Grey Indian Sandstone is proposed along the side of the dwelling. The alterations to levels would include a continuation of the ground floor level along the side of the property 3 metres further towards the rear, where a new set of steps are proposed down to the rear garden level.

- Alterations to the fenestration of the dwelling including replacement of the existing front bay window with enlargement of glazing area (depth/projection to match existing) to the front, no.7 replacement windows on the side elevation of the main dwelling and no.1 to the rear.
- Changing roof tiles from brown to grey concrete across the entire house and extensions.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.
21 responses has been received, comprising 21 letters of objection.
Neighbours Wishing To Speak 2

The objections received can be summarised as follows:

- Proposal would deleteriously affect the street environment and scene
- Impacts on privacy
- Impacts on light
- Impacts on outlook
- Overdevelopment of site / original dwelling
- Development out of character with local area
- Noise and disruption
- Cumulative impact of permitted and proposed development
- Proposed lightwell oversized / out of character
- Size/depth of extensions visual overbearing
- Over fenestration to the side elevation
- Development will lead to structural instability
- Proposed lowering of the basement would be prone to flooding
- Proposals would set a precedent for future development
- Development is outside the parameters of draft Neighbourhood Development Plan
- Inconsistency in the drawings
- Changing of roof tiles are out of character

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration#

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

As mentioned above, a previous scheme (15/06090/HSE) was approved planning permission by the committee for rear extensions at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes. The main changes with this present application are lowering the basement level and changing the roof tiles

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

The majority of the proposals are the same as previously approved by the committee under planning application reference 15/06090/HSE.

The principal changes are:

- The lowering of basement level by approximately 500mm beyond the previous approval
- Alterations to the rear fenestration to lower height of rear ground floor windows and removal of window to side facing no.9.
- The changing of the roof tiles on the property

Middleton road is characterised by two storey, predominantly semi-detached dwellings of very similar form, spacing and architectural vernacular. Many of the properties in the local area have been altered in various forms. As a consequence rear extensions (at both ground and first floors), hard surfaced front gardens and basements serviced by generous front lightwells have become characteristic features of the local area. As such, there is no objection in principle to further extension to the application property.

Barnet's Residential Design Guidance states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.

Paragraph 14.24 precises that two storey rear extension need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact
- harm to the character or appearance of the property and area.

The property benefits from an existing basement of 2 metres high. The proposal would include a rear extension of 0.75 metre, similar to the ground floor. It would also lower the floor level to 1.5 metres below the existing floor level which is considered acceptable.

The proposed alterations to the front of the property would retain all of its main architectural features (principally the significance of the two storey front bay, front canopy/porch and the proportions of the front façade). The resulting dwelling would not appear incongruous within the streetscene or lead to an unbalancing effect on the pair of semi-detached dwellings. The proposed lightwell would not be dissimilar to those which are in existence on properties along the street and as such is not objectionable.

The property benefits from an existing terrace. The proposed rear terrace would not project further than the existing one and be set back from both side of the host property. It would remain a subordinate feature to the main dwelling and is considered acceptable. The proposed lower ground patio would project further than the stipulated 3 metres guidance but would primarily be situated below the proposed rear terrace. The proposed lower patio would be open to the elements and at a level approximately 1.5 metres lower than the level of the rear garden. The lower patio would thus be perceived as a feature of the rear garden, similarly to the adjoining site (no.9).

It is not considered that the proposed extensions would be disproportionate to the original dwelling and that the resulting dwelling would remain in keeping with the local area. It is not considered that the scheme would represent an over development of the application site.

The front of the site is currently hard surfaced and used for parking. The replacement of the existing hard surfacing as well as the erection of the part 1.8m high boundary fences proposed (reduced to 1 metre close to the highway) are considered acceptable. Two cars could adequately be parked on the front of the site and so it is not considered that the scheme would lead to an increased pressure upon on street parking or inhibit highways safety.

The new tiles would be install across the entire property and extensions which would even the appearance of the roof and is considered acceptable. Normally the alteration of roof tiles in themselves does not require planning permission and as such no objection to this part of the proposals could reasonably be made.

The re-landscaping to the side and rear of the site would represent an improvement to the existing site and as such there is no objection. The proposed boundary fencing towards the rear of the site would require express permission but would not appear out of keeping with the local area or visually obtrusive.

The proposed scheme is therefore not objectionable in terms of its impact upon the character and appearance of the application dwelling, streetscene or character of the local area.

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

It is considered that the changes to the approved scheme would have limited impact on neighbouring occupiers.

The size of the extensions are essentially the same as those previously approved.

The proposed ground floor extension would project 0.75 metre to be in line with the bay window at no.9. The proposed ground floor extension would project 0.75 metre beyond the rear building line at No.13. At first floor level, the proposed rear extension would project 2.8 metres beyond the rear elevation and would be set away from the shared boundary with the adjoining property by 2 metres. The proposed raised terrace would project a further 2.75-3 metres (beyond the rear building lines of both nos.9 and 13) and would be elevated due to the variation in levels. This terrace would however be set away 2 metres from the boundary with no.9 and a minimum of 4 metres from the boundary with no.13 and would include obscure glazed screening with a height of 1.8 metres along either side return. The proposed alterations to levels at the side of the property would lead to an increase in the height when viewed from no.13, however due to the lack of primary, clear glazed windows on the side elevation of this neighbouring dwelling (the side window to the rear habitable room would be considered to be a secondary window and the small ground floor side window and partially glazed door serve non-habitable rooms), the impacts of this element is not considered significant.

To the front of the property, the proposed alterations would not cause any impacts upon the living conditions of any neighbouring resident.

In order to ensure that the intensity of use within the site is not increased to a detrimental effect on local residents, a condition will be added ensuring that the proposed basement remains ancillary to the main dwelling and that the overall dwelling is retained as a single family dwelling house.

Light/Overshadowing

It is not considered that the proposals would harm neighbouring occupiers in terms of loss of daylight, sunlight, or the overshadowing of gardens.

Outlook/Visual Impact

Due to the scale, siting, design, and orientation of these proposed elements it is not considered that the residential amenities of any neighbouring resident would be impacted upon to a level of detriment as a result of the proposed works. This would include impacts upon outlook, sense of enclosure and visual impact.

Privacy

In order to ensure that the privacy of the neighbouring residents are protected conditions relating to the use of the flat roof; obscure glazing facing towards no.13; requirement to retain screening to the raised terrace and removal of PD rights relating to new first floor side windows to the proposed extension will be applied.

5.4 Response to Public Consultation

The objections raised by objectors are noted.

In regards to the proposal resulting in the overdevelopment of the site, the proposal makes the resultant development policy compliant and in line with the requirements of the adopted Residential Design Guidance. Besides, each application is judged based on its own merits; therefore it is not possible to judge an application based on the possible impacts of the others developments.

The increased depth of the basement would not harm neighbouring amenity through additional noise and disturbance through construction.

The proposed development is not considered to be out of character. Other properties have undertaken extension works. The scheme is considered to meet the stipulations of the Design Guidance and cause no harm to the amenities of neighbouring occupiers.

To prevent any loss of privacy and overlooking from the proposed development to the occupiers of No.13, a condition will be added requiring the proposed side windows to be obscure glazed. A condition would also be added to regarding the proposed screening around the terrace.

The proposals are considered to be an acceptable addition to the host property. As such, it is not considered that it will have a detrimental impact on the residential amenities of the neighbouring occupiers with regards to loss of light, overshadowing or overbearing.

The concerns raised regarding impact on structural stability are noted and acknowledged but it is a building control matter and does not constitute a reason for refusal.

The property is not located in a flood risk zone therefore, it is not anticipated that lowering the level of the basement would result in a flooding risk.

Until the draft Neighbourhood Development Plan has been formally adopted its prescriptions may not form a material consideration.

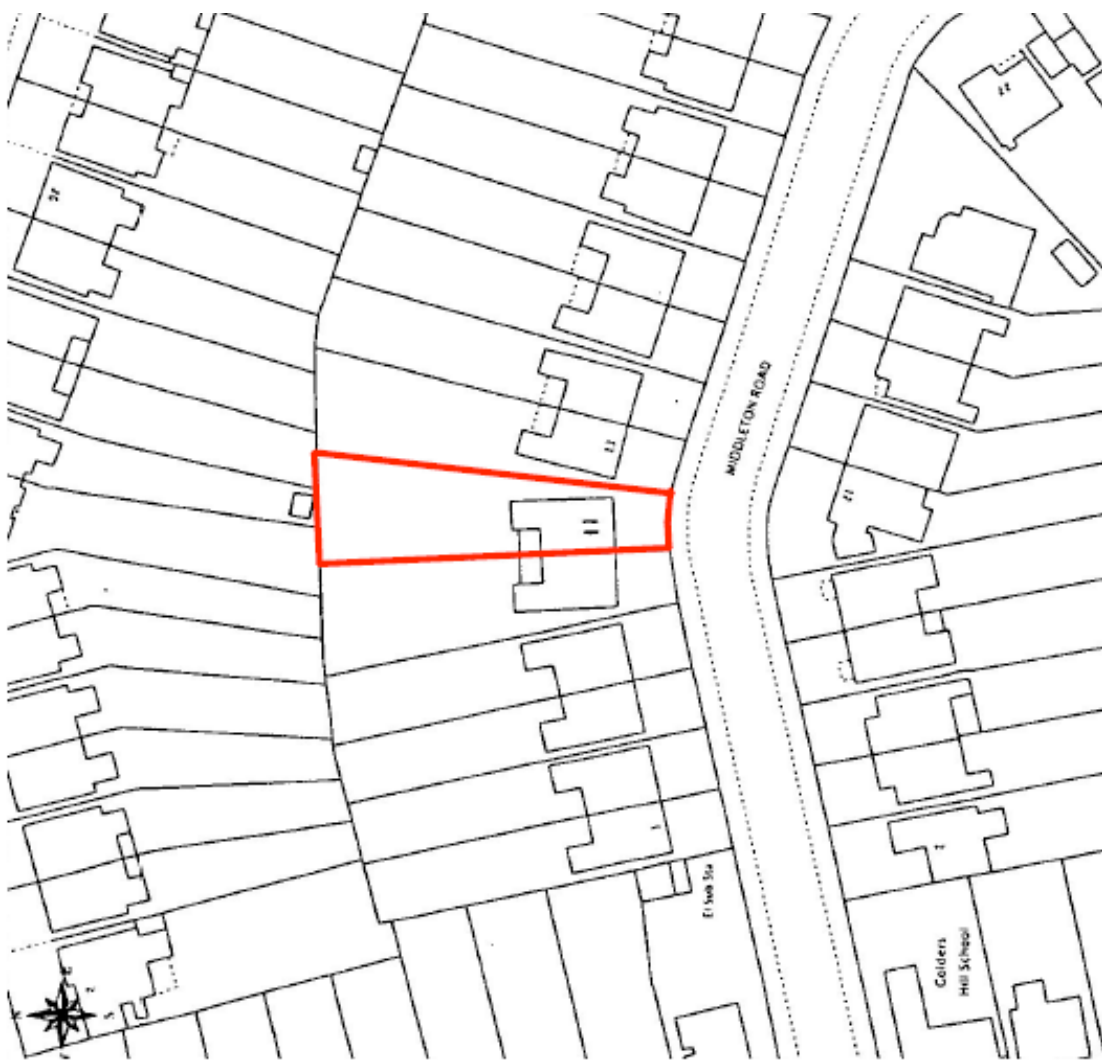
6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposed changes to the approved scheme approved previously by the committee are considered to be minor in nature and would have limited impact on neighbouring occupiers and the appearance of the area.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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LOCATION: Imperial House, The Hyde, London, NW9 5AL

REFERENCE: 16/1713/FUL

Received:

22/03/2016

AGENDA ITEM 9

Accepted:

22/03/2016

WARD: Burnt Oak

Expiry:

21/06/2015

APPLICANT: Imperial House London Ltd.

PROPOSAL: Redevelopment of Imperial House comprising the demolition of existing buildings and erection of buildings ranging from 3 to 14 storeys to provide 76 residential units and 815sqm of replacement office accommodation (Use Class B1) along with landscaped courtyard and provision of 87 basement car parking spaces, 5 motorcycle spaces and 166 cycle parking spaces, with provisions for refuse and amenity space

APPLICATION SUMMARY

The application involves the redevelopment of the Imperial House site comprising the demolition of the existing buildings and the erection of a residential-led mixed use scheme. The development would entail buildings ranging from 3 to 14 storeys in height and would comprise of 76 residential units along with 815 square metres of office accommodation (Use Class B1).

The existing site comprises of a vacant building, last in use as office accommodation on the upper floors with a retail showroom at ground floor level. The site is located within the boundary of the Colindale Area Action Plan (CAAP) and is located within an area identified as being within the Edgware Road Corridor of Change. The site is not located within a Conservation Area and the subject building is not listed. There are no statutorily or locally listed buildings in the surrounding area.

The application proposes the demolition of the existing buildings and the comprehensive redevelopment of the site to provide a residential-led mixed use development. The scheme would comprise of 3 blocks which can be summarised as follows:

- Block A – A 14 storey building located to the front of the site adjacent to Edgware Road. At ground floor level would be 2 self-contained business units (Use Class B1) with the upper floors comprising of residential accommodation;
- Block B – A part 5, part 7 storey building located directly to the rear of Block A and linked by 2 storey element. 2 self-contained business units (Use Class B1) at ground floor level with residential units on the upper floors;
- Block C - A linked cluster of part 1, part 3 storey buildings laid out around a central communal area and comprising a mix of residential flats and maisonettes along with private amenity areas at ground and first floor level.

Urban Design and Layout

The proposed and overall design approach of the scheme incorporating the descending building heights is considered to be appropriate and would ensure that the development integrates with the varying heights of the adjoining building typologies and be congruent within the surrounding urban fabric.

The site is located within an area identified as being appropriate for tall buildings and thus the policy considerations set out within Development Management Policy DM5 are relevant in the consideration of the application. The full assessment of the scheme against Policy DM5 is set out within paragraphs 7.3 – 7.11 of this report however officers consider that, on balance, the scheme accords with the policy.

Affordable Housing

The application was accompanied by an 'Affordable Housing and Economic Viability Assessment' produced by BNP Paribas (BNPP) which set out that the provision of 23 affordable units (equating to 30% of the total units) would be the maximum viable level of affordable housing that the scheme could provide.

The Council instructed DVS (the commercial arm of the VOA) to carry out an independent review of the document. Most of the assumptions made within the viability assessment were agreed in the assessment of the previous application and as such

Officers consider, based on the advice from the Council's appointed independent advisors, that the overall affordable housing provision of 23 units (30%) is acceptable. Therefore, notwithstanding the fact that the level of provision would be below the 40% threshold, the lower provision of 30% is fully supported by a financial viability assessment and thus is in compliance with London Plan Policy 3.12 and local policies CS4 of the Core Strategy and 7.2 of the CAAP. Furthermore, the Section 106 Agreement would incorporate a review mechanism which would enable the financial viability to be reassessed upon implementation in order to capture any uplift which could be utilised to provide additional affordable housing.

Transport and Parking

A total of 87 car parking spaces are proposed in the basement including 10 disabled parking spaces including 6 parking spaces for the commercial use. 6 Motorcycle parking spaces are also provided.

The parking requirement for the proposed development would equate to parking provision of between 62 to 107 parking spaces in accordance with the Barnet Local Plan, Development Management Policy DM17. The level of car parking provided with the development is therefore in line with Policy DM17 and is acceptable.

Sustainability, Energy and Flood Risk

The proposed redevelopment would make efficient use of brownfield land and create a mixed and balanced community. The development has also been designed to minimise its impact on the environment and with an emphasis on using less energy.

The scheme would incorporate both Combined Heat and Power (CHP) and photovoltaic panels which, when combined with passive sustainability measures would achieve total Carbon Dioxide Reductions of 35.6% which exceeds the target set out within London Plan Policy 5.2.

The application has been accompanied by a Flood Risk Assessment produced by EAS. The report identifies and assesses the risks of all forms of flooding to and from the development and concludes that the proposal would not adversely effect on site or neighbouring properties.

The site is shown to be located in a 'Very Low' risk area with regards to surface water flooding and is not considered to be at risk of flooding from sewers or groundwater. Thames Water were consulted on the application and took the view that the development would not result in any increased risk of localised flooding. Nevertheless, a condition is attached requiring the submission of further details of the drainage and SUDS strategy for approval.

Conclusion

In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable and in accordance with the CAAP aspirations for the site. The height of the building, on balance, is considered to be acceptable and would be congruent within both the existing and the emerging context on this part of Edgware Road. The scheme would deliver 76 high quality homes with an appropriate mix and with 30% of the homes being provided as affordable which, although below the policy target of 40%, is fully justified through the financial viability provided by the applicant. Whilst the development would have an impact on the residential amenity of some of the neighbouring occupiers, officers consider that the impact would not be so significant as to warrant refusal of the application. The level of parking provided at the site is in accordance with local planning standards.

RECOMMENDATION

Approve the application subject to:

Recommendation 1

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 of seeking to secure the following:

(a) **Legal Professional Costs Recovery**
 Paying the Council’s legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) **Enforceability**
 All obligations listed to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

(c) **Affordable Housing**
 The provision within the development of a minimum of 30% (by unit number) of homes as affordable housing, providing a minimum of 23 residential units with the following mix:

	1 Bed	2 Bed	3 Bed	Total
Shared Ownership/Intermediate	0	10	0	10
Social Rented	2	6	5	13
Total	2	16	5	23 units

(d) **Affordable Housing – Review Mechanism**
 The viability of the development shall be re-appraised at an appropriate point in the implementation of the development and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.

(e) **Employment and Training**
 The applicant will be required to enter into a Local Employment Agreement (LEA) with the Council. The employment agreement would need to secure the following minimum levels and would also set out specifically how the applicant would deliver these:

- 4 places for progression into employment, less than 6 months;
- 2 places for progression into employment, more than 6 months;
- 5 apprenticeships;
- 9 work experience placements
- 55 school / college / university students’ site visits
- 44 school / college students to attend workshops

(f) **Employment and Training – Financial Contribution**
 £21360 contribution to mitigate the loss of employment floorspace. The monies would be retained specifically for employment, skills, training and enterprise support and initiatives delivered by the Council and its partners.

(g) **Travel Plan**
 A Residential Travel Plan would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives (up to a maximum of £22800) for the first occupier of each residential unit. Incentives to comprise of a voucher to a minimum value of £300 per dwelling to be spent on Car Club

Membership, an Oyster Card with a pre-loaded amount and/or Cycle Scheme vouchers.

(h) Travel Plan - Monitoring

£15000 contribution towards the monitoring of the Residential Travel Plan.

(i) Highway Improvement Works

Funding towards any highway safety and pedestrian improvement required and identified as part of the PERS audit. Works to be carried out through a Section 278 Agreement.

(j) Monitoring Contribution

£1755 contribution (index linked) towards the costs of undertaking the work relating to securing and monitoring the planning obligations.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1 and subject to Stage 2 approval from the Mayor of London, the Assistant Director of Development Management and Building Control approve the planning application reference 16/1713/FUL under delegated powers and grant planning permission subject to the conditions and informatives set out in Appendix 1 and any changes to the wording of the conditions considered necessary by the Service Director for Development Management and Building Control.

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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. 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.

The London Plan

The London Plan (2015) 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:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) and 3.13 (Affordable Housing Thresholds).

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise) and 7.18 (Protecting Local Open Space and Addressing Local Deficiency).

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

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)

CS6 Promoting Barnet's Town Centres

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being 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)
- DM05 (Tall Buildings)
- DM06 (Barnet's Heritage and Conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM11 (Development principles for Barnet's town centres)
- DM13 (Community and education uses)
- DM14 (New and existing employment space)
- DM15 (Green belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

Colindale Area Action Plan (AAP):

The Council has prepared an Area Action Plan for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of the area up to 2021 in response to the London Plan's Opportunity Area designation. The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the 'Corridors of Change', which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

Imperial House is within the Colindale AAP area and falls within the Edgware Road Corridor of Change. The AAP vision for this Corridor of Change is:

The Colindale stretch of Edgware Road will become a thriving mixed-use urban corridor providing a focus for employment, housing and bulk retailing. A coordinated and high quality approach to the public realm will help establish a formal boulevard character befitting this busy and dense urban corridor. The area will provide an improved gateway to the new Colindale centre incorporating tall buildings where appropriate and involving key junction improvements to increase movement capacity and new or improved public transport provision.

Within the AAP document, the Imperial House site is identified as a potential development site for the delivery of up to 80 new homes.

The adopted Colindale AAP forms a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area.

Supplementary Planning Guidance and Documents:

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

1.0 Site Description

- 1.1 The application site comprises of Imperial House, a part four, part single storey building located on the east side of Edgware Road. The site has a total area of 0.4 hectares and is located within the Colindale Ward of the London Borough of Barnet. Burnt Oak station is located approximately 1 kilometre away to the north whilst Colindale station is located approximately 1 kilometre away to the east with the site having a Public Transport Accessibility Level (PTAL) of 3 (average).
- 1.2 The building itself is currently vacant, having last been in use as office accommodation on the upper floors with a retail showroom at ground floor level. The front part of the building is of a four storey height and accommodates vacant office floorspace whilst the rear part of the building is of a single storey height and accommodates a former retail showroom. Immediately to the rear (east) of the

building is an area of hardstanding which has a vehicular access from Greenway and serves as the service entrance to the existing building. The site also enjoys a vehicular access from Edgware Road to the street frontage.

- 1.3 Immediately to the north of the application site is a two storey building currently in use as a banqueting hall which abuts the north boundary of the site and projects to the same depth to the rear as the subject building. Further to the north, to the north east and to the east of the application site are a number of two storey residential dwellings located on Greenway Close, Greenway Gardens and Portman Gardens and The Greenway respectively.
- 1.4 Immediately to the south of the application site is the Green Point site which was historically occupied by low rise warehousing however is currently undergoing comprehensive redevelopment following the grant of planning permission on appeal for a residential led mixed use development rising to a maximum of 8 storeys.
- 1.5 To the west of the application site on the opposite side of Edgware Road is the Nordic Quarter, another emerging development located within the London Borough of Brent. The partly implemented scheme will consist of part 6, part 8 and part 19 storey buildings and will comprise of a residential led mix used development.
- 1.6 The site is not located within a Conservation Area and the subject building is not listed. There are no statutorily or locally listed buildings in the surrounding area. The Imperial House site is located within the Colindale Area Action Plan (AAP) area.

2.0 Proposed Development

- 2.1 Permission is sought for the redevelopment of Imperial House comprising the demolition of existing buildings and erection of buildings ranging from 3 to 14 storeys to provide 76 residential units (Use Class C3) and 815sqm of replacement office accommodation (Use Class B1).
- 2.2 The development would comprise of 3 distinct blocks, Blocks A, B and C which would rise to 14, 5/7 and 3 storeys respectively. Block A would consist of a 14 storey building located adjacent to the street frontage to the west of the site, with the part 5, part 7 storey Block B located to the rear of this and the 3 storey houses of Block C located adjacent to the rear boundary of the site.
- 2.3 Pedestrian access into the site would be from Edgware Road with an access control gate adjoining the south elevation of Block A. Within the development, a central spine footway would link all of the blocks with areas of hard and soft landscaping provided as communal amenity spaces. Equipped children's playspace would be provided within the largest of the communal amenity areas adjacent to Block B. Cycle parking for the development, totalling 166 spaces, would be located in a dedicated storage enclosures located adjacent to the central footway and in separate smaller enclosures within each block.

- 2.4 A basement level would be excavated to provide a car park comprising of 87 car parking spaces and 5 motorcycle spaces. The basement car park would be accessed from a vehicular access ramp from The Greenway and an egress onto Edgware Road.

Block A

- 2.5 Block A would comprise a 14 storey building that would front onto Edgware Road. At ground floor level, the building would incorporate 2 self-contained business units (Use Class B1) of 46 square metres and 53 square metres in floorspace respectively, with each having an independent access. An additional self-contained business unit (Use Class B1) measuring 464sq.m and residential accommodation would be located on the upper floors with an access located at ground floor level of the building façade on Edgware Road. Separate internal refuse stores for both the commercial and residential elements would be located at ground floor level with a refuse collection area identified adjacent to the south site boundary to the front of the access gate.
- 2.6 The building would be of a brick framed construction with contrasting panels of grey composite stone and bronze metal cladding. To the front elevation, the balconies would be recessed into the façade however the corners of the front elevation would not have a vertical pillar, giving it an open appearance.

Block B

- 2.6 Block B would comprise of a part 5, part 7 storey building that would be located directly to the rear of Block A. A 2 storey element would create a linkage between the two blocks and provide a visual gap between the blocks on the upper floors. The Block would comprise of 2 self-contained business units (Use Class B1) at ground floor level with residential units on the upper floors. The residential units would be accessed by a ground floor entrance on the south flank elevation with a central internal core providing stair and lift access to all upper floors with the ground floor commercial units each having an independent access on the south flank elevation. Inset residential balconies with glass balustrades would be accommodated on the south elevation providing outdoor amenity space for the residential units in this location.
- 2.7 The external elevations of Block B would be consistent with those of Block A with a brick framed construction with contrasting panels of grey composite stone and bronze metal cladding.

Block C

- 2.8 Block C of the development would comprise of a linked cluster of part 1, part 3 storey buildings laid out around a central communal area. The 3 storey elements would accommodate ground floor flats with two storey maisonettes at first and second floor level. The maisonettes would be accessed via external stairwells and external walkways at first floor level. The 1 storey elements would comprise of flats at ground floor level.

- 2.9 The buildings forming Block C would be set in from the site boundary to the east with the space between the facing elevation and the site boundary being enclosed to form private amenity spaces for each of the ground floor flats in this location. Enclosed amenity spaces would also be created to the courtyard elevations of the Block, with boundary fences delineating the amenity areas from the central communal space. Planting would be installed to the front of residential windows fronting onto the communal playspace to provide a degree of privacy screening.
- 2.10 At first floor level, amenity areas for the upper maisonettes would be provided to the rear of the properties. The platform of the first floor amenity areas would be set in from the east elevation of with an area of planting being provided adjacent to the eastern edge of the platform.

3.0 Relevant Planning History

3.1 The following applications relate directly to the application site:

- W00406AC – Permission was **granted** in June 1980 for a single storey rear extension to provide de-waxing and undersealing bays.
- W00407AD – Permission was **granted** in April 1982 for the lawful use of the premises for warehousing purposes.
- W00407AL – Permission was **refused** in June 1987 for the retention of two Portakabins.
- W00407AQ – Permission was **granted** in August 1992 for alterations to the existing showroom, reception and site including new canopies.
- H/04530/13 – Permission was **refused** in November 2013 for a change of use of ground floor from bathroom/tile showroom/warehouse to A3 Class (restaurant) and replacement of flue to rear elevation.
- H/01114/14 – Permission was **refused** in May 2014 for a change of use from bathroom/tile warehouse to A3 Class (restaurant) and installation of ventilation and extraction flue to rear elevation.
- 15/04442/FUL – Permission was **refused** in March 2016 for the redevelopment of Imperial House comprising the demolition of existing buildings and erection of buildings ranging from 3 to 16 storeys to provide 81 residential units (Use Class C3) and 815sqm of replacement office accommodation (Use Class B1) along with landscaped courtyard and provision of 87 basement car parking spaces, 5 motorcycle spaces and 166 cycle parking spaces, vehicular access from The Greenway and vehicle out onto Edgware Road with pedestrian access from Edgware Road.

The application was refused for the following reasons:

- 1) The proposed development, by virtue of its excessive height, scale and massing would introduce a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in its surroundings, 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 policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014).
- 2) The proposed development, by virtue of its excessive height and proximity to the residential properties to the north and east would represent an overly dominant form of development that would significantly diminish the outlook of the neighbouring occupiers to the detriment of their living conditions. The application is therefore contrary to CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
- 3) The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to policies CS NPPF, CS4, CS15 and DM10 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.
- 4) The application does not include a formal undertaking to secure the planning obligations which are necessary for the development to be found acceptable. The application is contrary to London Plan policies 4.3, 4.12, 6.3, 6.9, 6.10, 8.2, policies DM14, DM17, CS8, CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document and the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014).

3.2 In addition to the applications outlined above, the following applications relating to the neighbouring Green Point site are relevant to the consideration of the current application:

- W00407/AZ/07 – Permission was **refused** in June 2007 for the demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of either office (Class B1) or livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway.

The application was subsequently **appealed and allowed under appeal** ref: APP/N50590/A/07/2057441

- H/04595/10 - Extension to the time limit for implementing Appeal Decision reference APP/N50590/A/07/2057441 granted 03/04/2008 for demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of either office (Class B1) or livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway. – Approved – 10/02/2011

4.0 Consultations

4.1 As part of the original consultation exercise 506 letters were sent to neighbouring occupiers in March 2016. The application was also publicised via a site notice and a press notice was published. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

4.2 As a result of the consultation 4 responses were received, all objecting to the application. A summary of the objections received is set out below.

4.4 Summary of Neighbour Objections

4.5 The material planning considerations objections received from neighbouring residents are summarised below along with the officer response:

- The development would result in additional strain the localised drainage systems and would increase flood risk in the area;
- The 14 storey element would be overly dominant and would harm the outlook from the neighbouring residential properties;
- The development would add additional traffic to an already congested area;
- The development would result in a loss of natural light and result in overshadowing of surrounding residential properties;

4.4 Summary of Responses from External Consultees

- Historic England (Archaeology) – The application site lies adjacent to the Watling Street Roman Road and as such a two stage process of archaeological investigation is recommended as a condition if permission were granted,
- Thames Water – No objection subject to the provisions of the FRA being adhered to.
- Transport for London (TFL) – The application was reviewed by TFL as part of the Stage 1 referral to the GLA. TFL officers have advised of the following:
 - o The proposals include 87 car parking spaces for 76 residential units at a ratio of 1.14:1, as well as 1 car space per 136sqm of employment usage will be provided on site. However, as the site has a moderate PTAL and is within walking distance of Colindale station TfL would expect a maximum level of 1:1 spaces per unit. TfL nevertheless welcomes the provision of Electric Vehicle Charge Points (EVCP) will be in line with the London Plan (2015), meaning that 20% of spaces will be EVCP ready with additional 20% passive provision. The measures should be secured by planning condition.
 - o The quantum and allocation of cycle parking is acceptable;
 - o The multi modal trip generation data has been revised to take account of 2011 census data and TfL is now satisfied that the predicted increase in trips on the underground would be too low to justify a contribution to improve Colindale Station;
 - o The submission of an outline construction logistics plan and a delivery/servicing management plan is welcomed however final versions should be secured by condition;
 - o The inclusion of a travel plan is welcomed however a final version should be secured by S106 including detail on funding and implementation.
- London Fire and Emergency Planning Authority – It is unclear from the submitted application how vehicular access for fire appliances would be feasible. It is also recommended that a sprinkler system is installed to minimise the potential for fire damage.
- Greater London Authority (GLA) – The current application has been reviewed by the GLA, whose officers have advised of the following:
 - o The development is appropriate for its Opportunity Area location and would contribute towards the provision of housing and jobs;
 - o The housing mix offers a range of housing choices in line with London Plan Policy 3.8;
 - o The affordable housing offer should be subject to independent review;
 - o The residential density of the development would be above the London Plan density matrix however is located within the Colindale AAP which can support higher density.
 - o The children's playspace is reliant on off-site provision for the over 12 age group so financial contributions should be secured towards improving the existing provision. Child yield calculations indicate 14 under 5's so an extra 20 square metres of playspace should be provided.
 - o The overall layout and massing responds well to the constrained site
 - o The Design and Access Statement sets out that the scheme would deliver 10% wheelchair accessible homes which is welcomed however the location and the layout of these flats should be confirmed;
 - o The applicant has broadly followed the energy hierarchy and provided adequate information to understand the development as a whole,

however additional information and revisions are required before the scheme can be considered acceptable;

- A suitable drainage strategy should be secured by condition;
- A travel plan, logistics plan and delivery/servicing management plan should be secured by condition.

4.7 Summary of Internal Responses

- Environmental Health Team – No objection received subject to noise, contaminated land and air quality issues being mitigated through conditions.
- Transport and Highways – The level of parking proposed is in accordance with the Colindale AAP. No objection subject to conditions and S016 obligations.
- London Borough of Brent – No objection

5.0 **Land Use / Principle of Development**

Employment Floorspace

- 5.1 The existing building is currently vacant however its lawful use is as a part retail showroom (Use Class A1) and part office (Use Class B1). Given the lawful use of the building as an employment generating use within the B use class, Policy DM14 of the DMP DPD is relevant. Policy DM14 seeks to protect employment uses and states inter alia that the loss of a B use class will only be acceptable where it can be demonstrated through marketing that is no longer viable for that purpose.
- 5.2 Following pre-application discussions, the current scheme is fully cognisant of the requirements of Policy DM14 and seeks to re-provide the existing B1 floorspace within the new development. Currently, the existing building comprises of 863 square metres of B1 floorspace (of a total floorspace of 2263 square metres) with the proposed development proposing 815 square metres of B1 floorspace, within 4 self-contained units.
- 5.3 It is therefore clear that there would be a net loss of 48 square metres of B1 floorspace. Notwithstanding the lower quantity of B1 floorspace being provided, the type of B1 floorspace being provided is also a material consideration in this regard. The B1 floorspace currently provided is part of the existing Imperial House building and is attached to the retail floorspace (Use Class A1) and as such could not be used independent of the wider site which significantly hinders its viability as usable employment floorspace. Barnet's Employment Land Review (2009) which forms part of the evidence base for the Core Strategy found that there was a predominance of small occupiers in the borough and in this regard it is considered that the proposed business units would better serve the local need than the existing floorspace. It is therefore considered that, despite the net loss of floorspace, the proposed employment offer of the development would be in accordance with the overarching aims of Policy CS8.

Retail Floorspace

- 5.4 The existing building comprises of a large area of retail showroom (Use Class A1) used in association with the last tenants of the premises, a tile merchant. The application site is not located within a designated centre or parade and as such the retail use does not merit protection under Policy DM11 or DM12. It is considered that any A1 use in this location would have the potential to draw custom away from the established retail centres, potentially harming their vitality and viability. In this regard it is considered appropriate and in line with the objectives of Policy DM11 that the existing part A1 use is not retained within the new development.

Residential Use

- 5.5 There are a number of residential led mixed use developments in the immediate and wider vicinity and the application site also adjoins residential plots to the east. Furthermore, the Imperial House site is identified within the Colindale Area Action Plan as a development site with potential to deliver up to 80 new homes. The overarching principle of providing residential units in this location is therefore considered to be acceptable.

Residential Density

- 5.6 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 5.7 The proposed development would provide a total of 76 residential units, has a site area of 0.4 hectares and a PTAL of 3 where a score of 0 is very poor access to public transport, and 6b is excellent access to public transport.
- 5.8 In terms of its setting the application site can best be described as 'urban'. Notes appended to Table 3.2 of the London Plan states that 'urban locations' are often located within an area of dense development featuring terraced houses, mansion blocks, a mix of uses, medium building footprints, typically buildings of four to six storeys and within 800 metres of a local or district centre. Whilst the application site does adjoin residential plots comprising of semi-detached housing to the east, it fronts onto Edgware Road adjacent to which are mixed use buildings of a larger scale and footprint. The site is also located 800 metres from the Burnt Oak District Centre and as such it is considered appropriate to recognise the location as being 'urban'.
- 5.9 Using the site characteristics set out above, the London Plan density matrix suggests that a density in the range of 200-450 habitable rooms per hectare and 70-170 units per hectare would be appropriate. The proposed development would deliver a

residential density of 580 habitable rooms per hectare and 190 units per hectare which are clearly above the densities outlined in the matrix.

- 5.10 Nevertheless, it should also be noted that the application site forms part of the Edgware Road – Corridor for Change in relation to which the Colindale AAP states it is appropriate for new high quality, high density residential accommodation of up to 200 units per hectare, which is similar to the density that would be achieved by the development. The density is also broadly in line with other recent developments in the vicinity such as Green Point, TNQ and Zenith House.
- 5.11 In this regard it is considered that the density of the development is acceptable and would be in accordance with the aims and objectives of London Plan policy 3.4.

6.0 Housing / Quality of Accommodation

- 6.1 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 Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. 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, Residential Design Guidance SPD and CAAP policy 5.2.

Dwelling Mix

- 6.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.
- 6.3 The development proposes the following mix of units:
- 14 x 1 bed units (18%)
 - 46 x 2 bed units (61%)
 - 16 x 3 bed units (21%)

- 6.4 It is considered that the development would provide a good level of family sized housing and a suitable range of dwelling sizes and types to address housing preference and need in accordance with the abovementioned policy.

Affordable Housing

- 6.5 London Plan 2015 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. Colindale AAP Policy 7.2 states that the maximum amount of affordable housing will be sought in developments having regard to the borough wide target and a viability assessment. The CAAP sets a 50% target reflective of the

now superseded 2008 London Plan. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. All of the above policies seek a tenure split of 60% social rented and 40% intermediate housing.

- 6.6 The application was accompanied by an ‘Affordable Housing and Economic Viability Assessment’ produced by BNP Paribas (BNPP) which set out that the provision of 23 affordable units (equating to 30% of the total units) would be maximum viable level of affordable housing that the scheme could provide.
- 6.7 The Council instructed DVS to carry out an independent review of the report submitted by BNPP to ensure that the methodology used was robust, the assumptions made were reasonable and the conclusions sound. The report submitted by BNPP was predicated on many of the agreed assumptions from the previous application and as such there were only negligible differences between the two parties following the DVS review.
- 6.8 DVS confirmed in their formal response that the 30% offer is reasonable and represents the maximum amount of affordable housing that can be provided with the scheme.
- 6.9 The affordable housing units would have the following mix:

	1 Bed	2 Bed	3 Bed	Total
Shared Ownership/Intermediate	0	10	0	10
Social Rented	2	6	5	13
Total	2	16	5	23 units

- 6.10 The aforementioned mix would provide a good mix of properties with a clear bias towards the 2 and 3 bedroom units which are suitable for families. This is welcomed by officers with a need in the borough for such affordable family sized accommodation. The tenure of the affordable housing would have a split of 57/43 between social rented and shared ownership which would translate to 13 and 10 units respectively. This split is only marginally below the target of 60/40 as approved under the previous application.
- 6.11 The delivery of the aforementioned affordable housing would be secured through appropriate clauses within the S106 Agreement. In addition to the clauses securing the delivery of the affordable housing, a review mechanism would be inserted into the S106 Agreement to allow for a re-evaluation of the viability if financial circumstances should change. The heads of terms for the S106 Agreement relating to affordable housing are set out within Section 10 of this report.

Residential Space Standards

- 6.12 Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is set out in Table 1.0 below, which shows the areas relevant to the units proposed within the development:

Table 1.0 – Residential Internal Space Standards Requirements

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
Houses	3 bed (5 persons)	86

- 6.13 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.
- 6.14 In addition, all of the units would have at least a 2.5 metre floor to ceiling height and all units have glazing which is equivalent to 20% of the floor area.

Lifetime Homes and Wheelchair Housing Standards

- 6.15 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 policy 3.8.
- 6.16 Both the Planning Statement from Dalton Warner Davis and the Design and Access Statement from Claridges Architects confirm that the development would incorporate 10% as being wheelchair accessible in accordance with the aforementioned policy requirements.
- 6.17 In this regard, a condition would also be attached to ensure that a minimum of 10% of the units are constructed as wheelchair accessible in accordance with both the Planning and Design and Access Statements. The location of these units within the development would also be required to be confirmed via the condition.

Amenity space

- 6.18 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 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in Table 1.1 below:

Table 1.1 – Outdoor Amenity Space Requirements

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

- 6.19 The development proposes a mix of private and communal amenity areas and the planning statement submitted in support of the application incorporates and assessment of the level of amenity space provided in relation to the requirements of both the London Plan SPG and the Barnet SPD.
- 6.20 The communal amenity space would be provided through 2 large areas of soft landscaping to the rear of Block A, adjacent to Block B and adjacent to Block C respectively. The area to the rear of Block A, adjacent to B would incorporate the equipped children's playspace for the under 5's age group.
- 6.21 Using the methodology associated with Table 2.3 of the SPD, the development would comprise 329 habitable rooms which would necessitate the provision of 1555 square metres of amenity space. The total amenity space provision of the development, inclusive of both private and communal amenity areas would total 1869 square metres which is well in excess of the minimum policy requirements. Within this provision, all of the private units would have a private outdoor amenity space of at least 5 square metres in compliance with the aforementioned requirements.

Children's Play Space

- 6.22 The development would have a Child Yield of 15 children as per the Mayor's Child Yield Calculator. The calculator also breaks the Child Yield down into age groups with the development generating 12 children under 5 years of age, 6 children of the 5-11 age group and 3 children over the age of 12. The Mayor's Shaping Neighbourhoods: Informal Play and Recreation SPG requires a provision of 10 square metres of playspace per child. The SPG also states that where there is existing provision within 400 metres of the site (in the case of the 5-11 age group) and 800 metres of the site (in the case of the over 12 age group), no on site provision is necessary. Table 1.2 below sets out how the development seeks to meet these requirements along with an officer response to each:

Table 1.2

Age Group	Yield	Minimum Requirement	Playspace Provision

Under 5's	12	140 sqm	<p>An equipped playspace with an area of 120 square metres would be provided on the amenity space adjacent to Block B of the development.</p> <p>In addition, all of the 3 bedroom units are provided with private amenity areas which are also suitable for under 5's playspace.</p>
			<p><u>Officer Comment</u></p> <p>In the Stage 1 response, the GLA advised that a minimum of 140 square metres of on-site children's playspace would be required to satisfy policy requirements. The submitted plans show a 120 square metre playspace and as such a condition is attached requiring the submission of additional details to show a 140 square metre playspace. The applicant has confirmed that this can be achieved without compromising the main amenity space calculations.</p> <p>In addition the Mayoral SPG sets out that for the purposes of providing playspace for the under 5's, private amenity spaces can be taken into consideration.</p>
5-11's	6	60 sqm	<p>The Montrose Playing Fields are located 321m walking distance from the Proposed Development which contain football pitches, Gaelic football, walking routes, multi sports court and free of charge tennis.</p> <p>In addition, the development provides a large area of private communal amenity space central to the site measuring 423sqm which could be utilised by this age group for informal play.</p>
			<p><u>Officer Comment</u></p> <p>The Mayors SPG makes it clear that for the purposes of assessing playspace provision for the 5-11 age group, if there is existing playspace within 400 metres walking distance then this may alleviate the need for on-site provision. In this case, the Montrose Road fields are located within the requisite maximum distance and provide viable and usable playspace which accords with policy. Off-site play space and open space improvements could be funded through the CIL contribution generated by the scheme.</p>

12 and over	3	30 sqm	<p>The Silkstream Park is located 640m walking distance from the site which contains event space and play areas. The Montrose Playing Fields are also located within 321m walking distance and provide football pitches, Gaelic football, walking routes, multi sports court and free of charge tennis.</p> <p>In addition the development would provide on-site amenity space measuring 423sqm which could be utilised for informal recreation.</p>
			<p><u>Officer Comment</u></p> <p>The Mayors SPG makes it clear that for the purposes of assessing playspace provision for the over 12 age group, if there is existing playspace within 800 metres walking distance then this may alleviate the need for on-site provision. In this case both Silkstream Park and Montrose Playing Fields are located within the requisite maximum distance and provide viable and usable playspace which accords with policy.</p> <p>The offsite provision would also be supplemented by the on-site provision of 423 sqm of amenity space adjacent to Block B.</p>

6.23 It is clear from table 1.2 above that the proposed development would provide an adequate level of children’s playspace which is accordant with the requirements of the Mayor’s Shaping Neighbourhoods: Informal Play and Recreation SPG and the application is therefore acceptable in this regard.

6.24 Nevertheless, in relation to the play space for the Under 5’s the application does not incorporate details of the equipment to be provided. Therefore if permission were to be granted a condition would be attached requiring the submission of details of the play equipment to ensure it is of an appropriate type and quality.

Noise

6.25 With regards to noise from traffic, the noise report submitted demonstrates that the site experiences high noise levels and that mitigation will be required. The report goes on to suggest that internal noise levels of 40dB(A) day and 35 dB(A) night should be the design criteria acceptable to the Council. It should be noted that this is incorrect, and the Council’s required internal noise levels are 35dB(A) day and 30dB(A) night.

- 6.26 The noise report also shows that external noise levels on balconies fronting Edgware Road will experience high noise levels that exceed the standard WHO 55dB (A) criteria. The report outlines that this could be overcome by the installation of winter gardens however the current application does not propose winter gardens and as such the application should be assessed on its merits and in relation to the balconies currently proposed. Officers consider that the noise levels on the balconies should not be afforded the same weight as if they were a habitable room and in this regard, it is considered that it would not be inappropriate to resist the application on this basis. By way of precedent, the adjoining Green Point development incorporates balconies on the Edgware Road elevation which were considered to be appropriate by the Planning Inspector in reaching a decision on appeal ref: APP/N50590/A/07/2057441.
- 6.27 Nevertheless, it is also noted that mitigation measures are proposed in the form of glazing and mechanical ventilation which should be able to achieve the required noise levels. To this end, conditions are attached which require compliance with the internal noise levels of 35dB(A) day and 30dB(A) night.
- 6.28 The development also proposes plant equipment and machinery which would be accommodated at basement level. If permission were granted, noise emissions from this plant would be controlled through appropriate conditions in order to minimise the impact on future occupiers of the development.
- 6.29 As well as the noise from plant machinery, mitigation would be required to minimise the likelihood of internal noise transmission between the office and residential units and as such conditions requiring the submission of noise insulation measures for approval would be attached if permission were granted.

Privacy

- 6.30 The most sensitive of the proposed units in terms of privacy are those located at ground floor level adjoining the shared amenity area adjacent to Blocks B and C.
- 6.31 Units C.003-C.005 all incorporate windows that overlook the shared amenity space which are the sole window of a habitable room and as such it would be inappropriate for them to be obscurely glazed. The proposed layout shows that the landscaping adjacent to each of these windows would consist of an area of planting which would be for the purpose of preventing users of the amenity space from utilising this area and thus compromising the privacy of the occupiers. It is considered that this arrangement would adequately protect the privacy of future occupiers in line with Policy DM01.
- 6.32 Units B.001, B.002, C.001 and C.007 all have enclosed private amenity areas adjoining the communal areas. In order to ensure that the boundary enclosures would be of an adequate height and form to minimise the potential for overlooking, a condition would be attached requiring details to be submitted for approval if permission were granted.

- 6.33 Other than the windows at ground floor level, officers consider that the location and the relative separation distances from neighbouring windows is sufficient to ensure that there would be no unacceptable loss of privacy for future occupiers. In the case of the units to the south of Block A, opposite the Green Point development, these windows would be obscurely glazed which is considered to be acceptable given that they represent secondary windows and are located in such close proximity to the facing windows of Green Point.

Daylight/Sunlight

- 6.34 A daylight/sunlight assessment has been submitted in support of the application by Waterslade which is inclusive of an assessment on the levels of both daylight and sunlight that would be received by all units of the proposed development.
- 6.35 The daylight/sunlight assessment submitted by Waterslade sets out the Average Daylight Factor (ADF) figures for each residential habitable room of the proposed development. 93% of the rooms will achieve the BRE and British Standard target levels for ADF, mostly by a large margin however 14 bedrooms would fall short of the BRE ADF criteria, in most cases by a small margin. All 167 Living-Kitchen-Dining Rooms of the proposed development would achieve the 1.5% target for a living room, which represents it is considered represents a good level of compliance. It is also outlined that 5 LKDs of the proposed development would fall short of the 2% target for a kitchen with the assertion that due to their principal use being as a living room that this should not be regarded as important. Paragraph 2.1.8 of the document Site Layout Planning for Daylight and Sunlight (BRE, 2011) confirms that the target minimum ADF for a living room is 1.5%. Given the primacy of the living area in the LKDs of the development it is considered that the ADFs of these 5 rooms can be considered acceptable in this case.

Outlook

- 6.36 A dual aspect unit has many inherent benefits including cross ventilation, a choice of views, access to a quiet side of the building, and a greater flexibility in the use of rooms. The Mayor has outlined within design guidance that dual aspect should be the first option that designers explore for all new developments. In this regard, the development proposes a 76% of the units as dual aspect and 24% of units as triple aspect which is considered to be an excellent ratio and would help to provide a very good standard of outlook for future occupiers.
- 6.37 In specific terms, officers consider that the residential windows are located appropriately so as to provide an adequate degree of outlook. All of those windows that are obscurely glazed are secondary windows with primary outlook being provided by way of a larger window. The separation distances involved between facing windows are not significantly greater than those that would be expected in such an urban environment.

7.0 Design and Appearance

Tall Building (Block A)

- 7.1 London Plan Policy 7.7 sets out the approach to tall buildings in London requiring that appropriate locations are identified in Local Plans. The policy sets out design criteria that tall buildings should comply with. Further to this, London Plan paragraph 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline.
- 7.2 Core Strategy Policy CS5 identifies this part of the borough as being suitable for tall buildings whilst the Colindale Area Action Plan also identifies the location as being acceptable for tall buildings given its location in the 'Edgware Road – Corridor of Change'. The current application follows on from a previous application which incorporated a 16 storey building and was refused on the basis of the excessive height of the development which would have introduced a discordant and visually obtrusive form of development that would fail to respect its local context. The current application has sought to address this reason for refusal by reducing the height of the tall building by 2 storeys to 14 storeys in height.
- 7.3 Given the location of the site within an area identified as being appropriate for tall buildings within Policy CS5, the 14 storey building is acceptable in principle. Nevertheless, Development Management Policy DM5 states that, where acceptable in principle, tall buildings must satisfy 5 criteria which are addressed in turn below. Particular emphasis in this assessment is given to criterion ii) for which the previous application was refused.
- i) An active street frontage
- 7.4 The ground floor of the development would incorporate business units which would be located either side of the main residential entrance lobby. Both of the units would incorporate an entrance from the street and the entrance to the residential accommodation would entail regular activity with residents coming and going and in this regard it is considered that the development would provide an adequately active frontage which would satisfy this aspect of the policy.
- ii) Successful integration into the urban fabric
- 7.4 The surrounding context of the application site is currently undergoing irrevocable change with the implementation of the Green Point development to the south of the site which rises to a maximum of 8 storeys and The Nordic Quarter development to the west of the site (within the London Borough of Brent) which rises to a maximum of 19 storeys.
- 7.5 A material planning consideration in this regard is previously refused application 15/04442/FUL which was refused partly on the basis that the 16 storey height of the development would have been incongruous within its context and detracted from the established character of the area. The current scheme has been reduced in height

from 16 to 14 and as such the visual impact of the development would be reduced and the extent to which the development exceeded the height of the surrounding development would also be reduced.

- 7.6 The application site is located at a point where the building heights and typologies fundamentally change from the taller buildings fronting Edgware Road to the 2 storey, residential dwellings to the rear of the site. It is acknowledged that the tall building would not be commensurate in height or scale to the residential dwellings to the rear. Nevertheless, it is considered that the lowered height of 14 storeys to the front of the site, stepping down towards the rear would help to make the transition from the residential scale building typologies to the tall buildings on Edgware Road, typified by TNQ at 19 storeys.
- 7.7 in linear views on Edgware Road, the 14 storey building would be viewed in the context of the 19 storey TNQ development and in longer views, the 14 storey height of Merit House and the 17 storey height of Zenith House. The Edgware Road corridor is identified as being appropriate for tall buildings and it is likely that further tall buildings will come forward which could further enhance the extent to which the proposed building would be congruent within its setting.
- 7.8 The height of the building would step down from that of the 19 storey TNQ building whilst the properties would not lie directly opposite each other, being offset which would avoid the potential for canyoning between the buildings. A key concern in the previous application was the view of the then 16 storey tower from the residential properties to the rear of the site. The key issue here is whether the new tall building would be visually incongruous and overwhelming when viewed from this direction. Given the separation distance from these residential properties and the prominence and proximity of the TNQ development, it is considered that the 14 storey building would not be discordant within its visual context when viewed from this direction.
- 7.9 The heights of Blocks B and C step down in height and it is considered that the overall building height strategy of the development would help to make the visual transition between the disparate building heights on Edgware Road and the low rise residential properties to the rear. The scale, bulk and massing of Blocks B and C are discussed fully in paragraphs 7.28 and 7.29 of this report.
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- 7.10 Edgware Road resides within a natural depression in the topography of the borough and thus tall buildings in this location have the potential to be less visible on the skyline. There are also no strategic views or identified local viewing corridors which would be adversely affected by the development.
- iv) Not cause harm to heritage assets and their setting
- 7.11 There are no heritage assets within close proximity to the site and as such the development would not result in any harm to their special interest or their setting.

v) That the potential microclimate effect does not adversely affect existing levels of comfort in the public realm

7.12 The application is accompanied by a Microclimate (Wind) Report by Tsengi Building Simulations which sets out that an assessment was carried out using Computational Fluid Dynamics (CFD) simulations with several scenarios based on local climactic data being tested. A number of points located throughout the proposed development and on the adjacent highway were identified as being those where activity would take place and the assessment was carried out using these points. The results within the report are presented in accordance with standard practice for wind microclimate studies using the Lawson Scale of pedestrian comfort.

7.13 The results show that on all the points assessed, the pedestrian comfort levels would only exceed acceptable wind conditions as set out in the Lawson Scale by 0.02% in the case of two private amenity areas within the new development. The results of the report are summarised in Table 1.3 below:

Table 1.3

Description	Impact	Mitigation Required
Wind along pedestrian thoroughfares	Negligible	None
Wind impact at entrances	Negligible	None
Wind impact in public amenity spaces	Negligible	None
Wind impact on surrounding properties	Minor Beneficial	None

7.14 Having regard to the report by Tsengi Building Simulations and the results outlined above, it is clear that the development would not have a detrimental impact on existing levels of comfort in the public realm.

CABE/English Heritage Advice on Tall Buildings

7.15 As well as the Barnet DMP – DPD outlined above, the London Plan and CABE set out criteria which tall buildings should adhere to. Most of these criteria are similar to those of Policy DMO6 and are set out below with a brief assessment:

7.16 Context: As outlined in paragraphs 7.4-7.9 above, it is considered that the proposed tall building would not be overly dominant within its context and would harmonise with the emerging context on this part of Edgware Road.

7.17 Historic Assets Impact: There are no listed buildings, conservation areas in close proximity to the application site and as such there would be no adverse impact to their setting,

7.18 Relationship to Transport: The development has a PTAL of 3 and is located within 400 metres of Colindale Underground Station and there are also several bus routes

with stops in the vicinity of the site. The application is supported by a transport statement that confirms that the capacity of the public transport infrastructure would not be unacceptably affected by the development.

- 7.19 Architectural Quality: The external elevations of Block A would consist of a grid form, consisting of a brick framed construction with contrasting panels of grey composite stone and bronze metal cladding. To the front elevation, the balconies would be recessed into the façade however the corners of the front elevation would not have a vertical pillar, giving it a more open appearance and reducing the bulk of the building. It is considered that the overall design approach is acceptable however the success of this design approach would be reliant on high quality materials being used and the architectural detailing being well considered. If permission were granted robust conditions would therefore be attached requiring the submission of additional details and samples where necessary of all external items.
- 7.20 Sustainability: The application is supported by an energy statement which confirms that the development will accord with London Plan guidelines relating to CO2 emissions.
- 7.21 Design Credibility: The scheme is designed by a reputable architecture team and is supported by an established consultancy.
- 7.22 Contribution to Spaces and Facilities: The development contributes a ground floor active frontage, a range of uses including business and residential in line with the CAAP aspiration for the site. The development also provides communal amenity space for future occupiers.
- 7.23 Environmental Effect: No significant adverse impacts are identified including microclimate, overshadowing, night-time appearance, vehicle movement or to neighbour's amenity. This is clearly set out in the relevant sections of this report.
- 7.24 Contribution to Permeability: The development does not create any new connections to the public realm and those that are proposed are those that already exist. Given the relationship of the application site to adjoining sites and the public highway, there are no opportunities for any new connections to be created. Nevertheless, the site itself would be permeable with clear and direct connections throughout the site.
- 7.25 Well-Designed Environment: The scheme would deliver robust, well designed buildings that would be connected by high quality hard and soft landscaping. It is considered that overall, these combine to create a well-designed environment.

Design and Appearance (Blocks B and C)

- 7.26 Block B would have a similar aesthetic to Block A with a similar palette of materials and incorporating a grid form to the south elevation with recessed balconies. The grid form of the south elevation of the Block would have a regular layout, unlike the irregular pattern of Block A. The regular grid form of the Block along with the height and the limited width of the building give it a strong vertical emphasis which it is

considered is successful in embedding it within its context and helping it harmonise with the 14 storeys of Block A. As with Block A, robust conditions would be attached to any permission requiring the submission of further details of the materials and architectural detailing to be used.

- 7.27 Block C would consist of a series of interconnected blocks which would be of a brick construction with irregularly located windows. It is considered that the low rise nature of the Block makes it suitable for a more solid appearance which is evident in the solid elevations. Given the prevalence of brick, it is important that the brick used is of a high quality and as such a sample would be required by condition if permission were granted. In addition to the bricks, much of the architectural expression would also come from the windows and in this regard it is important the depth of the reveals and the materiality of the windows is well considered. A condition requiring the submission of details for approval would therefore be attached if permission were granted.

Scale, Bulk and Massing (Blocks B and C)

- 7.28 The 7 storeys of Block B would be similar to the height of the adjoining Green Point development, the northern wing of which would run parallel to the Block, and it is considered that this would aid the congruence of the development and its integration with the surrounding area.
- 7.29 Whilst the 3 storeys of Block C would stand at a storey higher than the 2 storeys of the residential properties to the east, the flat roof design of this element and the separation distance from the neighbouring properties would ensure that any difference in scale would not be readily discernible.

Conclusion

- 7.30 Having regard to all of the above, officers consider that the principle of a tall building in this location is acceptable. Officers consider that the scheme is of a high design quality and would integrate well with its surrounding context in accordance with London Plan Policy 7.7 and Local Policies CS5 and DM01.

8.0 Amenity Impact on Neighbouring Properties

Daylight/Sunlight

- 8.1 The applicant has submitted a Daylight/Sunlight report from Waterslade (June 2015) which is inclusive of daylight, sunlight and overshadowing assessments of the impact of the proposed development on both neighbouring occupiers and future occupiers of the development itself. It should be noted that previous application 15/04442/FUL was found to be acceptable in terms of daylight and sunlight impact. The report submitted in support of the current application and the subsequent assessment below relates to the previous 16 storey scheme. The current scheme has been

reduced in height from the previous scheme and thus the daylight/sunlight impact of the current development would inexorably be less than that assessed as part of the previous application which was found to be acceptable. For clarity and robustness, the daylight/sunlight report is assessed again below.

Daylight

- 8.2 The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.
- 8.3 The assessment from Waterslade relies on the basis that the application site is located within an urban context and as such the target VSC level in such an environment should be correspondingly lower given the tight urban grain and the increased scale of the buildings. Waterslade have therefore adopted a revised VSC target value of 18% which they consider to be appropriate for the location.
- 8.4 In response to this revised VSC target value, it is accepted that the BRE guidelines are predicated on a suburban environment and that a less prescriptive approach may be adopted in an urban environment. Indeed, paragraph 1.6 of page 1 of the guidance states the following: *“The advice given here is not mandatory and 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 the factors in layout design. In special circumstances the developer or planning authority may wish to use different target values...”* With the above in mind and cognisant of the urban context within which the application site is located, it is considered that the reduced VSC target value is reasonable.

Green Point

- 8.5 Having established a revised VSC target value and assessed the impact using the proposed massing, the daylight assessment also uses mirroring of the Green Point development to establish an alternative baseline position to aid in assessment. Mirror analysis is predicated on a mirror image of the existing building (Green Point) being erected on the adjoining plot of land at the same distance from the shared boundary. The figures extrapolated from this analysis then serve as an alternative baseline for further assessment so the relative impact of the proposed massing over and above the baseline position can be considered. It is considered that the use of this model is appropriate in this circumstance, bearing in mind the location and characteristics of both sites.
- 8.6 As evidenced within the Waterslade assessment, the comparative impact between the proposed massing and the mirror massing shows that there would be a low relative impact which is in line with BRE guidelines to most windows. When the mirror massing is used as a baseline and the comparative between these VSC levels and

the VSC levels of the proposed massing is calculated, a total of 29 windows would fail to achieve a VSC level of 27% and be less than 0.8 times the baseline value. However, when the revised VSC target value of 18% is applied this number reduces to 19 windows.

- 8.7 These 19 windows serve a number of dual aspect rooms with secondary site-facing windows where the primary street-facing windows will be unaffected by the scheme. Therefore, despite the impact to the site facing windows it is considered that the overall impact to the rooms will be small. All but five units have VSCs in excess of 18% which, as outlined above, is considered to be an appropriate target level for the urban context of the application site. These five units are located in a vertical column adjacent to the site boundary.
- 8.8 Taking into account that the windows affected are located on a flank elevation facing a site identified within the Colindale AAP as a potential development site, it is considered that any comprehensive redevelopment of the application site would have resultant impacts on the daylight levels of the units served by windows on the north-west elevation. 5 units represent 5.8% of the 86 units accommodated within the Green Point development and as such it is a relatively low number of units that would be affected and on balance, it is considered that the daylight impact would be acceptable.

The Nordic Quarter (TNQ)

- 8.9 Even though located in the neighbouring borough of Brent, the TNQ is a residential building with windows directly facing the application site and the location of the proposed 14 storey element. The Daylight and Sunlight assessment undertaken by Waterslades incorporates an assessment of the impact on the windows of this building.
- 8.10 The results show that most of the windows within TNQ would comfortably achieve the BRE VSC criteria however also show that would be a number of borderline impacts to windows on the North-East façade with VSC reduction factors slightly less than 0.8. However, these windows have retained VSC values in excess of 20%, which is in excess of the revised VSC target value of 18% and is appropriate for the urban setting. It should be noted that some side-facing windows, recessed beneath balconies would also suffer impacts below the target values however given the location of these windows and the fact that they are secondary windows it is considered that the impacts should not be afforded significant weight.

1-8 Portman Gardens

- 8.11 The results for the two storey residential properties on Portman Gardens (no.'s 1-9) show that there would be a negligible impact with most windows comfortably achieving the target values. Nevertheless 2 windows at no.5, 2 windows at no.6 and 4 windows at no.7 would suffer noticeable impacts. Of these windows identified there are mitigating circumstances in that they are secondary windows within rooms that

are served by other primary windows which it is considered would mitigate the impact to an acceptable level.

73-109 The Greenway

- 8.12 The results of the assessment show that the impact to all windows in these properties would be minimal with typical reduction factors of 0.95 (5% loss). The impacts would therefore be comfortably in accordance with the BRE VSC criteria.

13-14 Greenway Close

- 8.13 All of the rooms on the ground floor of this property comfortably achieve the BRE VSC criteria however there are impacts to 3 first floor windows. As existing, these windows have their access to light restricted by the overhanging roof eaves and have a low VSC. For all 3 windows, the relative level of reduction in VSC levels would be just below the 0.8 set out in BRE guidelines. Given the low existing VSC levels and the marginal extent to which the relative reduction would be below the BRE recommended levels, it is considered that on balance these losses could be tolerated.
- 8.14 Having regard to all of the above and based on the findings of the Daylight and Sunlight assessment undertaken by Waterslades, it is considered that the daylight impact of the development on the neighbouring properties would be acceptable and in line with Policy DMO1 of the Development Management Policies DPD.

Sunlight

- 8.15 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period. The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”.

Green Point Development

- 8.16 The site-facing façade of the building has a northerly aspect and therefore is irrelevant in relation to sunlight. All of the South facing windows in the property comfortably achieve the BRE APSH criteria, and as such the property would continue to receive very good sunlight amenity following the proposed development.

The Nordic Quarter (TNQ)

- 8.17 All of the site-facing windows have a Northerly aspect and therefore sunlight is not an issue. Those which face within 90 degrees of due south comfortably achieve the BRE

APSH criteria, and the property will continue to receive very good sunlight amenity after development.

1-8 Portman Gardens

- 8.18 The results of the assessment show that all of the south facing windows on the properties at 1-8 Portman Road would retain an adequate level of ASPH in line with BRE standards.

73-109 The Greenway

- 8.19 A significant number of the windows in no.'s 73-109 The Greenway have a northerly aspect so sunlight is not an issue in this regard. The results show that 1 small, secondary window will not achieve the BRE ASPH criteria however the other windows serving this room would retain a good level of sunlight and would mitigate this loss.

13-14 Greenway Close

- 8.20 The results show that most of the windows will receive very good levels of sunlight following proposed development however 2 windows would fall marginally short of achieving strict compliance on winter sunlight. The windows identified are bedrooms and BRE guidelines state that 'kitchens and bedrooms are less important' with regards to ASPH and as such it is considered that less weight should be afforded to the shortfall than if it were a living room. In this regard it is considered that the sunlight impact can be considered to be acceptable.

Overshadowing

- 8.21 The primary methodology for assessing the overshadowing impact of development on neighbouring amenity areas is set out within the BRE Guidelines where the following is stated:

"... it is suggested that no more than two fifths and preferably more than a quarter of the amenity areas should be prevented by buildings from not receiving any sunlight at all on 21st March"

- 8.22 The daylight/sunlight assessment submitted in support of the application includes an assessment on the overshadowing impact of the development. The most sensitive amenity areas that would be affected by the proposed development would be those of Portman Gardens and The Greenway which adjoin the application site to the east of the site. The assessment submitted shows that all of these amenity areas would each retain more than 50% of direct sunlight on 21st June in line with the BRE Guidelines indicating the potential for the gardens to retain a good level of direct sunlight.
- 8.23 Drawing 927/SH/17 appended to the daylight/sunlight assessment shows the region of each amenity space, surrounding the site with the potential to experience more

than 2 hours of sunlight on both 21st March. In most cases 50% of each amenity space will receive more than 2 hours on 21st March however it is clear that a number of properties would not. Nevertheless all of these properties identified which would not retain 2 hours of sunlight over 50% of the area already fall below this standard and the scale of the actual loss is low. In this regard, the actual impact of the proposed development on the amount of direct winter sunlight received by those properties would be marginal.

Outlook

- 8.24 The previous application was refused partly on the basis that the excessive height of the development and its proximity to the residential development to the north and east of the site would result in an unacceptable loss of impact for existing and future residential occupiers. The previous scheme entailed a 16 storey building which has been reduced in order to address the harmful impact in terms of outlook.
- 8.25 It was accepted in the determination of the previous application that the development would not result in an unacceptable loss of outlook to residential occupiers within the TNQ and Green Point developments and as such the scheme with a reduced height of 14 storeys is also considered to be acceptable in this regard.
- 8.26 The key issue and one which must be addressed is therefore whether the reduced height of the development would result in an acceptable degree of outlook from the facing windows of The Greenway, Greenway Close and Portman Gardens. Generally, it is considered that the reduction from 16 to 14 storeys in height would significantly reduce the visual impact of the tall building. The loss of 3 storeys from the building would serve to lessen its dominance within its context and would lessen the extent to which it would create a sense of enclosure for surrounding residents.
- 8.27 Specifically, when viewed directly from rear, from the properties on The Greenway, the 14 storey building would present in the foreground of the 19 storey TNQ building and would be located over 100 metres from the facing residential windows. The silhouette of the tower would be largely subsumed within the mass of the TNQ building, mitigating its impact. Given the reduced height of the tower and the significant separation distance, it is considered that the extent to which the building would harm the outlook from The Greenway properties would be lessened to an acceptable extent. Whilst the minimum separation distance of 65 metres from the residential windows on Portman Close is less than the 100 metre separation distance from The Greenway, it is similarly considered that the separation distance from the 14 storey tower and relationship to the TNQ building would mitigate any harmful impact.
- 8.28 Most of the properties on Greenway Close, with the exception of no's 12 and 13, would have a perpendicular relationship to the application site and thus the proposed 14 storey building would only be visible in oblique views from the rear elevation windows of the properties mitigating its impact. With regards to no.'s 12 and 13 with rear elevations parallel to the north boundary of the site, it is considered that, due to the proximity and the height of the Cavendish Banqueting Suites building, the

additional harm that would arise in terms of outlook would not be significantly over and above that which already exists.

- 8.29 It is acknowledged that the proposed building would be clearly visible from the street, front gardens within the street and from the front elevation windows of the properties on the east of the street. Nevertheless, in terms of the visibility from the street itself, it is considered that this not significantly harm the living conditions of residential occupiers which is predicated on the impact on day to day living within the properties themselves rather than on the street where most of the activity by nature would be transitory. In terms of visibility from the front elevations windows, the view would be oblique and would be mitigated to an extent that would ensure no unacceptable impact would arise.
- 8.30 The development steps down in height adjacent to the rear boundary of the site with Block C comprising of 3 storey properties with a flat roof set in from the boundaries. The separation distance to the residential properties to the rear on Greenway Close and Portman Gardens varies between 25 and 30 metres and as such it is considered that the massing of Block C would not result in a significant loss of outlook from these properties.

Privacy

- 8.31 The development has been designed to minimise potential overlooking of neighbouring properties with windows positioned away from sensitive boundaries opposite neighbouring residential properties. The layout and the form of the wing of Block C adjacent to the eastern boundary adjoining The Greenway has been amended during the course of the application. The amendments were in response to officer concerns over the potential for actual and perceived overlooking of The Greenway properties from the first floor amenity areas. The changes implemented relate to the incorporation of an area of planting to the east of the amenity areas which would have the effect of preventing this area from being utilised by future occupiers a standing/sitting out area and minimising actual and perceived overlooking. Nevertheless, in order to ensure that the planting area is of an appropriate form and height to achieve this, a condition is attached requiring details to be submitted for approval.
- 8.32 Furthermore, it should be noted that previous application 15/04442/FUL was considered to be acceptable in terms of its impact on the privacy of neighbouring occupiers.

Noise

- 8.33 The applicant has commissioned a Noise Impact Assessment from Sustainable Acoustics which sets out the likely noise impacts of the development and which has been reviewed by the Council's Environmental Health officers.

- 8.34 With regards to the noise impact of the development on the adjoining residential properties, there would be a sensitive point adjacent to where the vehicular ramp would be located to the south of the site, adjacent to the boundary with no.109 The Greenway. There are no prescriptive noise standards to assess this source of noise, however it is likely that noise from cars utilising the ramp would be appreciable to occupiers of no.109. In order to minimise such noise disturbance, Environmental Health officers have recommended that an acoustic fence is erected on the boundary and if permission were to be granted, a condition would be attached requiring the submission of details of such a fence for approval.
- 8.35 Given the scale of the development, it is also likely that there would be potential for significant noise from construction. If permission were to be granted, in order to ensure that the construction process would be managed appropriately including the provision of noise mitigation measures, a condition would be attached requiring the submission of a construction method statement.

9.0 Sustainability

- 9.1 London Plan Policy 5.2 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
- 9.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.
- 9.3 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.

Carbon Dioxide Emissions

- 9.4 The application is accompanied by an Energy Statement from AJ Energy Consultants which sets out that the scheme will incorporate energy efficiency measures including Combined Heat and Power (CHP) and photovoltaic panels. The incorporation of the specified energy efficiency measures would equate to a reduction of 35.6% for the scheme, which exceeds the revised London Plan policy requirements of 35%. Nevertheless, with regards to London Plan compliance the GLA reviewed the submitted Energy Statement and outlined that additional information was required before the scheme can be considered to be in full compliance. The additional details relate to measures to prevent overheating and reduce demand for cooling, a commitment to ensure connection to any future district heating network as well as confirmation on the management and maintenance arrangements to the CHP.

- 9.5 With regards to the comments from the GLA, it is considered that respective conditions could be attached to require details of measures to ensure connection to any future district heating network and to require details of the maintenance and management of the CHP.
- 9.6 In terms of overheating, subsequent to the comments from the GLA the applicant carried out a further review and submitted additional details, showing that all residential units would at most have a 'slight' risk of overheating. Following further assessment, GLA officers outlined that there was no further objection to the application on this basis.
- 9.7 If permission were to be granted, a condition would also be attached to ensure that the development achieves the level of carbon dioxide reductions identified in the Energy Strategy as a minimum at implementation. Subject to the suggested conditions, it is considered that the proposed improvements are sufficient for the scheme to comply with the requirements of policy on the reduction of carbon dioxide emissions.

Other Sustainability Issues

- 9.8 A Sustainability Statement has been submitted with the application, also produced by AJ Energy Consultants. The statement identifies a number of sustainable design features that the development would incorporate in order to adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of energy efficiency measures, the construction of 10% of the new dwellings as wheelchair accessible units and the installation of facilities for cyclists.
- 9.9 With regards to the Code for Sustainable Homes, the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code. Nevertheless, a Code for Sustainable Homes pre-assessment has been appended to the Sustainability Statement which sets out that the dwellings proposed could achieve Level 4 standard.
- 9.10 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. A BREEAM pre-assessment is appended to the Sustainability Statement which confirms that the office floorspace could achieve a standard of 'Very Good'. If permission were to be granted, a condition would be attached to ensure that the development achieved this standard on implementation.

10.0 Planning Obligations

- 10.1 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.
- 10.2 In accordance with development plan policies the following obligations 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.

Affordable Housing

10.3 In accordance with policy 3.12 of the London Plan and Policies CS4, CS15 and DM10 of the Barnet Local Plan, officers recommend that the following number and mix of affordable housing unit types and sizes are secured by S106 Agreement at the application site:

- 13 x Social Rented Units
- 10 x Intermediate Housing Units

Comprising of:

- 2 x 1 bedroom units
- 16 x 2 bedroom units
- 5 x 3 bedroom units

10.4 Officers also recommend that a review mechanism should be included in the S106 agreement should permission be granted. This mechanism would ensure that if circumstances changed and the scheme became more economically viable, a correspondingly appropriate additional financial contribution and/or additional affordable housing would be made to the Council.

Employment and Training

10.5 In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would be required to deliver employment and training opportunities through a Local Employment Agreement.

10.6 If permission were granted, the employment agreement would need secure the following minimum levels and would also set out specifically how the applicant would achieve this.

- 4 places for progression into employment, less than 6 months;
- 2 places for progression into employment, more than 6 months;
- 5 apprenticeships;
- 9 work experience placements
- 55 school / college / university students' site visits
- 44 school / college students to attend workshops

10.7 In addition to the requirements set out above, the scheme entails a loss of employment floorspace and as such the SEET SPD stipulates that a financial contribution to mitigate the loss should be made. The level of the contribution is based on the relative amount of the employment floorspace lost and the average cost of getting a person back to work as set out in the SPD. Based on the specific circumstances of the application the figure required is £21360. The monies would be retained specifically for employment, skills, training and enterprise support and initiatives delivered by the Council and its partners.

Travel Plan and Travel Plan Monitoring

- 10.8 In accordance with policy DM17 of the Local Plan the applicant would be required to enter into a Strategic Level Travel Plan for the residential development which would seek to reduce reliance on the use of the private car and promote sustainable means of transport.
- 10.9 The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives (up to a maximum of £22800) for the first occupier of each residential unit. These incentives are discussed in further detail in the relevant section of this report but would comprise of a voucher to a minimum value of £300 per dwelling to be spent on Car Club Membership, an Oyster Card with a pre-loaded amount and/or Cycle Scheme vouchers all designed to encourage the use of more sustainable modes of transport.
- 10.10 A contribution of £15000 would be required towards the monitoring of the Travel Plans for the development. This contribution would enable the Local Planning Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.
- 10.11 In line with the incentives above, the provision of a car club and the allocation of car parking spaces within the site to be provided and retained for use by the car club would also be required.

Monitoring of the Section 106 Agreement

- 10.12 The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements would be required. The Council would therefore require the payment of £1755 towards the costs of undertaking the work relating to securing the planning obligations recommended in line with the adopted SPD for Planning Obligations.

Pedestrian Environment Review System / Highway Works

- 10.13 The application would be required to provide funding towards any highway safety and pedestrian improvement if required as part of the PERS audit. These works would be carried out through a Section 278 Agreement.

Community Infrastructure Levy

- 10.14 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined.
- 10.15 The CIL liability of the scheme is determined by the amount of new floorspace being provided, deducting both the social housing element and the office floorspace, both of which are exempt from CIL liability. At this stage, it is therefore anticipated that the development would have a CIL liability of £3,875,252.

- 10.16 In addition to the Barnet CIL liability, it is anticipated that the development would have a Mayoral CIL liability of £274,736

11.0 Flood Risk / SUDS

- 11.1 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”.
- 11.2 The application has been accompanied by a Flood Risk Assessment produced by EAS. The report identifies and assesses the risks of all forms of flooding to and from the development and concludes that the proposal would not adversely effect on site or neighbouring properties. The application has also been accompanied by a Drainage Feasibility Report (also from EAS) which considers peak flow rates and the potential for SUDS and surface water storage.
- 11.3 The majority of the site is located in Flood Zone 1 (low risk – less than 1 in 1000 annual exceedance probability), although a small area of the site along the eastern boundary appears to be located within Flood Zone 2 on the Environment Agency (EA) Flood Zone maps, which is considered to be at a medium risk of flooding from rivers (between a 1 in 100 and 1 in 1000 year probability of flooding).
- 11.4 The site is shown to be located in a ‘Very Low’ risk area with regards to surface water flooding and is not considered to be at risk of flooding from sewers or groundwater. Thames Water were consulted on the application and took the view that the development would not result in any increased risk of localised flooding. Nevertheless, if permission were to be granted, a condition would be attached requiring the submission of further details of the drainage and SUDS strategy for approval.

12.0 Archaeology

- 12.1 The application site is located in an Area of Archaeological Significance, being located adjacent to the Watling Street Roman Road. Consequently, Historic England (Archaeology) were consulted on the application. Historic England have requested that a two stage process of archaeological investigation is required by condition and such a condition would be accordingly attached if permission were granted.

13.0 Contaminated Land

- 13.1 The application has been accompanied by Land Contamination Survey from Groundsure. The contaminated land report submitted recommends an intrusive ground investigation as being necessary due to the historical use of the land and presence of fuel tanks within the site. If permission were granted, an appropriate condition would therefore be attached requiring such an investigation prior to works commencing.

14.0 Crime Prevention / Community Safety

- 14.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 14.2 The development would have two access points, with a pedestrian access on Edgware Road and a vehicular access on The Greenway. The key issue in terms of crime prevention is how these access points interact with the public realm and what means of access control is used. In addition, consideration should be given to whether a lighting scheme and/or CCTV are required for the external walkways and amenity areas within the boundary of the site. In this regard, if permission were granted appropriate conditions would be attached requiring the submission of a Crime Prevention Strategy outlining such measures including compliance with Secured by Design Standards.

15.0 Impact on the Development Potential of Adjoining Site

- 15.1 The north elevation of the development does not incorporate any habitable windows overlooking the adjoining site with the windows serving Block B being obscurely glazed and the Block A being orientated to incorporate aspects to the east and west with a blank north elevation. In this regard officers consider that if the adjoining site came forward for development then its development potential would not be compromised.

16.0 Transport / Highways

- 16.1 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.

Car Parking

- 16.2 The London Plan sets out maximum parking standards which are outlined in Table 1.4 below.

Table 1.4

	PTAL 0 to 1		PTAL 2 to 4		PTAL 5 to 6	
Suburban	150–200 hr/ha	Parking provision	150–250 hr/ha	Parking provision	200–350 hr/ha	Parking provision
3.8–4.6 hr/unit	35–55 u/ha	Up to 2 spaces per unit	35–65 u/ha	Up to 1.5 spaces per unit	45–90 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–65 u/ha		40–80 u/ha		55–115 u/ha	
2.7–3.0 hr/unit	50–75 u/ha		50–95 u/ha		70–130 u/ha	
Urban	150–250 hr/ha		200–450 hr/ha		200–700 hr/ha	
3.8–4.6 hr/unit	35–65 u/ha	Up to 1.5 spaces per unit	45–120 u/ha	Up to 1.5 spaces per unit	45–185 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–80 u/ha		55–145 u/ha		55–225 u/ha	
2.7–3.0 hr/unit	50–95 u/ha		70–170 u/ha		70–260 u/ha	
Central	150–300 hr/ha		300–650 hr/ha		650–1100 hr/ha	
3.8–4.6 hr/unit	35–80 u/ha	Up to 1.5 spaces per unit	65–170 u/ha	Up to one space per unit	140–290 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–100 u/ha		80–210 u/ha		175–355 u/ha	
2.7–3.0 hr/unit	50–110 u/hr		100–240 u/ha		215–405 u/ha	

- 16.3 Explanatory text provided in the parking addendum sets out that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.
- 16.4 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is 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
- 16.5 In addition, the site is also located within the area covered by the Colindale AAP and it should be noted that the AAP sets out specific parking standards which new development should achieve. The AAP states that a lower provision of 0.7 spaces per unit is appropriate for development sites within close proximity to public transport
- 16.6 A total of 87 car parking spaces are proposed in the basement including 10 disabled parking spaces including 6 parking spaces for the commercial use. 6 Motorcycle parking spaces are also provided.
- 16.7 The parking requirement for the proposed development would equate to parking provision of between 62 to 107 parking spaces in accordance with the Barnet Local Plan, Development Management Policy DM17. Taking into consideration the following:
- The site is located within close proximity of local amenities;#The Public Transport Accessibility Level (PTAL) for the site is rated as 3 which is a medium accessibility;
 - Provision of a Travel Plan.
- 16.8 With this in mind, it is considered that the proposed parking is in accordance with the parking standards and therefore is acceptable on highway grounds.
- 16.9 It should be noted that the consultants have commented that the vehicle parking provision is in line with the requirements of the adopted Colindale Area Action Plan (CAAP) and London Plan standards. However, please note that the site is on the

edge of the CAAP and therefore the parking provision would be assessed in accordance with the Barnet Local Plan, Development Management policy DM17.

Vehicular Access

- 16.10 The basement car park would be accessed via a ramp from The Greenway with vehicular egress onto Edgware Road parallel to the service entrance to the neighbouring property to the north. It is proposed that the existing one way vehicle access off Edgware Road will be closed to vehicular traffic (other than emergency and maintenance vehicles via a 3.75m gated entrance) and will be modified for pedestrian use only, forming the pedestrian entrance into the development.
- 16.11 Neither LBB transport officers nor TFL have any objection to the proposed vehicular access arrangements and an informative would be added if permission were granted stating the preferred design specifications for the ramps. Nevertheless, the preferred ramp gradient for the basement car park is 1:10, otherwise the ramp access should be designed in accordance with the the guidelines in IStructE Design recommendations for multi-storey and underground car parks most recent guidance. If permission were granted an informative would be added to this effect.

Cycle Parking

- 16.12 The development would provide 166 cycle spaces for the residential element located in purpose built enclosures adjacent to the communal amenity space to the front of the site and in basement storage areas. The level of provision is in line with London Plan standards which require 2 spaces per dwelling over 45 square metres.
- 16.13 The submitted plans do not show the location of visitor cycle spaces and as such a condition would be attached if permission were granted requiring details of the number and the location of the visitor spaces.

Vehicular Access Arrangements and Stage 1 Safety Audit (RSA):

- 16.14 The Transport Assessment submitted by EAS Transport Planning Ltd includes a Stage 1 Road Safety Audit which sets out that highway improvement works that would be required to be undertaken in order to mitigate the risks. If permission were granted, a Section 278 Agreement would be required in order for the works to be carried out.
- 16.15 Yellow box markings are proposed at the junction of the access with A5 Edgware Road to facilitate the right turn manoeuvre out of the development however it should be noted that the yellow box markings cannot be used to facilitate a private entrance. If permission were granted, a condition would be attached requiring amended details of the junction without such yellow markings.

Trip Generation

- 16.16 Table 1.5 below shows the two way trip generation impact based on the 81 residential units proposed with previous application 15/04442/FUL. No new assessment has been undertaken for the current application however if these trip rates are used for the purposes of assessment for the current application then it is logical and reasonable to then work on the basis that the trip generation impacts of the currently proposed 76 units would be commensurately less.

Table 1.5:

Period	Two Way Vehicular Trips	All Person Trips
AM Peak (08:00-09:00)	25	89
PM Peak (17:00-18:00)	17	56
All day trips	202	634

- 16.17 The existing Imperial House building would generate approximately 8 vehicle movements in each peak hour with the offices occupied.
- 16.18 The proposed development has been estimated to generate 25 two way residential trips in the AM peak and 17 two way residential trips in the PM peak. The maximum net increase in traffic will therefore be an estimated 17 additional vehicle trips in the AM peak hour and 9 trips in the PM peak. This is equivalent to an additional vehicle movement every 3-4 minutes in the AM peak and every 6 to 7 minutes in the PM peak.
- 16.19 Officers consider that this level of trip generation, based on 81 units, would be unlikely to have any additional detrimental impact on A5 against the volume of background traffic already on the A5. Given that the current scheme proposes only 76 units, it is considered that the impact would be commensurately less and as such in this regard it is considered that the application is acceptable in this regard.

Pedestrian Impact:

- 16.20 The development is expected to generate 261 daily walk trips and a further 154 daily public transport trips. Of these trips there will be up to a maximum of 58 new peak hour trips in the morning peak hour that will involve either the whole or part of the journey by foot. Officers consider that the pedestrian trips should not adversely impact upon existing road capacity because the pedestrian stage at the Edgware Road/Capitol Way signals is already called on most signal cycles.

Cycle Impact:

- 16.21 It is predicted in the Transport Assessment that there will be an increase in cycle use predicted to be up to 22 new daily total trips of which 2 will be in the morning peak period and 2 in the evening peak period which is likely to have a minimal impact on the public highway.

Public Transport Impact:

- 16.22 The development is expected to generate 154 daily public transport journeys of which 23 will be in the morning peak hour and 15 in the evening peak hour. There is also likely to be a percentage of the predicted trips by foot which will be part of a journey including public transport. These levels of increases in peak hour public transport use are unlikely to have any detrimental impact on the local bus services.

PERS Audit:

16.23 The applicant has undertaken PERS Audit which has been agreed with Transport for London.

In this regard, any highway works identified in the vicinity of the site as part of PERS, the applicant would be required to fund as part of the S106 Agreement and would then be concluded under a Section 278 Agreement if permission were granted.

Refuse Collection

16.24 The proposed refuse strategy would involve the storage of refuse in purpose built enclosures within the site with the refuse being transferred to the highway for collection on the appropriate day. The temporary storage of a large number of bins on the public highway could result in health and safety risks and as such if permission were granted a condition would be attached requiring the submission of a refuse strategy for approval.

Deliveries and Servicing

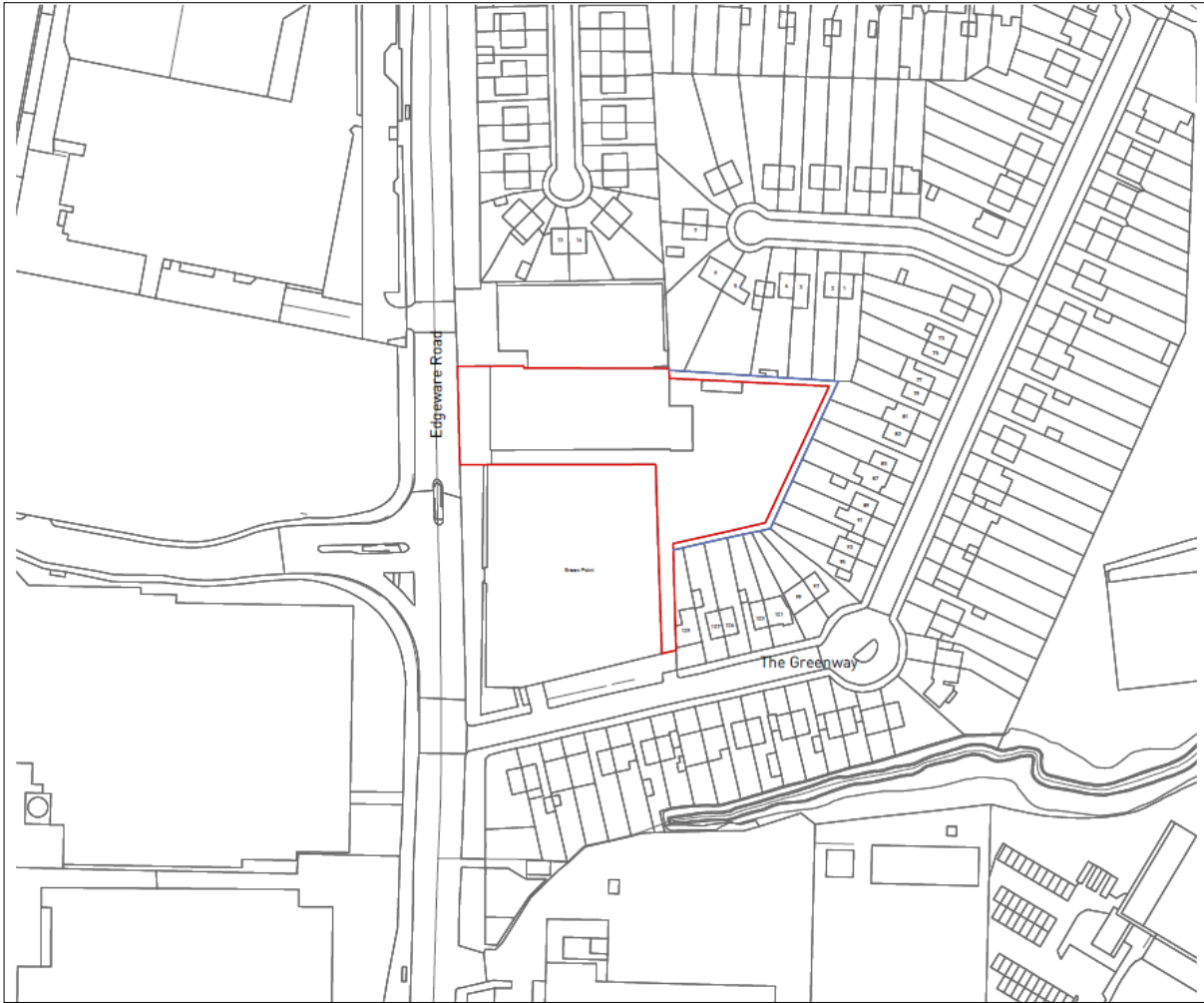
16.25 The application is accompanied by a Delivery and Servicing Management document which shows that deliveries and servicing would be undertaken from basement level. The document includes swept path analysis which shows that appropriately sized vehicles could move around the site and enter and exit in forward gear. This arrangement is considered to be acceptable by LBB and transport and TFL however a final version of the document would be secured by condition if permission were granted.

17.0 Conclusion

17.1 In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable and in accordance with the CAAP aspirations for the site. The height of the buildings is considered to be acceptable and would be congruent within both the existing and the emerging context on this part of Edgware Road. The scheme would deliver 76 high quality homes with an appropriate mix and with 23 (30%) of the homes being provided as affordable which, although below the policy target of 40% is fully justified through the financial viability provided by the applicant. Whilst the development would have an impact on the residential amenity of some of the neighbouring occupiers, officers consider that the impact would not be so significant as to warrant refusal of the application. The level of parking provided at the site is above London Plan standards however is in line with local standards and those set out within the CAAP and as such is considered to be acceptable.

17.2 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 in Appendix 1 of this report.

Appendix 1: Site Location Plan



Planning Application 15/04442/FUL: Imperial House

Appendix 2: Conditions

- 1) This development must be commenced within three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority:

GA.A00, GA.A01, GA.A02, GA.A03, GA.A04, GA.A05, GA.A06, GA.A07, GA.A08, GA.A09, GS.A00, GS.A01, GS.A02, GS.A03, GS.A04, GS.A05, GS.A06, GS.A07, GS.A08, GE.A00, GE.A01, GE.A02, GE.A03, S.00

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 and policy 1.1 of the London Plan.

- 3) Notwithstanding the details shown on the plans, hereby approved, no development (other than demolition, site clearance and ground works) shall be undertaken unless and until:
 - (a) details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority; and
 - (b) a sample panel shall be constructed on site, inspected 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 policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 4) Notwithstanding the details shown on the plans, hereby approved, no development shall commence (other than demolition, site clearance and ground works) unless and until detailed bay studies at an appropriate scale (1:10, 1:20 or 1:50) showing details of the construction of the below features have been submitted and approved in writing by the Local Planning Authority:
 - window reveals
 - residential core entrances
 - brickwork shadow gaps

- parapets, fascias and brick on edge details
- projecting and recessed balconies
- rainwater goods

The development shall be carried out and constructed in accordance with the detailed bay studies and schedules approved. For the avoidance of doubt, any features shown on these bay studies where they represent specific parts of the development shall be taken to represent all features of that type throughout the development unless otherwise stated.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 5) Prior to the commencement of development (other than demolition, site clearance and ground works), 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 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 6) Notwithstanding the details submitted in the drawings hereby approved no phase of the development is to commence (other than demolition, ground works and site clearance) unless and until details of the levels of the proposed buildings, footpaths 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 any of the residential units 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 in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

- 7) Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing which specify:
- (a) the siting and design of all privacy screens that are to be installed as part of the development (including the set back/planting located to the rear of the first floor amenity areas of Block C); and

- (b) a schedule of the parts of the development hereby permitted that are to be used for amenity purposes and those which are to be restricted access for maintenance only.

Before the buildings hereby approved are occupied 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 neighbouring occupiers in accordance with polices DM01 and DM02 of the Barnet Local Plan.

- 8) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance and ground works) shall be commenced until details are submitted to and approved in writing by the Local Planning Authority which specify the details of boundary treatments to be installed within 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 prior to the first occupation of any residential unit 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 polices DM01 and DM02 of the Barnet Local Plan.

- 9) Notwithstanding the details shown on the plans submitted hereby approved, 10% of the residential units provided shall be easily adaptable for wheelchair use or to 'Wheelchair Homes' standards. A plan showing the location and layout of such units shall be submitted to and approved in writing by the Local Planning Authority prior to any development (other than demolition, site clearance and ground works) being commenced. The wheelchair units shall thereafter be constructed as such.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

- 10) Prior to the commencement of any development (including demolition, site clearance and ground works), a Demolition and Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 11) Prior to the first occupation of the development, hereby permitted, parking shall be provided in accordance with Drawing GA.00 submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 12) Prior to the first occupation of the development, hereby approved, a Car Parking Management Plan including a drawing showing parking allocation shall be submitted to and agreed in writing by the Local Planning Authority.

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.

- 13) Prior to the first occupation of the development, hereby approved, full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 20% passive parking spaces with electric vehicle

charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 14) The approved development shall make provision for a minimum of 166 cycle parking spaces as shown on Drawings GA.00 and GA.01 in accordance with London Plan Cycle Parking Standards. Detailed drawings and specifications of the cycle storage facilities shall be submitted to and approved in writing to the Local Planning Authority prior to the first occupation of the development, including details of visitor cycle parking to be provided associated with the commercial premises. The cycle storage facilities shall be provided in accordance with the approved details prior to the first occupation of the development and shall be thereafter permanently retained as such.

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.

- 15) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance and ground works) shall be commenced until details of the refuse and recycling collection arrangements have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling strategy shall thereafter be implemented in accordance with the approved strategy.

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.

- 16) Prior to the first occupation of the development, hereby approved, a full Delivery and Servicing Plan (DSP) shall be submitted to and approved by the Local Planning Authority. Deliveries and servicing shall thereafter be carried out solely in accordance with the approved details.

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.

- 17) (a) Prior to the commencement of development (including demolition, site clearance and ground works), a revised air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations

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

- (b) A scheme for air pollution mitigation measures based on the findings of the report shall thereafter be submitted to and approved by the Local Planning Authority prior to the commencement of development (other than demolition, site clearance and ground works).
- (c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition prior to the first occupation of the development.

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, and Policy 5.3 of the London Plan 2015.

18) Part 1

Prior to the commencement of development (including demolition, site clearance and ground works):

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.

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.

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

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 prior to the first occupation of the development.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 19) A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.
- B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- C) No development or demolition shall take place other that in accordance with the Written Scheme of Investigation approved under Part (B).
- D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF

- 20) Prior to the commencement of development (other than demolition, site clearance and ground works) a noise assessment, carried out by an approved acoustic

consultant, which assesses the likely impacts of noise on the development and outlines measures to be implemented to address its findings, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 21) Prior to the commencement of the development (other than demolition, site clearance and ground works) details of all extraction and ventilation equipment to be installed as part of the development 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. The development shall be implemented in accordance with details approved under this condition before the first occupation of the development 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 DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 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 properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 23) Prior to the commencement of the development (other than demolition, site clearance and ground works), a report shall be undertaken 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 first occupation of the development and retained as such thereafter.

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

- 24) Notwithstanding the details shown on the plans submitted, hereby approved, the development shall not be occupied until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing. The details approved by this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

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

- 25) No development (other than demolition, site clearance and ground works) shall take place until details of mitigation measures to show how the development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally/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 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 first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 26) No development (other than demolition, site clearance and ground works) shall take place until a strategy setting out how the development could enable future connection to any District Heating Network has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan policies 5.2 and 5.6.

- 27) No development (including demolition, site clearance and ground works) shall take place until 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, bats, 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 for each phase under this condition.

Reason: To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

- 28) Notwithstanding the details contained in the submitted Design and Access Statement, prior to commencement of the development (other than demolition, site clearance and ground works), details of the proposed green and/or brown roofs (to include extent/siting, design specifications, planting/seeding plans and maintenance arrangements) shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details for each phase and shall thereafter be retained and maintained as such.

Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity and urban greening in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

- 29) No development (other than demolition, site clearance and ground works) shall take place until a drainage strategy detailing all on and off site drainage works including Sustainable Urban Drainage Systems, such as permeable paving, attenuation measures and rainwater harvesting) to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

- 30) No development (other than demolition, site clearance and ground works) shall take place until a detailed scheme of hard and soft landscaping (to include green and brown roof details) 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:

- the position of any existing trees and hedges to be retained or removed;
- 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;
- 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;
- existing site contours and any proposed alterations to these such as earth mounding;
- details of all proposed hard landscape, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site.

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 DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

- 31) All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

- 32) Any trees, hedges 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 neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

- 33) Notwithstanding the details shown on the plans otherwise hereby approved:

- a) Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space of the development 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 prior to the first occupation of the development and the play space shall thereafter be permanently retained.

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 3.6 of the London Plan.

- 34) Prior to the first occupation of the development, hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be permanently maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

- 35) No development (other than demolition, site clearance and ground works) shall take place until, a scheme for the provision of communal/centralised satellite/cable and television reception equipment to be installed within the development (including any external or rooftop installations required) has been submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be permanently retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the townscape and character of the area, so that it accords with policies CS5 and DM01 Barnet Local Plan.

- 36) 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 express 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 townscape and 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.

- 37) No development (including demolition, site clearance and ground works) shall take place until, details of any public highways to be stopped up under Section 247 of the

Town and Country Planning Act shall be submitted to, and approved in writing by, the Local Planning Authority. The public highways shall be stopped up, and if necessary re-provided, in accordance with the approved details.

Reason: To ensure that adequate public access is provided throughout the development, in line with the requirements of policy CS9 of the Barnet Local Plan and policy 6.10 of the London Plan.

- 38) Notwithstanding the details of the application, hereby approved, prior to the first occupation of the development, further details of the on-site children's playspace shall be submitted to and approved in writing by the Local Planning Authority. Details shall include specifications of all play equipment and updated plans showing a playspace with an area of at least 140 square metres.

Reason: To ensure that adequate children's playspace is provided within the development, in line with the requirements of London Plan Policy 3.6.

Location **Brookdene Holden Road London N12 7DR**

Reference: **16/1553/FUL**

Received: 9th March 2016

Accepted: 9th March 2016

Ward: Totteridge

Expiry 8th June 2016

Applicant: Mr

Proposal: Redevelopment to provide a four storey building comprising 37 no. Self-contained flats plus undercroft parking for 47 cars and 74 cycles. Associated bin stores, hard and soft landscaping to development site (AMENDED DESCRIPTION)

AGENDA ITEM 10

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

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

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

(c) Affordable Housing

The provision within the development of the following affordable housing units -

A commuted payment of £554,285 to contribute to the provision of providing affordable housing within the London Borough of Barnet.

A review mechanism for the proposed development to be implemented after 80% of units have been sold if development has not commenced 18 months following the date of decision.

(d) Travel Plans

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. The following Travel Plans of this nature shall be entered into:

- A Local Level Residential Travel Plan.

(e) Travel Plan Incentives

The Local Level Residential Travel Plan (required under item (d) above) shall include financial incentives to a total value of £8,400 (equivalent to £150 per unit) such that upon the first occupation of each new residential unit, regardless of

tenure, the occupier shall be given a voucher to a minimum value of £150 per dwelling. The voucher provided shall allow the occupier to purchase one of the following Travel Plan incentives:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

(f) Travel Plan Monitoring

A contribution of £5,000 (index linked) towards the monitoring of the Travel Plans for the development.

(g) On site car parking

That all parking within the site shall be for residents of the development and their visitors only and for no other purpose.

(h) Employment and Training

A commuted payment of £108,000 and 5% monitoring contribution in lieu of a Local Employment Agreement to deliver employment opportunities for residents in the Borough.

(i) Woodland Management Plan

A contribution of £50,000 to the Council to allow it to maintain and manage the existing woodland in an area most appropriate to its ecological value and importance.

(j) Monitoring of the Section 106 Agreement

A contribution (index linked) towards the monitoring and management of the S106 planning obligations of £13,414

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation 1, the Assistant Director - Development Management and Building Control approve the planning application reference 16/1553/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Development Management and Building Control:

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

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

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

1161_P-01 B Lower ground floor plan; 1161_P-02 B Ground floor plan; 1161_P-03 B First floor plan; 1161_P-04 B Second floor plan; 1161_P-05 B Third floor plan; 1161_P-06 B Roof plan; 1161_P-07 B Elevations sheet 1; 1161_P-08 B Elevations sheet 2;

1161_P-09 B Elevations sheet 3; 1161_P-11 A Sections; 1161_P-12 A Site and lower ground floor plan

1161_SLP-01 Site Location Plan; Surface Water Drainage Strategy (RSK); Ecological Scoping Survey (SES); Statement of Community Involvement (HGS); Transport Assessment (Mayer Brown); Draft Travel Plan (Mayer Brown); Tree Survey (SES); Daylight and sunlight assessment (Brooke Vincent and Partners); Flood Risk Assessment (RSK); Woodland Management Plan (SES); Design and access statement (MEPK Architects);

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 (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

3 a) Other than demolition no development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5 No development other than demolition works shall take place until details of proposed window and door systems to be used in the development hereby approved including cross sections elevations at a scale of not less than 1:20 have been submitted to and approved by the Local Planning Authority in writing.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

6 No development other than demolition shall commence until detailed drawings, at a scale of 1:20 of the construction detailing of all new build elements of the scheme including balconies, balustrades, fixtures and fittings are submitted and approved in writing by the Local Planning Authority and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

7 a) No development other than demolition shall take place until a scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

8 a) No development other than demolition shall take place until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September

2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2011.

9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

11 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawing 1161_P-01 A shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free

flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

12 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

13 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage of Brookdene, 71 Holden Road from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access.

Reason: To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises

14 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable

Design and Construction SPD (adopted April 2013) and the Residential Design Guidance SPD (adopted April 2013).

15

a) Before the development hereby permitted is first occupied, details (including samples) of the level of opacity to be installed in obscure glazed windows to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and the Residential Design Guidance SPD (adopted April 2013).

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

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

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

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

18 a) No development shall take place 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 noise generating sources; as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

19 The residential dwellings (Use Class C3) hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

20 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan

21 Before the residential dwellings (Use Class C3) hereby permitted are first occupied details of the water efficiency measures to be installed in them to ensure that they achieve a water usage standard of not more than 105 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient particulars to demonstrate how the water usage standard of not more than 105 litres per head per day for the new dwellings would be achieved. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the residential dwellings.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

22 The development shall be implemented in accordance with the details identified in the approved Energy Strategy in full prior to the first occupation of the development.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2, 5.3 and 5.7 of the London Plan.

23 Prior to the commencement of development other than demolition, details of the design, location and extent of the proposed photovoltaic panels to be installed on the roof area of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and does not detract from the character and appearance of the area and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2, 5.3 and 5.7 of the London Plan.

24 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2011.

25 The proposed development hereby approved shall be carried out in full accordance with the secured by design and crime prevention measures set out in an email from the Metropolitan Police (dated: 30/09/2015).

Reason: To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

26 a) No development other than demolition work shall take place until details of the location within the development and specification of the units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. 10% of all units should be constructed to M4(3) standard.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies

DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 3.8 and 7.2 of the London Plan 2011.

27 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) and Part M4(3) 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). 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 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012)."

28 Before the development hereby permitted is occupied or brought into use not less 5 disabled standard parking spaces shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

29 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 5 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 5 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

30

a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy

DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2011.

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011).

32 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2011.

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

34 Any trees, hedges, shrubs or areas of green roof planted or retained as part of the approved Scheme of Hard and Soft Landscaping (submitted under condition 7) which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees, shrubs or other planting 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 neighbouring occupiers in accordance with policies DM01, DM02, DM04, DM05, DM06 and DM16 of the Barnet Local Plan and policies 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 7.19 and 7.21 of the London Plan.

35 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to birds, bats and the implementation of the areas of green roof and soft landscaping. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

36 A further ecological survey shall be carried out in the first optimum survey period following the date of decision to establish the presence of any protected species. If any protected species are found, then a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard any protected species which may be present on the site in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

37 Prior to the commencement of development (other than for demolition works) details of a lighting scheme incorporating measures for the protection of roosting, hibernating and breeding bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

38 Notwithstanding the permitted development rights afforded by Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 no means of enclosure shall be erected shall be erected within this area.

Reason: To ensure that existing access arrangements to MOL land continue to exist along the Dollis Brook and Dollis Valley Walk and to ensure that biodiversity and habitats within the site retains a continuity with existing biodiversity within the designated

SINC in accordance with Policy CS7 of the Adopted Local Plan Core Strategy (2013), policy DM15 of the Adopted Local Plan Development Management Policies DPD and policy 7.17 of the London Plan (2015).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance. In this case, formal pre-application advice was sought prior to submission of the application.
- 2 For the purposes of this decision notice 'Groundworks and Site Preparation Works' are defined as and limited to the following works:
 - Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
 - Removal of existing and surplus rubble from the site.
 - Removal of services on the site including service trenches.
 - Carrying out CAT scans on site to confirm all existing services are clear.
 - The erection or re-establishment of a hoarding line for the construction site.

 - Providing piling matting.
 - Providing clear health and safety information on the site.
 - Piling works.
 - Substructure and underground drainage works.
- 3 The gradient for the proposed ramps leading to the underground parking areas should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks
- 4 The applicant is advised that the council will not adopt the estate roads. However, if the council's refuse vehicles are required to enter the site, the estate roads must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Team, Barnet House, 1255 High Road, London N20 0EJ.
- 5 The applicant is advised that the Emergency Services should be contacted directly to discuss their requirements and agree any necessary measures to allow emergency services to access the site or required alternative arrangements.
- 6 Where construction works are taking place adjacent to the public highway the applicant must contact the Council's First Contact Team (on 0208 359 2000) to obtain any necessary Highways Licenses before commencing the work.
- 7 If the development is implemented, it will be necessary for the existing vehicular accesses from the public highway to be modified by the Highway Authority at the

applicant's expense. The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular accesses. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. The applicant is advised that following the outcome of the detailed inspection the position and dimension of the proposed vehicle access may need to be amended. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.

- 8 Due to the presence of National Grid apparatus in the vicinity of the site any person wishing to implement the development must contact National Grid before any works are carried out, to ensure their apparatus is not affected. The National Grid Plant Protection Team can be contacted at on 0800 688 588 and at plantprotection@nationalgrid.com or at Plant Protection, National Grid, Block 1 Floor 1, Brick Kiln Street, Hinckley LE10 0NA.
- 9 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) and 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.

Clear site maps should be included in reports showing the previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on the site and to illustrate the proposed remediation strategy. All raw data should be provided in a form that can be easily audited and assessed. Details as to reasoning, how conclusions were arrived at and an explanation for any decisions made should form part of any report.

- 10 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 30dB(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 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

For developments that require an air quality related report the report submitted should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

- 12 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020

8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 13 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit: www.thameswater.co.uk
- 14 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 15 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £101,850 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for a £392,850 payment under Barnet CIL.

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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

The following paragraphs provide examples of how you may potentially apply for relief or exemption from CIL:

1. Charity

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

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

2. Residential Annexes or Extension

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

3. Self Build

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

Visit

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

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet requirements of a Travel Plan, contributions towards woodland management affordable housing, employment and training and to provide sufficient parking without harm to the highway network and highway safety. The proposal would therefore not address the impacts of the development, contrary to policies DM01, DM02, DM04, DM08, DM10, DM12, DM14 and DM17 of the Barnet Development Management Policies (2012) and Policies CS NPPF, CS1, CS4, CS7 and CS9 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

The London Plan

The London Plan (March 2016) is the development plan in terms of strategic planning policy. The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.14 (Existing Housing); 3.15 (Co-ordination of Housing Development and Investment); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); 7.17 (Metropolitan Open Land); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

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 relevant to the determination of this application are:

Barnet 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)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being 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)

Barnet 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)

DM07 (Protecting housing in Barnet)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Delivering Skills, Employment, Enterprise and Training from Development Through S106 (February 2014)

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (2004)
Planning for Equality and Diversity in London (2007)
All London Green Grid (2012)
Shaping Neighbourhoods: Play and Informal Recreation (2012)
Housing (2012)
Sustainable Design and Construction (2014)
Character and Context (2014)
Accessible London: Achieving an Inclusive Environment (2014)
Social Infrastructure (2015)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This document was published in March 2012 and it is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these Regulations. The applicant has confirmed their agreement to the obligations set out in Recommendation 1.

Key Relevant Planning History

A number of sites have been redeveloped on the western side of Holden Road subsequent to this application. The adjoining site to the north was constructed following the grant of conditional planning permission in July 1988 for the erection of a two, three and four storey building comprising 50 flats with 65 car parking spaces.

Planning permission was granted in October 1973 for the erection of a three storey development and a detached two storey block to the rear containing 36 flats.

Planning permission was refused for the Redevelopment to provide a four storey building comprising 43no. self-contained flats plus undercroft parking for 47 cars and 74 cycles. Associated bin stores, hard and soft landscaping to development site, laying of path through woodland and erection/installation of furniture

The reasons for refusal are outlined below:

1 The proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

2 The proposed development by virtue of its height, size, scale, bulk, layout and footprint would result in an overdevelopment and over-intense use of the site which would result in a sub-standard level and quality of amenity for future occupiers of the proposed development and existing occupiers adjoining the site. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

3 The detailed design of the proposed development including the materials, building form and elevational design would result in a building that fails to respond to the immediate streetscene context, and the character and appearance of the site and the wider locality. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

4 The proposed development does not include a formal undertaking to meet requirements of a Travel Plan, to prepare a Woodland Management Plan, to contribute to affordable housing, employment and training and to provide sufficient parking without harm to the highway network and highway safety. The proposal would therefore not address the impacts of the development, contrary to policies DM01, DM02, DM04, DM08, DM10, DM12, DM14 and DM17 of the Barnet Development Management Policies (2012) and Policies CS NPPF, CS1, CS4, CS7 and CS9 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

An explanation as to how the scheme is considered to overcome these reasons for refusal will be set out later in this report.

Public Consultations and Views Expressed

Public Consultation

To publicise this application letters and emails were sent to 203 addresses in March 2016. The application was also advertised on site and in the local press at that time. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

Number of Responses from Residents and Businesses

12 responses objecting to the proposal were received. 4 of the objectors have requested to speak at committee. No responses supporting the proposal were received. Any responses received following the publication of this report will be set out in the addendum to the committee report.

Responses from Residents, Landowners and Businesses

The comments made in the objection received to the application can be summarised as follows.

The proposal would result in:

- o The development is inappropriate to the area.
- o The development is hideous
- o The land should be left undeveloped.
- o The effect on nature conservation would be substantial

- o Residents in the whole Borough should be notified.
- o The increase in development density is significant.
- o Potential to create unsympathetically overdeveloped excessive and overbearing in relation to the appearance of the neighbourhood.
- o A four storey building is high rise.
- o The proposal risks changing the wildness character at the rear which the Council is duty bound to protect.
- o Overdevelopment
- o The development would be too close to the boundaries of the site and therefore the trees.
- o Insufficient numbers of larger units.
- o The frontage is ugly
- o A three storey building would be more appropriate
- o Too many vehicles on Holden Road.
- o The land should be managed for conservation ideally by the London Wildlife Trust
- o Loss of TPO trees
- o Presence of bats and other protected species
- o The management of Japanese Knotweed off the site is required.
- o Access implications for residents and the public to the woodland.
- o The site location plan does not include the right areas of land and should be amended.
- o The description is incorrect.
- o The scheme would be contrary to the NPPF as it is poor design and Garden Court should not be a justification for this.
- o The scheme does not improve the character and appearance of the area.
- o It is located too close to the western boundary.
- o The outdoor amenity space is not of sufficient quality.
- o Ability to accommodate infrastructure demands of the development.
- o The applicant should be required to give a formal undertaking to meet the costs of a bridge over the Dollis Brook and to tree works.
- o The proposed development would overshadow windows and obstruct views of the woodland from the adjoining property (Garden Court)
- o Reduction in light to adjoining properties.
- o Obstruct views to the woodland
- o Scale and height is disproportionate and out of character with adjoining properties (courthouse gardens).
- o The land should not be managed at all.
- o No prevention of access should be made at all.
- o S106 should secure contribution to pay for the bridge, eradication of Japanese knotweed and tree works.
- o Decision not to lease woodland and the improvements to design of the development.
- o The development will obstruct views of the woodland.
- o The scheme would dominate the woodland in an overbearing way.
- o The development may permanently damage the natural habitat.

Response: Full responses to the material planning considerations raised in the objections received from residents and businesses are provided by Officers in subsequent sections of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable and compliant with the objectives of development plan policies in all relevant regards.

Comments from Local Associations and Societies

Finchley Society:

Object to the application and request to speak at the committee which considers the application. The comments made can be summarized as follows:

- The density proposed is too high at 450 habitable rooms per hectare and 150 units per hectare which exceeds the London Plan density matrix.
- The density is only acceptable if the woodland to the rear is brought into the site.
- As it is in the Council's ownership, it is wrong to be included within the site.
- The design is still poor and bland with obtrusive staircases.
- The proposed design should retain the same roof form as per the previous scheme but with one storey less.
- The building is too close to the rear boundary and thus the woodland.
- A contribution to be made to the Council for the management of the woodland would be welcomed. However, this sum should be adequate for a bridge over the Dollis Brook, the minimum required tree works and the eradication of Japanese Knotweed.

Barnet Society:

Object to the application and request to speak at the committee which considers the application. The comments made can be summarized as follows:

- The Barnet Society welcomes the decision not to lease the woodland to the developer.
- However reservations remain about the height and width of the proposed building would obstruct views from the wood from the street and from most of the new flats east of it.
- Its mass, height and placement against the woodland backdrop would dominate the woodland in an overbearing and materially unsympathetic manner.
- The proximity of the building may permanently damage the natural habitats that may exist.

Woodside Park Garden Suburb Residents Association:

Object to the application and request to speak at the committee which considers the application. The comments made can be summarized as follows:

- The development of 43 flats on this site is an overdevelopment of the site.
- The rear wall should be in keeping with the line of adjoining properties.
- The scheme should be reduced in size.
- There is no objection to part of Brookdene being used as an amenity area provided it is properly maintained to an agreed format.

Consultation Responses from Statutory Consultees and Other Bodies

Metropolitan Police Service:

Have responded to the consultation and have not raised any objections to the proposal in principle or requested that conditions are placed on any grant of consent. They have identified a number of points which they would wish to see considered in terms of crime reduction principles and future community safety. The conditions recommended would

secure the implementation of appropriate measures in terms of crime reduction and community safety.

London Wildlife Trust

Although the number of apartments has been reduced from 43 to 37 since the previous application we feel the changes do nothing to address our original concerns relating to the proximity of the new building to the existing woodland or the negative impacts this is likely to have on the woodland flora and fauna. Part of the woodland area is designated as Metropolitan Open Land (MOL) and a site of Borough importance for nature conservation (SINC). It is a part of the Dollis Valley, a green/blue corridor that runs right through the heart of the borough. It is of great importance to Barnet's wildlife and human residents.

Although the area of the mansard roof has been reduced the overall height and footprint remain unchanged and therefore the same number of trees will be lost and the same number of trees will have their root protection area encroached upon. To suggest a no-dig design could be used to avoid root loss when excavating the basement (Tree Survey, Page 4), is frankly absurd. Root loss is likely to result in the weakening and eventual loss of a number of retained trees.

There are also likely to be requests for further removal of woodland trees in future due to their very close proximity to the proposed building and the limitation this will have on the views and daylight ingress to the apartments at the rear of the proposed building.

The proximity of the block to the woodland is likely to result in an increase in shading of the woodland during daylight hours with consequential negative impact on flora and fauna.

The applicant has failed to provide details of how they would prevent or minimise artificial light from apartments and balconies at the rear and sides of the building spilling onto the woodland. Without this it is not possible to assess the likely impact the development will have on the woodland area and its inhabitants.

There is significant scientific evidence to show that changes to daylight and darkness impacts on the circadian rhythms of a wide range of species that may inhabit the woodland resulting in a range of negative impacts, for example, the reduced breeding success of birds.

In addition to this we note that spaces for bicycle will no longer be provided.

On Page 25 of the Planning Statement it says that the density of the development has been reduced, however it appears to have in fact increased, previously refused application had 43 units on 0.87 ha = 49.4 this application 37 units on 0.53ha = 69.8

We feel the new application fails to address the reasons for refusal and therefore we urge you to recommend the refusal of this application.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal. They have advised that this does not necessarily mean that there would not be any harm or impact on protected species or valuable or sensitive habitats.

However it should be noted that the following comments were submitted at the time of the previous planning application.

Natural England have identified that the application may provide opportunities for biodiversity and landscape enhancements at the site and that the authority should consider securing biodiversity and landscape enhancements. Conditions requiring the implementation of suitable measures at the site in terms of biodiversity and landscaping have been included in those recommended. Where there are protected species, the standing advice issued by the Government should be followed in order to protect the appropriate species on the site.

Thames Water:

The consultee advises that the existing waste water infrastructure is unable to accommodate the needs of the development (which is a change of opinion from the previous application). In order to mitigate this, the Council should impose a condition which requires a suitable drainage strategy to be submitted to and approved by the Local Planning Authority. No discharge should occur until the measures set out in that strategy have been incorporated and completed. Furthermore, approval should be sought from Thames Water in respect of any development within three metres of a sewer. The applicant's proposed surface water drainage strategy is not suitable as the likely flow rate would be excessive. A surface water drainage strategy should be submitted which reduces flow to the public sewer system or uses the existing private surface water sewer to discharge flow directly into the environment.

Internal Consultation responses

Traffic and Development Team

The consultee raises no objections to the proposed development. Sufficient parking is provided on site to accommodate all the parking needs associated with the development without an unacceptable overspill on to the highway. There are no objections to the anticipated trip generation associated with the development and it is considered that access arrangements are acceptable. Subject to compliance with appropriate conditions and the implementation of a Travel Plan, the scheme would be acceptable.

Environmental Health Service

No objections subject to conditions safeguarding against the noise impacts from the development including plant associated with air conditioning, plant, extraction and ventilation. The proposed development would need to be soundproofed from external noise and a construction method statement should also be provided to ensure that the amenity of adjoining occupiers is protected.

Parks and green spaces

n/a

Housing

The applicants should consider on site provision on the site in the first instance rather than secure a commuted payment as this would have the potential to achieve a greater supply of affordable housing on a unit by unit basis compared to a financial contribution. Shared ownership would be the most appropriate provision given that the alternative of three affordable rented units would not be taken up by Housing Associations. Any shared

ownership provision should be offered at an entry point of 25% share for 50% of the shared ownership units. Finally, a review mechanism should be implemented following after 80% of private market sales have completed.

Travel plan co-ordinator

A Travel Plan has been provided, however further alterations and amendments will be required to be made to the Travel Plan.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

Site Description and Surroundings

The application site comprises a largely rectangular area of previously developed land, covering approximately 0.53 hectares situated on the western side of Holden Road close to the junction with Woodside Park Station Approach Road. The site is a short distance to the west of High Road shopping centre. However, the immediate area is predominantly residential with community, leisure and open spaces uses and functions also present locally. The Dollis Brook flows through the rear of the site and is a significant feature of the area locally and the Borough as a whole.

The site is clearly divided into two parts. At the front of the site area two small two storey blocks which each provide four flats. The two blocks are separated from each other by an internal access road which serves a large hardstanding car parking area to the rear currently enclosed by a fence. The land levels drop sharply towards the rear of the site. Beyond the fence line is a woodland area stretching westwards towards the Dollis Brook which forms the westerly extent of the site. This woodland area which forms a part of the Dollis Valley, a linear chain of sites of nature conservation importance is at the time of writing owned by the London Borough of Barnet and is an unmanaged woodland area with mature trees, low level shrubbery, bushes, informal paths. There is no public access from Holden Road to this part of the Dollis Brook and the Woodland at the rear and access to this land would be gained by way of fording Folly Brook a short distance to the south. A Tree Preservation Order has been designated on land to the rear of Holden Road incorporating the whole red line site beyond the rear building line of the existing buildings. The TPO came into force on Tuesday 20th October 2015.

To both the north and south of the site are large three and four storey residential flatted developments which feature a deep projection into the rear of their sites and also approach the line of the woodland areas at the rear of these sites. These properties also feature car parking to the rear and communal garden areas. Opposite the site on the eastern side of Holden Road is a locally listed ecclesiastical building which dominates the streetscene in this locality.

The site is located a short distance from Woodside Park underground station and is a PTAL 3 location. There is no controlled parking on street and as a result, Holden Road is heavily parked during the day.

In regards to context, the wider context and site and surroundings is of material relevance to this application. Woodside Grange immediately to the north of the site is arranged over four storeys. Lorian Close contains a group of buildings arranged over three storeys with substantial ridge roof. Meadowside Residential Home is a four storey building with a substantial roof form. At the northern end of Holden Road, Henderson Court, Barcherester Court, Sylvan Court introduce much larger and visually dominant building forms to the streetscene. Between the junction of Holden Road and Argyle Road, Westbury Road continues the typology of large footprint flatted unit development.

The site is not located in a conservation area and is not Statutory or locally listed. The application site is not within the setting of any listed buildings. The part of the site to the east of the current hardstanding area is designated Metropolitan Open Land (MOL) and is a designated area of Borough wide local importance for nature conservation (SINC).

Description of the Proposed Development

Detailed planning permission is sought for the demolition of the existing buildings on the site and the redevelopment of the land comprising the erection of a part storey plus roof level and basement car parking level development to accommodate 37 flatted dwellings (all use Class C3).

The development is laid out as an H-shape over a podium level that incorporates the basement car park. The proposed development is solely and clearly contained within the previously developed area of the site and would not encroach beyond the current fence line that demarcates the edge of the car parking area at the rear. The proposed development is arranged entirely as one block. At the front of the site, the original buildings would be demolished and a new block filling virtually the full width of the site would be constructed. This façade would be constructed from brick with the roof level finished in zinc cladding.

The basement car parking level would be served by a new access road to the car parking area utilising the original means of access. Car parking for 47 residential units would be provided at this level for residents and visitors as well as cycle parking and refuse storage.

The woodland area to the rear of the site is brought into the red line area for the site in respect of the fact that a Section 106 legal agreement will relate to that site and that the development would facilitate the creation of an access into the rear of the site for the Council's benefit. The applicant proposes to make a contribution towards the Council's management of this site. The application does not propose any form of intervention or development (as defined by Section 55 of the Town and Country Planning Act 1990).

The applicant will facilitate access for the Council to manage and maintain its land to the rear. There is currently no established public right of way through this land for the Council or the public.

At the lower ground floor level, the scheme proposes an area of children's playspace which is approximately 190sq.m in size. At the upper ground floor area, within the recessed areas, the scheme layout proposes the provision of two more communal areas which when combined with the private balconies and terraces for flats at this level would provide around 445sq.m of open space. Elsewhere on the upper levels, the proposed development would be able to provide for around 300sq.m of private external amenity space.

The mix of dwelling types proposed in the development is as follows:

- 6 x one bedroom 2 person flats
- 8 x two bedroom 3 person flats
- 20 x two bedroom 4 person flats
- 3 x three bedroom 5 person flats

All of the dwellings proposed in the scheme would meet or exceed the minimum internal floor space standards for that type of residential unit (specified in Table 3.3 of the London Plan). The application is supported by a Design and Access Statement (as is required for an application of this scale) and a range of other plans and supporting information. These documents identify that the dwellings proposed have been designed to achieve the relevant Lifetime Homes Standards and that 6 of the new residential units would meet wheelchair accessible standards or be easily adaptable to achieve wheelchair accessible standards.

With the exception of two units, every unit would have private amenity space. The development would also provide communal open space within the development that would amount to 560sq.m. This quantum does not incorporate any land within the woodland.

Given the site's location adjacent to a site that is subject to a Metropolitan Open Land and SINC designations, particular regard is to be had to the relationship between the development and the land which is subject to these designations. Partly as a result of its difficult access, the land has not been subject to effective management of this or other parcels of land to the rear for a sustained period of time providing sensitive habitats and an attractive local landscape. It is the intention that the management of the woodland would be carried out by the Council funded through a contribution by the developer.

This application constitutes a resubmission of the previous scheme for 43 units that was refused at Committee on 28 October 2015. The number of units in the proposed development has reduced from 43 to 37. The height of the building to the street frontage has also reduced with a flat roof structure over three storeys. The pre-existing upper level has been significantly recessed and would be far less apparent in views of the building within the streetscene or other public aspects. In addition, an area of 4.5m width above the car park entrance on the front elevation has been reduced by 1.5m to the full height of the building. At the rear the building has been withdrawn from the southern boundary by 2.9m and from the northern boundary by 1.8m at the top floor. Furthermore, the front elevation features more variety in respect of the projections and recesses to express visual interest in the building. The staircase projections have reduced in height and there is now a stone soldier course at the top of the elevations. Vertical panels have been introduced to the staircase windows.

3. PLANNING CONSIDERATIONS

Principle of redeveloping the site:

For areas such as the application site, which comprise high quality suburbs not identified as locations to which growth will be focused, policies CS1 and CS3 of the Barnet Core Strategy expect new developments 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. As is set out in other sections of this report in greater detail the proposal is considered to be compliant with the objectives of these policies.

The site is undesignated, however, it is adjacent to Metropolitan Open Land (MOL) which has the same strategic protection as Green Belt and is adjacent to a Site of Local Importance for Nature Conservation (SINC). These designations are clearly demarcated by the extent of the hardstanding at the site. This line forms the current built extent on site and also the proposed development extent. The application does not propose any

encroachment into these designated areas. As such, the proposal is not contrary to policy and does not constitute a departure from policy.

Policy 7.17 of the London Plan, Policy DM15 of the Local Plan Development Management Policies DPD and policy CS04 of the Core Strategy outlines the strategic protection of MOL, setting out a presumption against development in that land and maintaining public access to that space. It is considered that as the development does not encroach into that land, no existing formal public access rights are being extinguished and no physical obstructions to access are being erected. As a result, it can be concluded that the MOL is not being eroded by this scheme.

The woodland area is included within the application site red line. However, the scheme proposes no intervention into this land and the carrying out of no development or other operations. The applicant is willing to enter into a Section 106 agreement to secure a contribution towards the Council's management of the woodland. Given the 'wild' character of this space, it is acceptable that the management of this space should be light touch, for maintenance and the continuation of its wellbeing.

Access is to be secured through the site for the council from Holden Road for maintenance and care purposes.

The application site has not been identified for any specific use in planning policies, is previously developed and is situated within easy access of Whetstone Town Centre as well as North Finchley and the amenities it offers. It is also noted that the area surrounding the site contains buildings in a mixture of uses, which include residential and employment purposes. The land is located within walking distance of a number of bus stops and has a Public Transport Accessibility Level of 3. It should be noted that Transport for London projections suggest that accessibility improvements to passenger transport will allow for the PTAL level to rise to Level 4 by 2021.

In such circumstances officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies. The principle of the various elements of the development proposed, in terms of the specific uses, is considered in more detail below.

In accordance with development plan policies which seek contributions to employment and training from qualifying schemes the proposal would deliver a commuted payment of £108,000 (plus 5% monitoring fee) to assist in the creation of employment opportunities for residents of the Borough who are having difficulties from entering the employment market and to assist in training and skills programmes in association with other local agencies.

Residential uses

The site currently includes 8 residential dwellings and in general terms the delivery of new residential dwellings is broadly encouraged by planning policy. For example policy 3.3 of the London Plan states that 'The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners'. Development plan policy also broadly supports the inclusion of residential uses as part of proposals for mixed use schemes such as this. In this context it is considered that the site being redeveloped to include an element of residential use is acceptable in principle, subject to the specific proposal which comes forward also being compliant with the other relevant aspects of planning policy (these are addressed elsewhere in this report). The

principle of demolishing the existing residential dwellings at the site is found to be acceptable in principle as the scheme would result in a significant net gain in housing.

Officers find that in the specific circumstances of this scheme the inclusion of residential uses of the nature proposed is justified and acceptable in principle, subject to the dwellings proposed complying with other relevant policies (as assessed in subsequent sections of this report).

Conclusions on the principle of the development proposed

In light of the various considerations outlined above, the principle of re-developing the site to provide a residential scheme of the nature proposed is deemed to be acceptable and compliant with development plan policy, subject to the specific scheme put forward complying with the requirements of other planning policies.

Dwelling mix:

Development plan policies require proposals to provide an appropriate range of housing sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies) identify 3 and 4 bedroom dwellings as the highest priority sizes of housing for the borough.

The mix of dwelling types proposed in the development is as follows:

- 6 x one bedroom 2 person flats
- 8 x two bedroom 3 person flats
- 20 x two bedroom 4 person flats
- 3 x three bedroom 5 person flats

The dwelling mix proposed is considered to include an appropriate range of dwelling sizes and types for this location. In this respect the proposal would make a reasonable contribution to meeting the needs of the growing and diverse population of the borough. In light of these factors it is considered that in this instance the dwelling mix proposed is acceptable and compliant with planning policy. Affordable housing matters are discussed subsequently in this report.

Density of development:

The National Planning Policy Framework outlines principles for sustainable development including that planning decisions should optimise the potential for sites to accommodate development. London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity.

Developments should optimise housing output for different types of location within the relevant density range shown in Table 3.2 (set out below) and development proposals which compromise this policy should be resisted. Barnet Local Plan policies also seek to optimise housing density to reflect local context, public transport accessibility and provision of social infrastructure.

The application site covers an area which has a Public Transport Accessibility Level (PTAL) of 3. In terms of its 'setting' the site is considered to fall within an area of transition using the features identified in the London Plan. The High Road has some urban characteristics, while the surrounding area has many suburban characteristics. Taking these factors into consideration the London Plan density matrix would suggest a range of

somewhere between 35 and 170 units per hectare or 150 to 450 habitable rooms per hectare (see table above).

Using the approach in the London Plan the 37 dwellings proposed include 109 habitable rooms. As the site has an area of 0.53 hectares this equates to a density of approximately 70 units per hectare and 205 habitable rooms per hectare. Objectors have sought to demonstrate that the site should not include the parcel of land within the site area and that the calculation for density purposes should only relate to the previously developed part of the site. On this basis, the proposed development would have the density suggested by objectors. Officers disagree with the position put forward by the objectors in this regard. It is not unreasonable for the red line of the site to include the land to the rear. It is land that is material to the application and is subject to a proposed Section 106 legal agreement. Land does not need to be in the ownership to be included within a site outline and an application site and this is a common approach for many sites along Holden Road and elsewhere.

It should be noted that the PTAL density matrix is not a static tool and must be read in conjunction with the London Plan Policy 3.4 which states that taking into account local context and character, design principles and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in the matrix. The supporting text to Policy 3.4 explains that it is not appropriate to apply the matrix mechanistically. The density ranges are broad and this enables account to be taken of other factors relevant to optimising potential.

Since the previous application was presented to committee in October 2015, the GLA has published a new Housing SPG which reinforces considerations of development density. It states that development should optimise the fullest potential of a site consistent with all the relevant planning objectives. Ensuring high density housing is sustainable depends on a range of factors regarding development quality. The SPG gives specific direction and guidance to small sites and the consideration of density. It states that when establishing the appropriate density for small sites, attention should be given to factors influencing the setting of a development site including existing streetscapes, massing and design of the surrounding built environment and emphatically local context. Where development is of a higher density locally, the small site should be of a higher density and it is considered that this scheme reflects these principles here. Furthermore the SPG provides guidance in relation to developments that might exceed the adopted density ranges. The acceptability of doing so is based on complying with a range of qualitative factors in a checklist within the SPG. These include local context, design and transport capacity as well as open space, layout, amenity, size, scale and design. The design of the scheme ensures play space would be provided, as well as properties with private garden areas which would be congruous with the character and appearance of the existing neighbouring buildings. No unit would be undersized or unduly cramped or substandard.

In addition, the proposed development and building envelope is seen to be consistent with the development typology in the wider area along Holden Road and Woodside Park in general. It is emphasised that the immediate locality is not characterised by suburban two storey semi detached and detached housing, rather the site is located within a higher density character concentrated on the immediate accessibility of Woodside Park underground station. Policy DM01 of the Local Plan emphasises the importance of preserving the Borough's high quality suburbs. This approach is supported by the Borough's Characterisation of the Area Study which identifies the various development typologies within the Borough and seeks to encourage consistent development to enhance this existing character. Woodside Park falls into the North Finchley and Colney Hatch

character area which identifies the area between the underground line and the Dollis Brook as an area that is principally comprised of flatted development. Indeed, this flatted development characteristic of this area, manifests itself in buildings of significant footprint and density and it is apparent throughout large extents of Holden Road. In regards to context, the wider context and site and surroundings is of material relevance to this application. Woodside Grange immediately to the north of the site is arranged over four storeys. Lorian Close contains a group of buildings arranged over three storeys with substantial ridge roof. Meadowside Residential Home is a four storey building with a substantial roof form. At the northern end of Holden Road, Henderson Court, Barcherester Court, Sylvan Court introduce much larger and visually dominant building forms to the streetscene. Between the junction of Holden Road and Argyle Road, Westbury Road continues the typology of large footprint flatted unit development. On this basis, the proposed development would not appear out of character or out of keeping and would be consistent with the development pattern and spatial character. The appropriate internal floorspace and the provision of outdoor and private amenity space within the development demonstrates acceptable layout planning suitable for the size of the site and its constraints.

In this small locality centred around Woodside Park Station and along Holden Road, neighbouring sites have development densities similar to the proposal on this application site including 73 Holden Road at 70 units per hectare, 68 units per hectare at 38 Holden Road and 53 units per hectare at 59 Holden Road. It is evident that the development character is more closely aligned to the urban category set out in the matrix above recognising, how quickly the character changes beyond Dollis Brook and beyond the underground line. Nevertheless the development type categories have to be applied flexibly to reflect the variety of London's differing townscapes and urban character. It is a material consideration also that Transport for London projects that passenger transport accessibility for the site would rise from level 3 to level 4. This indicates that the site is becoming more sustainable for higher density development reflecting NPPF core planning principles to optimise development around the most accessible locations.

It is considered that the proposed development has adequately addressed the qualitative criteria set out in the SPG. It is therefore considered that the proposal adequately addresses the constraints appropriately.

Standard of accommodation provided and amenities of future occupiers of the proposed dwellings:

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate. -

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different

types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. The Mayor has also adopted SPG's (entitled Housing and Shaping Neighbourhoods: Play and Informal Recreation) providing detailed guidance on issue related to designing new housing to achieve acceptable amenities for its future occupiers.

Dwelling size

The London Plan and the associated Mayoral SPG document 'Housing' set out minimum gross internal floor areas for different types of dwelling. Policy DM02 of the Barnet Development Management Policies Document identifies that developments will be expected to demonstrate compliance with these standards. All of the dwellings proposed would have an internal floor area which meets or exceeded the requirements for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

External amenity space provision

Each of the houses proposed would have their own private rear garden and private balcony areas. In each case these would be of sufficient size to meet or exceed the requirements of Barnet Local Plan policies and guidance (set out in the Sustainable Design and Construction SPD) on the provision of amenity space for houses.

All but two of the flats proposed would have access to their own private amenity space in the form of a balcony or terrace (some dwellings would have more than one feature of this nature). With the exception of the two flats without any private external space another nine flats would not meet the Mayoral amenity space requirement however, the deficiency would in each case would be marginal with the shortfalls generally no greater than 1sq.m.

Using the Barnet standard of providing 5m² of usable external amenity space per habitable room (including kitchens over 13m² and with rooms over 20m² counting as two rooms) for flats, the development would be required to provide approximately an extra 545sq.m of usable external amenity space, in addition to the private balcony and terrace amenity space proposed to comply with guidance set out in the Barnet Sustainable Design and Construction SPD. The scheme seeks to meet this requirement through the creation of communal amenity areas within the application site. These spaces would cover an area in excess of 560m² in total and include areas of vegetation, hard landscaping, seating and play features (the precise details of which are to be agreed under the conditions recommended). The design, quality and size of these two areas are considered to be such that they would provide sufficient external amenity space to meet the requirements of Barnet guidance for the flats proposed. The proposal is therefore considered to be acceptable in this regard.

London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. Using the approach to play space provision requirements in Mayoral guidance the scheme proposed would be expected to provide approximately 42m² of play space. The conditions recommended would require that the proposal includes areas of communal amenity space that would be designed specifically to include play features. As the scheme includes areas of communal amenity space which cover significantly in excess of 42m² the delivery of sufficient play space would be ensured through the conditions recommended. Subject to these controls the scheme is found to be

compliant with London Plan policy 3.6 and acceptable in terms of the provision of play space.

Dwelling layout and outlook

The scheme does not include any single aspect north facing dwellings. More generally Officers find that the proposed dwellings are reasonably proportioned, with rooms that are not excessively deep or narrow. It is also accepted that the design approach proposed makes adequate efforts to maximise the number of dual aspect dwellings within the constraints of this site.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting an orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

Daylight and sunlight

The submission documents include an assessment of the daylight that would be received in the habitable rooms of the dwellings proposed. The assessment includes an evaluation of the daylight received in the proposed dwellings based on the methodologies found in the latest guidance (published in 2011) from the Building Research Establishment (BRE) using a measure known as Average Daylight Factor. The evaluation found that with the exception of 2 rooms all of the habitable rooms assessed would be expected to meet the relevant standard in terms of the Average Daylight Factor score achieved. Where rooms are shown to fail, it is considered that the discrepancy would be limited to an average shortfall of just 0.22. Furthermore, given that the daylight would fail ADF in just 2 of 108 rooms tested, it is considered that on balance, the impact on future occupier amenity would not be so widespread or significant to warrant the refusal of planning permission. Officers accept these findings and consider the proposal to be acceptable in respect of the daylight conditions provided for future occupiers of the proposed dwellings.

The statement also includes an assessment of the impact of the proposed development on the windows of residential dwellings in both Woodside Grange immediately to the north of the site and Garden Court to the south of the site. It is considered that for Garden Court, the level of daylight reaching habitable room windows as a result of the development would remain above the standards set out in the BRE guide. The relevant windows for testing at Woodside Grange are situated on the south facing elevation overlooking the development and already exist. All windows under consideration in Woodside Grange are kitchens and because of their existing relationship with the current onsite buildings at Brookdene the proposed development does not alter the daylight levels within these rooms.

BRE guidance acknowledges that for larger developments, especially those with site constraints (such as this site), it may not be possible to have every living room facing within 90° of south. Officers find that the proposed dwellings are all reasonably proportioned and have an adequate plan form and layout with regard to receiving sunlight. It is considered that reasonable efforts have been made to minimise the number of dwellings whose living rooms face solely north, north-east or north-west and the scheme is found to be acceptable in terms of the sunlight conditions for the occupiers of the proposed dwellings.

Concerns have been raised about the relationship between the western (rear) elevation and the trees within the woodland to the rear of the site. It has been suggested that these trees would limit the daylight and sunlight being received by the development. There would be five bedroom windows facing the woodland to the rear on each floor in single aspect rooms. It is less important to achieve good levels of light to bedroom windows given their use. Balconies and windows to habitable rooms face south and north and have dual aspect capabilities. This would negate the need to impact the existing trees.

The applicants have not been able to demonstrate whether the proposed accommodation would comply with the requirements in relation to sunlight. The BRE standard requires only windows within 90-degrees of due south to be evaluated. As such, the only affected windows would be in the south facing elevation in the central section of the development. There would be no obstruction in front of these windows and it is considered that the resulting impact would not be harmful.

Privacy and overlooking

The proposed development would be situated within the context of adjoining residential developments to both north and south. With respect to Woodside Grange to the north, some windows facing this site would face directly on to the flank elevation of this development. Other windows facing north could, because of their open plan or non-habitable room layout would facilitate the window to be obscure glazed or inserted as a high level window only. Where there are balconies close to the northern boundary, these would be conditioned to have a screen to the side to prevent overlooking with subsequent loss of privacy.

In respect of Garden Court to the south, the southern elevation of the proposed development would be nearly 30m from the north elevation of the detached block which contains habitable room windows. As such it is considered that the proposed development would not affect the amenity of this block. Any forward facing windows within the proposed development would only have an acutely angled relationship with windows in the rear elevation of Garden Court.

The distance between directly facing clear glazed windows to habitable rooms in the proposed dwellings would be less than 21m in the significant majority of cases. Officers consider that any overlooking issues can be adequately addressed through the use of obscured glazing or privacy screens. As such the conditions recommended include requirements that the scheme is not occupied until suitable obscured glazing and privacy screens are implemented at the site (in accordance with details that have previously been submitted to and approved by the Local Planning Authority).

Similarly the distance from a clear glazed habitable room window to a directly facing private external amenity area (balcony, terrace or rear garden) within the development would not be less than 10.5m in the majority of cases. Officers consider that suitable privacy screening or obscured glazing can be provided to prevent unacceptable levels of overlooking and loss of privacy occurring. Conditions have been recommended to ensure that the relevant mitigation would be implemented.

For the reasons set out above the proposal is considered to comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, subject to the conditions recommended. It is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all

be provided with an adequate level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

Outlook and visual impact

The documents submitted with the application include plans showing the impact of the proposed development from key locations within the area surrounding the site and also show the relationship of the proposed buildings with neighbouring properties and spaces. It is considered that the design, size and siting of the proposed buildings is such that they would have an acceptable visual impact and not result in any significant loss of outlook at neighbouring properties, including dwellings accessed from the High Road and Capel Close. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise and air quality

Conditions have been recommended which require the development to be constructed and managed in such a way that it would include suitable measures to provide future occupiers of the proposed dwellings with an acceptable noise and air quality environment, as far as is practicable, in a way that takes account of the environment and uses surrounding the application site. Subject to the conditions recommended the proposal is considered to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed. The Council's Environmental Health Service has not raised any objection to the scheme, subject to the imposition of the conditions recommended.

The residential dwellings proposed in the development are of a nature that they would not be expected to generate unacceptably high levels of noise and disturbance, to such an extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential uses), in the normal course of their occupation. The conditions recommended are considered sufficient to ensure that any extraction and ventilation plant used would be designed and located so as to not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

Conditions have been recommended to ensure that steps are taken during the construction of the development to minimise the levels of noise and disturbance to neighbouring occupiers at that time and also to minimise the amenity impacts arising from the construction of the development more widely. These include the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Air quality

Barnet Local Plan policies seek to ensure that new development is not contributing to poor air quality. It is noted that the part of the application site which is situated alongside the High Road is a location within the borough where European Union Standards for air quality in respect of Nitrogen Dioxide levels are exceeded (other parts of the borough also exceed the relevant standard for finer particulate matter (PM10) but this is not the case here). This is typical of several major roads in the borough and also many other major roads in London more widely.

The application is accompanied by an Air Quality Assessment. Officers in the Council's Environmental Health Service have carefully assessed the proposal and have not raised any objections to the scheme on air quality grounds (including Nitrogen Dioxide levels) subject to conditions recommended. Officers find the proposal to be acceptable in this

regard subject to the conditions and planning obligations recommended. These include measures to promote more sustainable modes of transport.

Conditions have been recommended to ensure that the construction of the development does not result in unacceptable air quality impacts. These include the carrying out of the works in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Conclusions on the impact on amenity

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy as it relates to the provision of suitable amenities for the future occupiers of new dwellings. Officers consider that the submission has taken account of the environment and uses surrounding the site in an appropriate manner and find that the design approach put forward provides the future occupiers of the new dwellings with adequate amenities. The application is therefore found to be acceptable in this respect.

Design, appearance and character matters:

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Planning permission is sought for the erection of a part four and part five storey building on sharply sloping land on the western side of Holden Road. The site is not subject to any heritage designations and there no heritage assets either adjoining the site or near the site which may be affected by the proposal. The previous application was refused on the grounds that the building would appear visually dominant and incongruous within the streetscene and would constitute overdevelopment as a result.

The applicants have responded to these criticisms and have amended the scheme accordingly. The scheme now presents as a three storey development within the streetscene and has a comparable height to the immediately adjacent buildings to north

and south. The front elevation has been reconsidered to create new set backs, recesses and projections to generate additional architectural interest. Both the changes to height and elevation design demonstrate a subordinate and congruous appearance to the form scale and massing of the building. The scheme creates a sympathetic development form in Holden Road insofar as it relates to the building envelope.

The buildings are also found to be of a design quality that would correspond with the established built form and context on the western side of Holden Road which is characterised by large flatted blocks centralised around Woodside Park underground station. The Council's Characterisation Study for Barnet recognises that the local development typology consists of flatted developments and as such, the proposed development would not contravene the requirements of policy DM01 which encourages new development to be located in areas of similar character.

In regards to context, the wider context and site and surroundings is of material relevance to this application. Woodside Grange immediately to the north of the site is arranged over four storeys. Lorian Close contains a group of buildings arranged over three storeys with substantial ridge roof. Meadowside Residential Home is a four storey building with a substantial roof form. At the northern end of Holden Road, Henderson Court, Barcherester Court, Sylvan Court introduce much larger and visually dominant building forms to the streetscene. Between the junction of Holden Road and Argyle Road, Westbury Road continues the typology of large footprint flatted unit development. On this basis, the proposed development would not appear out of character or out of keeping and would be consistent with the development pattern and spatial character. The appropriate internal floorspace and the provision of outdoor and private amenity space within the development demonstrates acceptable layout planning suitable for the size of the site and its constraints.

Regard should also be had to the small scale design details that make a significant contribution to the character and appearance of the building. This includes boundary treatments, materials and fenestration. Research carried out by the applicants (and contained within the design and access statement) demonstrates that the street and the wider area is predominantly characterised of brick buildings. A large part of the older core of Finchley and Woodside Park comprises a red brick and it is a statement of common ground that this building material is a positive contributor to the character and appearance of the area. As such, its use as the predominant material would respond to context as opposed to render or London stock brick or cladding which is either inferior or of poor durability for the longer term. The use of a stone horizontal banding further adds to the positive contribution made by the development.

In respect of fenestration, the development proposes the use of metal windows which is highly appropriate in this context instead of upvc or timber windows. In respect of fenestration design, two local indicators have been used. A study of fenestration found across the Woodside Park area has established a strong horizontal emphasis to window openings with vertical pane orientation through the wide openings. The fenestration pattern replicates this across the development. The staircase projections are not incongruous additions and are rational design features forming an important part of the building. These strongly respond to the large vertical window in the front elevation of the church opposite the site.

Due to the existing extensive tree planting and other land uses to the rear of the site, the proposed development would have little visual impact beyond the site to the west and its only major presence would be that which is visible to the street scene and for the residents

within adjoining buildings. Given the existence of both Woodside Grange and Garden Court on either side of the application site which project deep into their respective plots and deeper than the indicated footprint for Brookdene it is considered that the proposed building envelope and massing within the site would be acceptable. The cut out sections of the footprint in the middle of the development above the ground floor level would significantly reduce the massing that may be perceived from adjoining properties and certainly contributes to an acceptable amenity impact to neighbours with respect to sense of enclosure and outlook.

The façade width reflects that that of adjoining buildings on the western side of Holden Road and the height forms an incremental and insignificant step up from Garden Court towards Woodside Grange. On both flanks, the proposed development would be inset from its side boundaries thereby retaining a sense of spaciousness and separation from the adjoining properties, allowing a glimpse through towards the woodland at the rear.

The proposed development is located solely on previously developed land and does not encroach on land that is subject to a long term designation of Metropolitan Open Land and a Site of Borough Importance for Nature Conservation. The proposed development would be set back from the rear physical boundary that separates the two distinctive uses. There would be no oversailing of the rear boundary by balconies and it is considered that the two uses can co-exist successfully without undue pressure on the woodland to the rear of the site.

The scheme proposes two communal areas within the site at the ground floor level on a podium deck above the car park. These would be comprised of a mixture of soft and hard landscaping, details of which would be sought through condition. A children's playspace area would be situated within a further location at the southwest corner at the lower ground floor level which would also constitute another area of general needs open space. Conditions will be imposed which seek to ensure that the species used in any planting are both robust and make an appropriate visual contribution to the landscape character and value of this part of the site.

The parking area provided at basement level which is served by a ramped access road from Holden Road in the same location as the existing means of access to the site. The car parking (provided solely for use by residents and their visitors) will be hidden from view meaning that the development is not dominated by parking and various building services.

The boundary treatment to the front of the property is indicated as being constructed from a low rise red brick dwarf wall to match the colour used in the development. This dwarf wall is indicated to be topped with a metal fence and brick piers no taller than 1m in height. Given the modest front boundary enclosures present within Holden Road, it is considered that the proposed boundary treatment would be appropriate.

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design, appearance and character matters.

Affordable housing:

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.

- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It identifies that negotiations should take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may exceptional accept the provision of off-site affordable housing or a commuted payment instead of such provision.

This scheme is able to deliver a commuted payment of £554,285 in lieu of on- site provision or of provision off site at another location. This figure equates to approximately 17% provision. The applicant has largely agreed this position. The rationale for arriving at this figure is largely similar to the method inherent in establishing figure of £836,000 on the previous application. This is an acceptable figure in comparison and it is considered that the inputs are largely similar.

Therefore in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies. As set out in earlier sections of this report the mix of affordable dwellings proposed is considered to be acceptable.

Trees and landscaping:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

The application includes an Arboricultural Report which assesses 23 trees and two tree groups located within and around the red line application site as well as frontage planting

and street trees. The rear of the site from a point beyond the rear building line going westwards to the Dollis Brook now forms part of a larger Tree Preservation Order covering the eastern side of Dollis Brook to the rear of a number of properties in Holden Road. This TPO was designated on 20 October 2015.

The application proposes the removal of five trees within the existing developed site area. The scheme also proposes the removal of one tree immediately within the woodland area adjacent to the boundary between the two areas. The trees within the site which are being removed are all within the British Standard categorisation C with the exception of one tree which is a category B tree and is a 22m tall Cedar tree in fair condition, with more than 20 years vitality. However, the tree has been modified significantly through its lifetime with the lower limbs of the tree removed leaving a very high crown and reducing the landscape and amenity value and character of the tree. The other principal tree to be removed is T11 which is a 19m high Oak tree with an estimated 40 years or more of vitality. The removal of this tree is required to accommodate parking and the laying out internally of four plots. Even if these flats were removed from the scheme, the scheme would still give rise to the tree being blocked from public view and from the woodland area, thereby reducing the visual amenity contribution that the tree would otherwise make.

The applicant's Arboricultural Implications Assessment identifies all the categorised trees within the site and in particular the woodland area to the rear of the proposed building and all would otherwise remain in situ. A number of trees have been assessed with regard to minor modifications such as crown reduction, ivy removal and deadwood removal. However, these modifications are considered to result only in the prolonged longevity of these trees. The woodland management would also permit regular, effective and necessary tree maintenance to prolong and enhance the quality of the trees within the woodland area to the rear as well as manage lower level scrub and planting which would eradicate invasive species which would assist in allowing principal species to dominate. The contribution for woodland management to be secured through the Section 106 agreement would be essential in facilitating this.

Comments have been received from an arboricultural officer in relation to this application. There are three street trees with extensive canopy which might impact on the building and may be impaired by the development. These trees provide a significant level of amenity and should be retained. A mature oak tree is situated on third party and would be close to the development. A number of other smaller trees exist within the site which do not have any visual amenity and their loss would not be unacceptable. Five specific trees of low category would also be lost which would be acceptable too. Due to the extent of the proposed footprint, there would be little space to permit on site mitigation planting. It is further considered that the woodland management plan is achievable and appropriate.

It is accepted that the removal of existing trees from the site is an unfortunate element of the proposal. However, Officers find that in this instance the condition and quality of the trees proposed for removal is such that they would not object to their loss, subject to the provision of suitable replacement planting. Conditions have been recommended to ensure that retained trees within the site are adequately protected and that the trees and wider landscaping implemented would be of a sufficient quality, including new trees of a suitable size and species. The application does not propose the removal of any trees outside the application site. Conditions have been recommended to ensure that appropriate measures are taken to protect trees in the area surrounding the application site. Subject to the conditions recommended officers take the view that appropriate consideration has been given to the existing trees.

More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces, including new areas of lawn, green roof and shrub planting, and provides an appropriate setting for the buildings proposed. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area, including assisting in the creation of a safe and secure environment. Matters relating to access, parking biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the development provides adequate mitigation for the trees which would be lost as part of the works proposed and that the scheme is acceptable and compliant with development plan policy in respect of tree and landscaping matters.

Transport, parking and highways matters:

Policy context

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.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. Schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Parking provision

The car parking standards for residential development, as set out in the Barnet Local Plan, recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. For the different types of unit the range of provision is 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

Using the standards set out in the Barnet Local Plan the residential element of the development generates a maximum car parking provision of between 37 to 52 car parking spaces. The Barnet Development Management Policies Document recommends that flexibility is applied when assessing residential parking provision. More specifically paragraph 18.8.2 states that:

"18.8.2 Our approach to parking provision accepts the need for restraint, but intends to apply it with sensitivity to local circumstances. While all non-residential development

should comply with the parking standards set out in the London Plan in deciding on residential parking requirements, we will continue to apply the standards set out in the adopted Unitary Development Plan 2006. This provides flexibility to consider the accessibility of individual locations, based on:

- The level of public transport accessibility (PTAL);
- Parking stress including the level of on-street parking control;
- The population density and parking ownership of surrounding areas;
- The location (i.e. is it in a town centre);
- Ease of access by cycling and walking; and
- Other relevant planning or highways considerations, such as to whether the proposal is a conversion of an existing use."

The proposed parking provision of 47 spaces is within the range that planning policies would expect to be provided for the residential element of the scheme. Given the sites circumstances, including its location in an area that has a Public Transport Accessibility Level of 3 (soon to rise to level 4), approximately 200m walking distance to Woodside Park underground station and 800m walking distance to the High Road (and the amenities it offers), the parking provision proposed for the residential element of the scheme is found to be acceptable in this instance. The level of parking proposed for the new dwellings is found to strike the appropriate balance between the need to minimise the impact of parking associated with the development on the surrounding area and the requirement to not undermine the use of more sustainable modes of transport (walking, cycling and public transport). Although it has been observed that there is substantial uncontrolled on street car parking on Holden Road and other neighbouring streets, it is considered that the on site car parking would successfully accommodate the parking demand and the parking needs of the site without causing an obstruction to the highway or a reduction in highway and pedestrian safety. The legal agreement will secure all the car parking on site for residents and their visitors. It is expected that this proposal will offset the requirement for parking to overspill on to the street and the surrounding highway network.

The parking provision includes five spaces to accessible standards, 9 active and further 9 passive electric vehicle charging points in accordance with London Plan standards. A further five parking spaces are indicated to be provided for disabled drivers which equates to more than both 10% of units and parking spaces within the scheme. The scheme also provides storage facilities for 74 cycle parking spaces and this will be secured through planning condition.

A transport statement has been submitted with the planning application evaluating the likely trip generation that may occur as a result of the proposed development and the capacity of the local highway network to accommodate this trip generation. The highways officer has reviewed this information and has raised no objections to the likely highways impacts associated with the proposal.

A Travel Plan is to be secured against the development through the Section 106 planning obligation. This would set out modal split targets for compliance during the life time of the development. As an incentive to future residents, each first occupier of the flats will be offered the opportunity for a £150 benefit for car club membership, oyster card credit or cycle shop vouchers. A £5,000 financial contribution would also be secured through the Section 106 for monitoring purposes.

A number of conditions would be imposed on the recommendation to secure refuse and cycle storage, the submission and approval of a Demolition/Construction Management Plan and the provision of car parking prior to the first occupation of the development.

It is noted that a number of objections have been received that the development has inadequate parking and would result in unacceptable adverse impacts on the road network surrounding the site and the amenities of neighbouring occupiers. However, for the reasons outlined, it is considered that the development proposed, as controlled through the conditions and planning obligations recommended, is acceptable and compliant with development plan policies in respect of parking matters. It is not considered that the use of a planning obligation to prevent future occupiers of the development from obtaining controlled parking zone permits would be appropriate in the circumstances of this case.

Access and site layout

Vehicular access for the site would be provided from the existing means of access from Holden Road. Officers consider that the submission has adequately demonstrated that the proposed vehicular access arrangements are suitable and able to operate safely. A condition has been recommended to ensure that the vehicular ramps proposed for the lower ground floor and basement levels are implemented with a suitable gradient. Several points of pedestrian access would be provided along the length of the sites High Road frontage. Officers conclude that the proposal is acceptable and compliant with development plan policies in terms of the pedestrian environment created, subject to the conditions recommended.

A condition has been included in those recommended to ensure that appropriate refuse and recycling facilities are delivered within the development and that a suitable strategy for the collection of refuse and recycling from the site is in operation at the point that the development is brought into use. Subject to such controls the proposal is found to be acceptable in this respect.

Subject to the controls in place through the conditions and planning obligation recommended Highway Officers conclude that the layout and access arrangements proposed for the development would not be detrimental to highway or pedestrian safety and are satisfactory in all other relevant regards. The proposal is found to be acceptable and compliant with the objectives of development plan policies in this respect, subject to the conditions and planning obligations recommended.

Vehicular trip generation

The number of vehicular trips forecast to be generated for the residential element of the proposed development has been estimated using trip rates from the Trip Rate Assessment Valid for London (TRAVL) database, based on comparable sites selected from the database. The assessment indicates that 12 vehicular trips are expected for the scheme during the AM Peak (8am to 9am). This equates to an average of one vehicle movement every 5 minutes. 6 vehicular trips are expected for the development during the PM Peak (5pm and 6pm), equating to an average of one vehicle movement every 10 minutes. Across the day, there are 42 additional car driver trips and as a result the daily increase would not be highly perceptible.

It is concluded that the scheme can be managed within the existing network capacity. Officers consider that the proposed development is unlikely to have any significant detrimental impact on the highway network and the proposal is considered to be acceptable and compliant with the objectives of policies in this respect. In reaching these conclusions account has been taken of the impacts arising from committed developments in the surrounding area.

Transport related management plans

A planning obligation is recommended to ensure that an acceptable and policy compliant local level Residential and Commercial Travel Plans are provided for the development prior to its occupation. The Residential Travel Plan provided will be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. The Travel Plan incentives would comprise a voucher to a minimum value of £150 per dwelling to encourage the use of more sustainable modes of transport (this requirement is included in the obligations recommended). The voucher provided would allow the occupier concerned to purchase one the following Travel Plan incentives up to a limit of £150:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

In order to ensure that the objectives of the Travel Plans are being met a monitoring contribution of £5,000 is included in the planning obligations recommended. To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended.

Parking, highways and transport conclusions

The Council's Traffic and Development Team have assessed the proposal and consider it to be acceptable in all relevant regards. For the reasons outlined above the scheme is found to be acceptable and compliant with the objectives of development plan policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposal has been influenced by the desire to make it accessible for all members of the community. For example the submission sets out that the proposed dwellings would all meet the relevant standards M4(2) and M4(3) and that level access is provided into the site from the street. At least 10% of the dwellings proposed (5 in total) would be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements and 10% (5 in total) of the parking spaces proposed would be provided to a disabled parking space standard.

Subject to the controls in places under the conditions recommended officers conclude that the design and layout of the proposal) is such that it is acceptable and compliant with development plan policy in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

Safety and security matters:

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The Metropolitan Police Service have responded to the application and not raised any objection to the proposal or requested that conditions are placed on any grant of consent. However, they have raised a number of minor detailed design points which would assist in creating a safe and secure environment that minimises the opportunities for crime and fear of crime. A condition has therefore been recommended by officers which would require that the scheme implemented includes suitable detailed design features in respect of creating a safe and secure environment that minimises the opportunities for crime and fear of crime. Subject to this control officers consider that the proposal has gone as far as it reasonably could be expected to in terms of providing a safe and secure development for future occupiers and users of the site and neighbouring properties.

The London Fire and Emergency Planning Authority have not responded to the consultation exercise carried out in respect of this planning application.

The design and layout of the proposal is considered to be such that, as controlled through the conditions recommended, it would be acceptable in terms of providing a safe and secure development that has an environment which reduces opportunities for crime and the fear of crime.

Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding (Flood Zone 1). The Environment Agency has not responded to the consultation. Notwithstanding this a condition has been included in those recommended to ensure that appropriate drainage infrastructure and systems are installed as part of the development. This would include details of the areas of green roof to be installed as part of the development.

Thames Water has responded to the consultation and not raised any objections to the proposal. Thames Water have made a number of points in respect of waste water and water infrastructure matters and these have been included as informatives.

To address the objectives of development plan policy on water efficiency conditions have been recommended to ensure that water efficiency measures seeking to achieve a usage of not more than 105 litres per head per day are implemented as part of the residential element of the proposal. Other conditions have been recommended to ensure that the non-residential parts of the development include suitable water efficiency measures, such as low flow taps and dual flush toilets, to minimise water usage. Subject to these conditions the development is found to be acceptable in this respect.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

Sustainable urban drainage systems (SUDS) were introduced in April 2015 requiring all major developments to make suitable arrangements for the introduction of a SUDS regime that is most appropriate for the development. This would prevent surface level flooding in the aftermath of major storm events. This includes drainage to appropriate drainage channels, soakaways, watercourses and other measures. A condition is imposed on this planning permission to require the provision of a sustainable drainage strategy to identify and implement the most appropriate strategy for the site.

Energy, climate change and sustainable construction matters:

London Plan Policy 5.2 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

Residential and non-domestic developments should currently achieve a 40% reduction in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

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.

Carbon dioxide emissions

The application is accompanied by an Energy Statement and related documentation prepared by Metropolis Green. These confirm that the proposal could achieve the 35% reduction in carbon dioxide emissions (when compared to a building constructed to comply with the 2013 Building Regulations) needed to comply with London Plan policy 5.2 and the Mayor of London's Sustainable design and construction SPG.

The submission anticipates that the scheme could achieve a reduction of 35.5% in terms of carbon dioxide emissions relative to a building constructed to comply with the minimum requirements of the 2013 Building Regulations.

The energy reductions proposed are considered to have been achieved in a manner which is consistent with the energy hierarchy. They are also adequate for the scheme to comply with the requirements of policy on the reduction of carbon dioxide emissions. A condition has been recommended to ensure that the development achieves the level of carbon dioxide reductions required by development plan policies as a minimum.

The submission proposes the use of on site renewable energy generation technologies as part of the development and suggests that photovoltaic panels would be the most suitable technology in this instance. It also identifies that these would achieve a reduction of approximately 36.8% in carbon dioxide emission. This is found to be sufficient to meet the objectives of London Plan policy 5.7.

Other aspects of sustainable design and construction

A Sustainability Statement, prepared by XCO2 Energy, has been submitted with the application. This identifies a number of sustainable design features that the proposal could incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of measures to reduce carbon dioxide emissions (including the use of photovoltaic panels), the construction of the new dwellings to achieve the Lifetime Homes Standard and the installation of facilities for cyclists. Conditions have been recommended to ensure that the key elements of developing sustainably are carried through to implementation. Such an approach will ensure that the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development proposes the planting of new trees and the inclusion of areas of green roof. Conditions have been recommended to ensure that suitable landscaping and the green roofs are delivered at the implementation stage of the development (landscaping is addressed in greater detail previous sections of this report). Subject to these controls the proposal is found to be acceptable in this regard.

Biodiversity matters:

As previously stated in this report, the rear portion of the land falls within the Metropolitan Open Land is also a SINC. That land is currently owned by the London Borough of Barnet and forms part of a larger natural resource along the line of the Dollis Brook that travels the full length of the Borough. The eastern side of the Dollis Brook is owned by the Council, however, in close proximity to the application site, the western bank side is owned by the Old Finchleians Cricket Club.

This area which has an appearance of a somewhat wild and largely unmanaged parcel of land cannot be legally accessed by members of the public from Holden Road and access can only be achieved by way of crossing Folly Brook and Dollis Brook by an entry point to the south from public land.

The area is characterised by mature trees, low rise shrubbery and slopes downwards to the Dollis Brook. This site forming part of a much larger cohesive natural resource constitutes a landscape and ecological benefit to the local area. However, the presence of invasive species such as Japanese Knotweed is a threat to the biodiversity in this area. Furthermore, the extent and spread of bramble and other harms the character and value of this area. The area has not been subject to any formal management programmes over time

The application is accompanied by an Ecological Impact Assessment. This evaluates the ecological value of the site and assesses the ecological impacts of the scheme, including identifying possible ecological enhancements that could be incorporated into the development.

The Ecological Impact Assessment was carried out in April 2015 and involved both desktop and field surveys on the site. In respect of the desktop survey, the applicants' consultants identified a 10km x 10km area within which protected species were recorded including three bat species and great crested newt. Snakes, water voles, harvest mice, hares, hedgehogs and slow worms were also recorded in this area. There is one designated site within 2km of the site. More specifically within the site, the applicants have identified that the existing buildings do not provide appropriate habitat potential for bats and although some trees within the woodland give rise to opportunities for roosting, no trees which retain that potential will be removed by the application. If trees within the woodland which may have bat roosting potential are identified to be felled, a programme of mitigation should be put in place to address this.

External lighting on site should only be implemented where necessary. The greatest resource for nesting birds on the site is the woodland area and much of the woodland species are being retained and being supplemented with new species. In addition, there are opportunities within the building to ensure the provision of mitigation measures which can accommodate nesting birds. The potential to support a variety of protected species on the site. However, the proposed development involves little intervention into the woodland

area at the rear of the site and it is considered that the site would still viably sustain any species that may be present here.

Post development there would be very little impact on the woodland as a result of the building in relation to shading and light. There would be some shadowing but this would be of a very brief duration in the morning and would not result in significant projection of shadow into the woodland. It is considered that a substantial and overwhelming mass of mature trees would be retained which would not endure any change in daylighting conditions. This may create the evolution of more shade tolerant species including bluebells which are visually aesthetic, however, this would only be in a small strip of land adjacent to the development edge and would not affect the ecological value of the SINC. Conversely, there would be little light penetration from the development into the woodland and given the planting density and the expanse of the area, there would be little intrusion into this area from light spillage. Nevertheless a lighting strategy is sought through condition.

The applicant now proposes to have no intervention into the woodland area to the rear of the site but is making a contribution of £50,000 to the Council for it to operate a light touch management approach to this area to ensure adequate tree maintenance and the removal of invasive species which harm the biodiversity of this area such as Japanese Knotweed. Consideration should also be given to removing all non-native conifers and sycamore and thus returning the woodland to a high value native species composition that accords with the lowland mixed deciduous woodland, probably National Vegetation Classification community types W8 and W10 in the drier areas and W6 in the streamside areas. Management will therefore also lead to a much enhanced woodland structure and an increase in the area of notable native flora associated lowland mixed deciduous woodland. Overall, these effects are assessed as moderately positive for the woodland resource.

It must be clearly emphasised that no development of any kind will be undertaken to the east of the current physical boundary of the site which separates the hardstanding to the woodland and no development will encroach into the MOL/SINC areas.

Natural England has responded to the consultation on the application and has not raised any objections to the proposal. Natural England have recommended that the Council consider securing biodiversity enhancements for the site if it is minded to grant consent for the proposal. As noted above conditions securing appropriate biodiversity enhancements have been included in those recommended.

The tree and wider landscaping matters are addressed more fully in earlier sections of this report. However, the conditions recommended are considered sufficient to ensure that these aspects of the scheme make appropriate contributions to biodiversity protection and enhancement.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with development plan policy on biodiversity and nature conservation matters.

Planning obligation matters:

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. The position in respect of planning obligations for affordable housing, employment and training,

travel plans and travel plan monitoring and incentivisation is set out in previous sections of this report.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment towards the costs of undertaking the work relating to securing the planning obligations recommended, in line with the adopted Supplementary Planning Document for Planning Obligations.

Officers consider that the combination of the planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet and Mayoral CIL regimes, 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.

Barnet Community Infrastructure Levy:

The proposed development is liable for charge under the Barnet Community Infrastructure Levy. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which the scheme would finally be liable for under the Barnet CIL at the time planning applications are determined. Bearing this in mind the development might be expected to generate a Barnet CIL charge of £392,850

Mayoral Community Infrastructure Levy:

The proposed development is liable for charge under the Mayoral CIL. Because of the nature of the way in which Mayoral CIL is calculated it is only possible to estimate the contribution which the scheme would finally be liable for under the Mayoral CIL at the time applications are determined. Bearing this in mind the development might be expected to generate a Mayoral CIL charge of £101850

4. EQUALITIES AND DIVERSITY ISSUES

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

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

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

In broad terms the proposal would result in a development (residential and office uses) for use by the whole community, including the whole spectrum of people who share a protected characteristic and those who do not. The conditions recommended for the application would ensure that in several regards the development proposed would exceed the minimum requirements of legislation, such as Part M of the Building Regulations, which relate to schemes meeting the needs of people who have certain protected characteristics. Examples of this include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards and not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The conditions would also ensure that the office element of the scheme was designed in a manner which takes appropriate account of the needs of disabled users and that disabled standard parking spaces are included for both the residential and non-residential uses proposed.

With the conditions recommended proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters. This includes the development achieving a high quality inclusive design approach, which creates an environment that is accessible to all and would continue to be over the lifetime of the development. It is also recognised that the design of the building to which the application relates is such that it would be an improvement when compared to the existing buildings on the site, in terms of achieving equality and diversity objectives specifically. The proposal would therefore have a positive effect in terms of equalities and diversity matters in this respect.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in its Equality Scheme and support the council in meeting its statutory equality responsibilities.

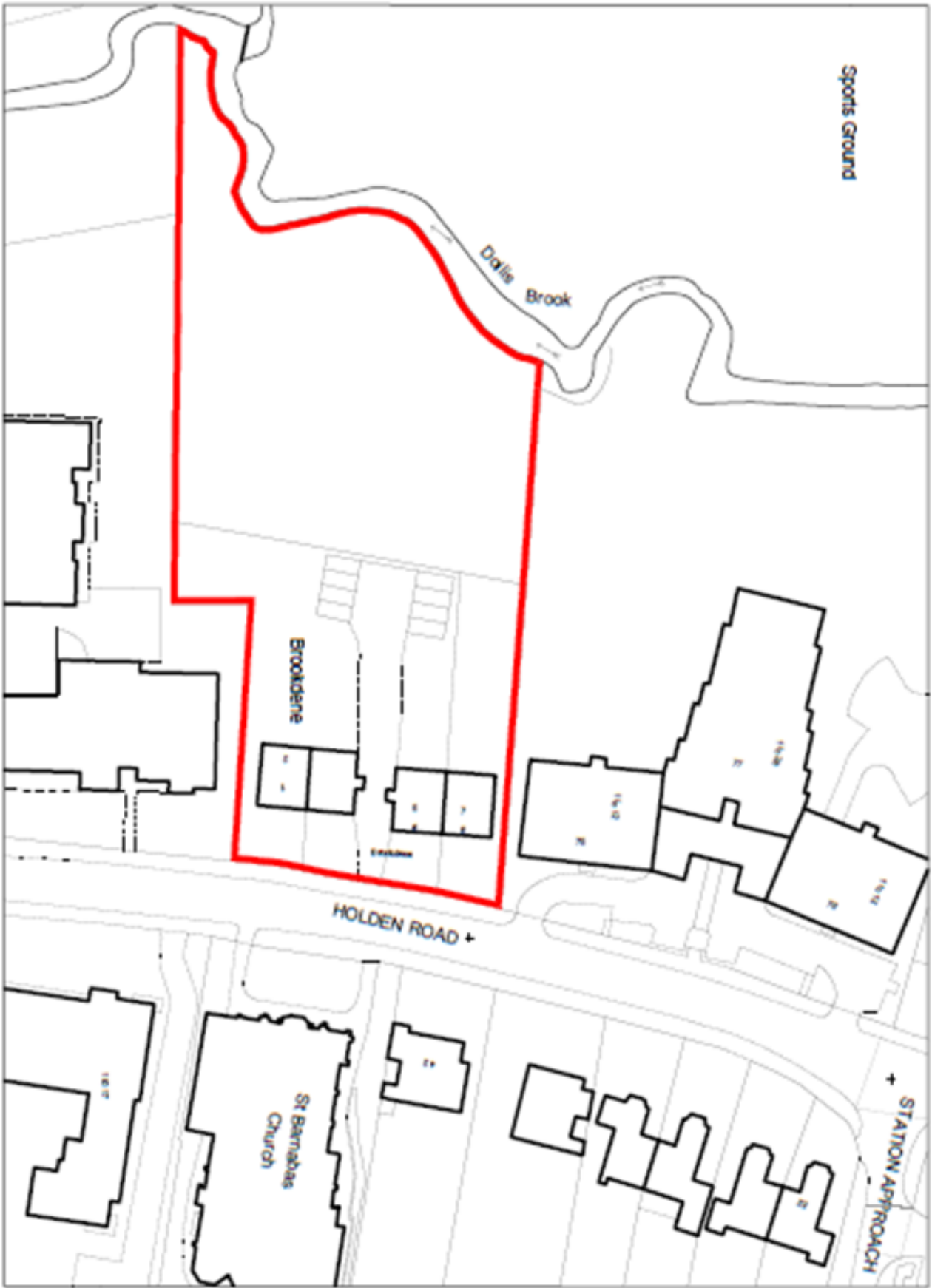
5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are all considered in the appraisal and analysis set out in the relevant parts of this report.

6. CONCLUSION

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 Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.



	<h2>Planning Committee</h2> <h3>23 May 2016</h3>
<p style="text-align: right;">Title</p>	<p>Article 4 Direction – Houses in Multiple Occupation</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>All Wards</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: Schedule of Consultation Responses Appendix 2: Article 4 Direction</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Nick Lynch – Planning Policy Manager 0208 359 4211 Nick.lynch@barnet.gov.uk</p> <p>Mike Carless – Principal Policy Planner 0208 359 4657 mike.carless@barnet.gov.uk</p>

Summary

In order to manage the supply of Houses in Multiple Occupation (HMO) across the Borough the Council proposes to confirm the non-immediate Article 4 Direction made on 28th May 2015 intended to withdraw permitted development rights within Class L(b) of Part 3 (Changes of Use) of Schedule 2 to the GPDO 2015 for the change of use from buildings used as dwelling houses (Use Class C3) to buildings used as small scale houses in multiple occupation (Use Class C4) from 29th May 2016. Use Class C4 permits occupation of a property by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Larger HMOs classified as ‘sui generis’ (a use like no other) will continue to require planning permission. Any proposal to convert a dwelling to a small or large HMO in Barnet will then require planning permission following confirmation of the Article 4 Direction.

Recommendations

- 1. That the Committee resolves to confirm the non-immediate borough wide Article 4 Direction made on 28th May 2015 to withdraw permitted development rights for the change of use from buildings used as dwellinghouses (Use Class C3) to buildings used as small scale houses in multiple occupation (Use Class C4) with effect from 29th May 2016.**
- 2. That the Committee authorises LBB officers to carry out all administrative procedures to confirm the bringing into effect of the Direction from 29th May 2016**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report confirms, subject to approval by the Planning Committee, that the Article 4 Direction made on 28th May 2015 will come into effect on 29 May 2016. The report sets out the consultation on the Article 4 Direction, the comments received and Council response to those comments.

1.2 HMOs and the Planning System

- 1.2.1 Within the planning system a HMO can be either a house split into separate bedsits, a shared house or shared flat. A property does not need to be converted or adapted in any way to be classified as a HMO.
- 1.2.2 Small HMOs are classified as Use Class C4 when occupied by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. Dwelling houses are classified as Use Class C3. Permitted development ('PD') rights exist under the GPDO 2015 for changes of use between Use Class C3 and C4 and vice versa without planning permission.
- 1.2.3 Use Class C4 creates small HMOs. Larger HMOs are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission.

1.3 Confirmation of the non-immediate Article 4 Direction

- 1.3.1 The Article 4 Direction proposed to be confirmed under Town & Country Planning (General Permitted Development) Order 2015 suspend particular PD rights that allow a change of use between Use Class C3 and C4. Confirmation of the Article 4 Direction does not mean that planning consent would not be granted for such a change of use; it merely means that an application has to be submitted so that the Council can examine the proposal in detail.

1.3.2 Confirmation of the Article 4 Direction is necessary to protect local amenity or the wellbeing of the Borough and is justified in terms of purpose and extent by a robust evidence base.

1.3.3 With the removal of Permitted Development rights through a confirmed Article 4 Direction a planning application for any change in use from a dwelling house (use Class C3) to a small HMO (Use Class C4) is required. An application is exempt from the usual planning application fee. The application will be considered against policies in Barnet's Local Plan in particular:

- CS04 : Providing Quality Homes and Housing Choice in Barnet:
- CS05 : Protecting and Enhancing Barnet's Character:
- DM01: Protecting Barnet's Character and Amenity; and
- DM09: Specialist Housing – HMOs, Student Accommodation and Housing Choice for Older People.

The Permitted Development right will remain for the change of use from a small HMO (Use Class C4) to a dwelling house (use Class C3).

1.3.4 Although the Article 4 Direction may remain in place permanently once it has been confirmed, it is best practice to monitor the Direction to make certain that the original reasons for making the Direction remain valid. The Direction should be cancelled by the LPA when it is no longer necessary.

1.3.5 The LPA is required, as soon as practicable after the Article 4 Direction has been confirmed to inform the Secretary of State via the National Planning Casework Unit that it has been confirmed.

2 REASON FOR RECOMMENDATIONS

2.1 The confirmation of the non-immediate Article 4 Direction manages HMOs through the planning system and supports the licensing scheme as part of an effective borough-wide strategy to better regulate HMOs in Barnet.

3 ALTERNATIVE OPTION CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is to do nothing and not confirm the Article 4 Direction. However, officers consider that this option is likely to lead to further unrestricted growth of HMOs and further reductions in supply of affordable family homes in the Borough.

4 POST DECISION IMPLEMENTATION

4.1 The work to confirm and implement Article 4 Direction involves the following stages:

- On 23 May 2016 members resolve to confirm the non-immediate Article 4 Direction from 29th May 2016;
- The Article 4 Direction is resealed on or around 26th May 2016
- Publish notice of confirmation in the local Barnet Press;
- Update the planning pages on the Council's website;
- Register the Article 4 Direction with Local Land Charges;
- Notify the Secretary of State that the Direction has been confirmed;
- Monitor implementation of the Direction – post May 2016.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

Confirmation of the non-immediate Direction meets the Council's Corporate Plan strategic objectives detailed in the Barnet Corporate Plan 2015-2020 which will strive to ensure that Barnet is a place:-

- Of opportunity, where people can further their quality of life - An Article 4 Direction will help manage the growth of small HMOs therefore mitigating their impact on local amenity and improving the quality of such accommodation as well as their surrounding neighbourhood.
- Where people are helped to help themselves, recognising that prevention is better than cure - An Article 4 Direction will help better manage the loss of existing family homes to HMO and therefore improve the availability of family housing.
- Where services are delivered efficiently to get value for money for the taxpayer - Effective implementation of an Article 4 Direction combined with Additional Licensing of HMOs will have a positive impact on the management of HMOs.

5.1.2 Barnet's Housing Strategy 2015 to 2020 includes the following key objectives: increasing housing supply, delivering homes that people can afford and sustaining quality in the private rented sector. The strategy was formally adopted at the Housing Committee on 19 October 2015.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The LPA is not liable to pay compensation as the proposed confirmation of the Direction has been stayed for twelve (12) months

5.3 Legal and Constitutional References

5.3.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) empowers the local planning authority to confirm the Direction

5.3.4 The Council's Constitution, Responsibility for Functions, Annex A – details the terms of reference of the Planning Committee which includes responsibility for matters of significance to the entire Borough.

5.4 Risk Management

5.4.1 Whilst confirmation of the Article 4 Direction is likely to be welcomed by residents it is also likely that the withdrawal of PD rights will be unpopular with landowners and potential landlords. Following the making of the Article 4 Direction in May 2015 the Council publicised it in a number of ways and ensured consultation with key stakeholders including the Landlords' Forum.

5.4.2 The Secretary of State has the power to modify or cancel a confirmed Article 4 Direction. The Secretary of State will only exercise his powers if there are very clear reasons why intervention at this level is necessary. Ensuring the Council is satisfied with the supporting case for designating an Article 4 Direction will mitigate this risk.

5.4.3 Although there may be additional burdens for the planning enforcement service following confirmation, it should be noted that the Direction reinstates the position that existed in the borough prior to 1st October 2010.

5.5 Equalities and Diversity

5.5.1 HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to housing choice.

5.5.2 An equalities impact assessment has been carried out and concluded that a confirmed Article 4 Direction would have an overall positive impact for landlords, tenants, residents and businesses, by virtue of the potential improvement to the quality of HMOs and the stronger management of them within the planning system. The assessment of the planning applications for HMOs will provide the opportunity for the assessment of the impacts on amenities, townscape character and issues arising from concentrations of HMOs. In addition there are potential benefits to residents arising from the increased choice of quality housing Boroughwide.

5.6 Consultation and Engagement

5.6.1 An extensive consultation exercise took place following the decision by Planning Committee on 18 May 2015 to make the non-immediate Article 4 Direction. The consultation took place over 12 weeks following publication of the notice. The Council's website together with local press were used to

publicise the consultation.

5.6.2 Consultation was concurrent with the linked strategic proposed 'Additional Licensing scheme' with cross references made on relevant consultation material. Planning officers attended 'Additional Licensing scheme' events such as those held with the Landlords' Forum.

5.7 Publicity of the proposed Article 4 Direction

6.2.1 The consultation on the HMO Article 4 Direction ran from 28 May to 30 August 2015. The consultation for the Additional Licensing scheme ran from 25 June to 23 October 2015. The consultations employed a range of methods to target as many stakeholders (such as residents, landlords, letting agencies) as possible. Consultation material for the Additional Licensing scheme and the Article 4 Direction was separate but sign posted to the other consultation webpages.

6.2.2 In order to reach relevant stakeholders for both the Additional Licensing Scheme and the Article 4 Direction the following approach was undertaken:

- A mail-out of more than 3,600 flyers addressed to landlords of HMOs/Suspected HMOs in Barnet advertising the Additional Licensing scheme consultation which cross referenced the Article 4 Direction.
- Informing the Residential Landlords Association, the National Association of Estate Agents, the Association of Residential Letting Agents, the National Landlords Association (including meeting with their local representative) and the London Landlord Accreditation Scheme and UK Landlord Accreditation Partnership bodies, and encouraging them to contact their members via emails and newsletters to encourage their participation in the consultation.
- Press releases were placed in the Barnet Press at different stages of the consultation period. This has a combined readership of almost 100,000 people. Additionally there were also subsequent mentions on websites associated with landlords and letting agencies.
- The consultation was advertised on the Planning consultation webpage. There were almost 1,300 people visiting the webpage over the consultation period. The consultation was also advertised with other websites associated with Barnet as well as councils adjacent to Barnet.
- An advert was placed in Barnet First publicising the Additional Licensing and HMO Article 4 Direction consultation. Barnet First is distributed to over 135,000 households across the borough.
- The London Property Licencing website publicised the HMO Article 4 Direction consultation.
- Email campaigns with the official Middlesex University student

accommodation service and the Middlesex University student union.

- Emailing more than 200 estate/letting/managing agents, and following-up with visits to their offices and personal meetings with staff in many cases and where possible.
- Emailing more than 2,500 businesses in Barnet.
- Emailing circa 700 contacts on the planning policy consultation database
- The publicity with regards the Additional Licensing scheme included a link to an online consultation questionnaire and associated information on the consultation, support telephone number and email address through which respondents could ask questions about the consultation and request paper versions of the consultation questionnaire, including in languages other than English.

6.3 Consultation responses

6.3.1 The consultation response consisted of a variety of respondents from various backgrounds. Appendix 1: Schedule of Consultation Responses sets out the detailed responses received and Councils response.

6.3.2 There were 13 respondents which included private landlords, residents affected by HMOs, resident amenity societies and industry bodies; the Residential Landlords Association and the National Landlords Association.

6.3.3 The respondents main issues in relation to planning are summarised in the following paragraphs (the Council's response is in italics):

6.3.4 Specific comments made on the Supporting Case for the Boroughwide Article 4 Direction were:

- Whether there is an impact on environmental quality,

There is a link between poorly managed HMOs and environmental quality with those landlords who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises.

- noise complaints are not relevant as they are controlled under different legislation,

Noise is an aspect of environmental quality and can create an impact so is a material consideration in planning decisions.

- Instances of anti-social behaviour are not relevant as they are not controlled by planning legislation,

Crime and anti-social behaviour are a key concern of local residents. The planning system plays an important part in making places safer and reducing the opportunity for crime and disorder. The Council will seek to address anti-social behaviour through the Additional Licensing Scheme by requiring landlords to investigate complaints of anti-social behaviour as a condition of their license and take reasonable steps to resolve the problem. Further guidance is being drafted for landlords and tenants that will explain what such reasonable steps might be.

- the increased car parking stress evidence is not conclusive

HMOs can contribute towards increased parking stress within an area. The evidence was clear in stating that where known concentrations of HMO existed it did not demonstrate clear parking stress across a Controlled Parking Zone although streets with high levels of parking permits could be identified. Both HMOs and housing are capable of housing a number of occupants who may own motor vehicles. This is an issue that should be considered through the planning process.

- there is reduced demand for single family houses and increased demand for smaller housing/ private renting

A key ambition of the Local Plan is to ensure a variety of sizes of new homes to meet housing need. Maintaining and increasing the supply of housing is a priority in Barnet and this commitment was reaffirmed by the Housing Strategy agreed by the Housing Committee on 19 October 2015.

- The impact on local services is not clear

Services such as health and refuse collection in particular will be put under pressure from increases in the population. This pressure may be exacerbated by people living in substandard HMO accommodation.

- The management issues that HMOs can suffer can also be found in private rented flats and housing

Management issues are one of a number of factors that help build a convincing case for supporting the Article 4 Direction, HMO users generally can potentially have a greater cumulative impact on more people than other housing users can in particular where a concentration occurs.

- The planning enforcement statistics on HMO are not convincing

Para 5.7 highlights the steadily rising number of complaints about HMOs and related issues. The types of development, both flat conversions and use of outbuildings are often associated with potential HMO and indicate activity therefore we consider complaints about all three to be related to development of poor quality accommodation.

6.3.5 Other more general comments on the Boroughwide Article 4 Direction raised the following issues:

- The planning system cannot control the behaviour or residents of HMO

The Council will seek to address anti-social behaviour through the Additional Licensing Scheme by requiring landlords to investigate complaints of anti-social behaviour as a condition of their license and take reasonable steps to resolve the problem. Further guidance is being drafted for landlords and tenants that will explain what such reasonable steps might be.

- Will reduce the freedom of choice and access to housing

The Article 4 is not a blanket ban on HMOs and planning decisions will be based on Local Plan policy which considers a range of factors including amenity impacts as well as the need for the HMO. In reviewing the Local Plan the Council will be informed by evidence on the housing market area in particular the Strategic Housing Market Assessment (SHMA). This evidence will inform the direction of the Local Plan with regard to addressing housing needs. The experience of other local planning authorities who have implemented Article 4 Directions on HMOs is that there has been no significant effect upon the supply of shared housing following confirmation.

- The effectiveness of implementation and resourcing the additional burden on the planning department was raised

The Council recognises that there may be additional burdens for the planning enforcement service following confirmation. However, the Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010. The impact of the change arising from the Article 4 Direction will be monitored and subject to volumes a request for additional resources may be made.

- The borough wide scope of the direction is not necessary and should just focus on areas where HMO are known to be issue

There is potential for new HMO across the Borough. The Article 4 seeks to manage new C4 HMOs so a boroughwide approach is considered most appropriate. The Council considers that a boroughwide Article 4 Direction combined with an Additional Licensing Scheme is the right approach for Barnet.

- Support for the Article 4 with concerns raised over the conversion of family homes into bedsits, intensification of use, impact on neighbours and the character of the area

By ensuring that all new HMOs require planning permission together with the Additional Licensing Scheme the Council will have more powers to manage HMOs in Barnet.

6.3.6 In line with the Regulations the Council notified the Secretary of State who raised no objections.

BACKGROUND PAPERS

- 1 Planning Committee, 18 May 2015, Item, Non Immediate Article 4 Direction – Houses in Multiple Occupation
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=703&MId=7922>
- 2 Housing Committee, 27 October 2014, Item 7, Proposed Introduction of an Article Direction to manage new Houses in Multiple Occupation
<http://barnet.moderngov.co.uk/documents/s18772/Article%204%20Direction%20for%20HMOs%20-%20Final%20Report.pdf>
- 3 Council, 23 September 2014, Item 14.1, Motion from Councillor Shimon Ryde – Proposed Introduction of an Article 4 Direction in Relation to HMOs:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MID=7814#AI9260>

APPENDIX 1 – Schedule of Consultation Responses

Summary of Consultation Activity

The consultation for the HMO Article 4 Direction ran from 28 May to 30 August 2015. The consultation for Additional Licensing ran from 25 June to 23 October 2015. The consultations employed a range of methods to target as many stakeholders (such as residents, landlords, letting agencies) as possible. Consultation material for the Additional Licensing and the Article 4 Direction was separate but sign posted to the others consultation webpage.

A total of 66 responses were made by 13 respondents. The respondents included private landlords, residents affected by HMOs, resident amenity societies and industry bodies; the Residential Landlords Association and the National Landlords Association.

In order to reach relevant stakeholders for both the Additional Licensing and the Article 4 Direction the following approach was undertaken:

- A mail-out of more than 3,600 flyers addressed to landlords of HMOs/Suspected HMOs in Barnet advertising the Additional Licensing consultation which cross referenced the Article 4 Direction.
- Informing the Residential Landlords Association, the National Association of Estate Agents, the Association of Residential Letting Agents, the National Landlords Association (including meeting with their local representative) and the London Landlord Accreditation Scheme and UK Landlord Accreditation Partnership bodies, and encouraging them to contact their members via emails and newsletters to encourage their participation in the consultation.
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- Emailing more than 2,500 businesses in Barnet.
- Emailing circa 700 contacts on the planning policy consultation database
- The publicity with regards Additional Licensing included link to an online consultation questionnaire and associated information on the consultation, support telephone number and email address through which respondents could ask questions about the consultation and request paper versions of the consultation questionnaire, including in languages other than English.

Ref	Respondent	Comments	Councils Response
1	Richard Morawetz	<p>I support the proposed implementation of HMO Article 4 in Barnet. An HMO adjacent to our own property demonstrated that the council has very little control over their quality. The property was purchased in April 2013 using an off-shore company</p> <ul style="list-style-type: none"> • The developer built a second story rear extension without authorisation, as shown in appendix 1. This was rented out for several months, so effectively the council was unable under current legislation to prevent the rental of a property that was built without authorisation. Eventually, after an appeal to the Planning Inspectorate was rejected, the second story extension was demolished, although the process took about a year. • The garden was generally not maintained (appendix 2) and the fence was left in a state of disrepair. • The property was initially advertised as 7 flats for up to 9 people (appendix 3), although the neighbours were informed that the council ultimately restricted the number of tenants to 5 people. • The flue was placed just above the front door; appendix 4 shows the flue emission being pumped out in front of the house. • When the first tenants moved in, doors were slamming in each room at all hours of the night, until the council finally requested that dampeners be placed on the doors. • Very soon after the first tenants moved in, mould appeared in our dining room wall, due to a bathroom with leaking pipes on the other side. We had to remove a section of the wall and wait for it to dry (appendix 5), which remains the case more than a year after the initial tenants moved in. <p>One would hope that any new legislation would give the council</p>	<p>We welcome this support. Confirmation of the Article 4 together with the Additional Licensing Scheme will help the Council to better manage HMOs within Barnet.</p>

Schedule of Consultation Response to Barnet's Article 4 Direction consultation

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		greater authority to act on such situations or to prevent them altogether.	
2	Tom Dawson	The instigation of the Article 4 Direction is an unnecessary sledgehammer against small HMOs. By definition these are not major developments as they may only accommodate up to 6 individuals. Many of the suggested benefits of the Direction are not relevant as they are controlled under other legislation, or will not go away simply because HMOs are controlled. Additionally, some of the arguments made in support of the Article 4 Direction do not hold water. I believe that the proposal is ill-conceived and should be abandoned.	The Council considers that there are good planning reasons for ensuring that all HMOs are managed through the planning system. The Local Plan recognises the contribution of HMOs to housing supply and highlights their impact on the character and amenities of the surrounding area.
3	Tom Dawson	Poor standards of accommodation. This is not relevant as it is already controlled under other legislation	The Councils housing standards for HMO were approved at Housing Committee on 1 February 2016. Local Plan policy makes reference to the need to meet the relevant housing standards for HMO.
4	Tom Dawson	Loss of local character. The character of 'buildings' is already governed by planning legislation. The character of an 'area' may change through the introduction of HMOs but these properties are located in areas where there is a demand for them from single people who cannot afford larger houses. They should not be ignored – Provision of small HMOs should not be regulated as they serve a need for those residents of the borough who depend upon them for their accommodation. The London Borough of Barnet is not a museum – change will occur and if that is a change from the larger family houses which have little demand, to HMOs in some cases then that is progress.	The Article 4 is not a blanket ban on HMOs. Alongside considerations of character and impact on amenity the Local Plan recognises the contribution of HMOs to meeting housing need.
5	Tom Dawson	Reduction in environmental quality. It is difficult to see how the change from a single family house to an HMO can affect the quality of the environment. There is perhaps a degree of snobbery in this statement, or an attitude of 'Not in my back yard' Nimbyism.	There is a link between poorly managed HMOs and environmental quality with those landlords who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises. The Council seeks to address this through the Additional Licensing Scheme as a more enabling approach to assist landlords in providing a higher standard of accommodation benefiting

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			the occupying tenants and wider local community.
6	Tom Dawson	Increased noise complaints. This is not relevant as it is controlled under separate legislation. Noise is often created by the young, but this is not dependent upon their being housed in HMOs.	Noise is an aspect of environmental quality and can create an impact so is a material consideration in planning decisions. The Council will seek to address anti-social behaviour through the Additional Licensing Scheme by requiring landlords to investigate complaints of anti-social behaviour as a condition of their licence and take reasonable steps to resolve the problem. Further guidance is being drafted for landlords and tenants that will explain what such reasonable steps might be.
7	Tom Dawson	Increased anti-social behaviour. This is not relevant as it is controlled under separate legislation. Anti-social behaviour is more associated with individuals and their behaviour than it is with the type of house that they live in. Anti-social behaviour will not go away just because an HMO is controlled, but rather through education and employment. Map 13 (Anti-social behaviour and noise complaints) shows that the incidence of these complaints is spread evenly across the borough and does not appear to be associated in particular with those areas where HMOs are known to exist.	Crime and anti-social behaviour are a key concern of local residents. The planning system plays an important part in making places safer and reducing the opportunity for crime and disorder. The Council will seek to address anti-social behaviour through the Additional Licensing Scheme by requiring landlords to investigate complaints of anti-social behaviour as a condition of their licence and take reasonable steps to resolve the problem. Further guidance is being drafted for landlords and tenants that will explain what such reasonable steps might be.
8	Tom Dawson	Loss of single family dwelling houses. There is a reducing demand for larger houses by single families. These are suitable for HMOs and should be allowed to change according to demand.	The Article 4 is not a blanket ban on HMOs and planning decisions will be based Local Plan policy which considers various factors including amenity impacts as well the need for HMO. A key ambition of the Local Plan is to ensure a variety of sizes of new homes to meet housing need. Maintaining and increasing the supply of family housing is a priority in Barnet and this commitment was reaffirmed by the Housing Strategy agreed by the Housing Committee on 19 October 2015.
9	Tom Dawson	Increased levels of crime. This is not relevant as it is controlled under separate legislation. The planning system should be used to help 'design out crime' through good design, but the planning system should not be used to try to design out those people who	As stated above the confirmation of the Article 4 together with the Additional Licensing Scheme will help the Council to better manage HMOs within Barnet and therefore help to address such issues as levels of crime. We consider that this can be done through a higher

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		wish to live in an HMO. The 'young and transient social groups' will not go away because there is no HMO. They will not change their habits simply because of an Article 4 Direction. You cannot expect crime to reduce simply by controlling HMOs. That is short-sighted and illogical. What is needed to reduce crime levels is an increase in the provision of jobs for the unemployed, as has been shown many times.	standard of accommodation.benefitting the occupying tenants and wider local community.
10	Tom Dawson	Increased pressures on car parking. Many single people who depend upon HMOs cannot afford a car. In areas near stations or on bus routes for example car parking is often less of an issue. Single people must live somewhere and an HMO is an affordable option. Car parking is a problem in many areas, with or without HMOs. Any increase in car numbers will be limited to those areas where HMOs are present as a high proportion of the total number of dwellings. This is reflected in other areas such as shopping streets and areas with larger numbers of flats for example. Car ownership and parking issues are a problem in many areas of the borough. Consider the number of streets with residents' bays or yellow lines, both of which make parking difficult for other users such as visitors and delivery drivers for example. In your document Appendix 1 Supporting the case for an Article 4 Direction it states that the 2011 census shows that 28.7% of households did not own a car or van. The proportion of HMO occupiers owning a van is likely to be very high as you can be certain that the more affluent homeowners each owned more than one car. This has been confirmed in the conclusions to the Appendix document. The argument for increased pressure on parking in the vicinity of HMOs is clearly flawed.	HMOs can contribute towards increased parking stress within an area. The supporting evidence clarified that known concentrations of HMO did not demonstrate clear parking stress across a Controlled Parking Zone although streets with high levels of parking permits could be identified. Both HMOs and housing are capable of housing a number of occupants who may own motor vehicles. This is an issue that should be considered through the planning process.
11	Tom Dawson	Dominance of private renting. There is an increase in the demand for private renting. The borough should not try to prevent individuals or families from renting. If the market demands private rented accommodation the borough must allow that to increase. It is not right for the planning system to attempt social engineering.	The Local Plan seeks to promote housing choice. The private rented sector forms part of that choice.
12	Tom Dawson	Changes to local retail provision. Retail will always follow the	There is a concern that the character of areas can change when local

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		market but cannot be tied specifically to HMOs. The numbers of HMOs are small when compared to the overall housing stock and are insignificant in the changes to retail activity. This is more closely tied to Internet shopping and changing shopping habits. A proliferation of small shops to serve the single people living in HMOs will not be a bad thing. It gives opportunity to small shop keepers who have had a difficult time with the increase in Supermarket power.	shops change. This can be associated with the effects of HMOs as much as it can be with the gentrification of an area.
13	Tom Dawson	increased pressure upon local services. The increased pressure comes from the additional number of people. However there is likely not to be an increase in schooling, or children's' services as most HMO users are single people without children. There may be an increase in certain services, but if not associated with HMOs these same pressures will appear elsewhere. The controlling of (and by inference reduction in) small HMOs will not result in the individuals requiring fewer services.	Services such as health and refuse collection in particular will be put under pressure from increases in the population. This pressure may be exacerbated by people living in substandard HMO accommodation.
14	Tom Dawson	The management issues. Those issues identified in association with HMOs and shown in your Fig 2 of the Supporting Case for Borough Wide Article 4 Direction might equally be found in privately rented flats and privately rented houses properties. To suggest that this is a reason for the Direction is to take the issue out of context with that in the wider borough.	Management issues are one of a number of factors that help build a convincing case for supporting the Article 4 Direction, The tenants of a HMO can potentially have a greater cumulative impact on a wider area than the occupants of other housing types, particularly where a concentration occurs. The Council is also working with landlords to address the issues in the private rented sector. This is highlighted in the Housing Strategy.
15	Tom Dawson	Litter related problems. It is noted that the litter complaints charted in your Map 7 are not as closely associated with HMOs as they are with town centres and busy streets. There are wide areas where there are no recognised HMOs and yet there is a severe littering problem. You will not control litter by controlling HMOs. The issue lies with the education of those who cause litter and their sense of pride in a location.	. The tenants of a HMO can potentially have a greater cumulative impact on a wider area than the occupants of other housing types, particularly where a concentration occurs. Litter again is one of a number of factors associated with the management of HMOs.
16	Tom Dawson	Complaints to planning. Of the 7500 complaints received relating to planning enforcement and HMOs a very small proportion (possibly 200) are shown on your Map 10 as related to HMOs.	Para 5.7 highlights the steadily rising number of complaints about HMOs and related issues. The types of development, both flat conversions and use of outbuildings are often associated with

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		This seems almost insignificant and does not require an Article 4 Direction to crack this small nut. Beds in Sheds and Studio / Flat conversions are not to be included in the total of complaints regarding HMOs. Further, the number of HMO complaints has dropped from 1/3rd of those complaints tabulated (Table 7) in 2010 to less than 1/4th of the total number of complaints recorded in 2014. Is the problem actually diminishing rather than getting worse?	potential HMO and indicate activity therefore we consider complaints about all three to be related to development of poor quality accommodation. The Article 4 is not a blanket ban on HMOs and planning decisions will be based Local Plan policy which considers various factors including amenity impacts as well the need for HMO.
17	Tom Dawson	Reduction in single family accommodation. There is an increase in demand for small units of accommodation. HMOs are one source of suitable accommodation for residents of Barnet Borough, alongside small flats and studios. This is reflected in the census figures showing a reduction of 3.4% of family accommodation since 2001. A reduction of less than a quarter of one percent per year. The control of HMOs through an Article 4 Direction will not help to fulfil the demand for an increase in the proportion of small units of accommodation for residents of the borough.	The Local Plan highlights that HMOs are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation. This will be a consideration when applying Policy DM09 to future applications for small C4 HMOs. A key ambition of the Local Plan is to ensure a variety of sizes of new homes to meet housing need.
18	Luke Winham	Further bureaucracy is unnecessary and unwelcome	There are landlords within Barnet who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises. It is on this basis that it is necessary to introduce both an Article 4 Direction and Additional Licensing in the borough. It provides the Council with a means to manage the supply and quality of HMOs. The Council is currently working on guidelines and provisions to streamline the licensing application and associated processes to ensure that the scheme is as straightforward as possible.
19	Luke Winham	Not necessary and private rented flats and houses can equally suffer the issues that HMO's suffer.	The Council is also working with landlords to address the issues in the private rented sector. This is highlighted in the Housing Strategy. The Council is currently working on guidelines and provisions to streamline the licensing application and associated processes to ensure that the scheme is as straightforward as possible.
20	Luke Winham	Freedom of choice will be restricted.	The Local Plan seeks to promote housing choice, this commitment was reaffirmed by the Housing Strategy agreed by the Housing

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			<p>Committee on 19 October 2015. Applying Local Plan Policy DM09 to future applications for small C4 HMOs can help it make a balanced planning decision which considers housing need as well as issues of impact on amenity and character.</p> <p>Through additional licensing the Council is encouraging improving standards for HMO.</p>
21	Luke Winham	More paperwork for everyone	<p>There are landlords within Barnet who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises. It is on this basis that it is necessary to introduce both an Article 4 Direction and Additional Licensing in the borough. It provides the Council with a means to manage the supply and quality of HMOs. The Council is currently working on guidelines and provisions to streamline the licensing application and associated processes to ensure that the scheme is as straightforward as possible.</p>
22	Mill Hill Preservation Society	<p>We support your proposals since they will, in principle, necessitate developers wishing to adapt their properties for multiple occupation having to apply for planning permission, however large or small the proposed modification. However, we are not sure how far this can be taken in practice. For example, if a householder shifts or inserts a partition to create another room without applying for planning permission, will you ever be aware of this? What will be the mechanism for advising all the householders in the Borough that they are in an Article 4 Direction? Many householders in existing Article 4 Directions are not aware they are in one. What will be the penalties if a householder ignores the Article 4 Direction?</p>	<p>We welcome this support. There are several definitions of HMO as set out in Appendix 1 of the supporting case for the Article 4 Direction. The planning definition relates to occupation of the property by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom.</p> <p>The method for advising householders that they are in an Article 4 Direction would be to place newspaper adverts in the Barnet Press for a period of time to make residents aware of this situation. The Article 4 will be noted against every residential property in the borough so a purchaser is made aware when a local search is carried out in London Borough Barnet.</p> <p>Small HMO which existed before the Article 4 comes into force on 29 May 2016 will be encouraged to seek a Certificate of Lawfulness whilst new small HMO developed after this date will require planning permission. Unlawful HMOs will be subject to enforcement action.</p>
23	Mill Hill Preservation	Recent relaxations in planning control have enabled householders to erect quite substantial buildings in their gardens, ostensibly as	<p>The Council's Planning Enforcement team will investigate any suspected breaches of planning and will seek to rectify any unlawful</p>

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	Society	summerhouses, studios, offices, etc., but which could be used as habitable accommodation. Will you have the resources to monitor whether this has already happened for existing outbuildings and whether it is likely to happen for proposed outbuildings?	development. Regarding the Additional Licensing scheme it is intended that the costs will be met from licence fee income and that the scheme will therefore be self-financing.
24	Mill Hill Preservation Society	We readily accept that multiple accommodation can present the social problems that your consultation document identifies, particularly overcrowding to an unacceptable level in the 21st century. However, we think more should be done to insist on developers providing a greater allocation of affordable housing when they undertake major redevelopments in areas such as Millbrook Park and Colindale. Mill Hill has given up an immense amount of land to development in recent years. We think that more should have been allocated to affordable housing.	The Council's policy on affordable housing is clearly set out in the Local Plan. The maximum reasonable amount is required on site subject to viability.
25	G. Pearson Estates	The proposal should not be borough wide, the council already know the problem areas and they have identified them in their survey reports. There is no reason whatsoever as to why the council cannot just introduce the scheme for specific areas.	There is potential for new HMO across the Borough. The Article 4 seeks to manage new C4 HMOs so a boroughwide approach is considered most appropriate.
26	G. Pearson Estates	The council have more than adequate grounds for enforcing breach of planning or non-compliance at the current stage but they do not however have the ability or the funds to enforce the current laws and regulations and a proposal to licensing will not make it any easier to enforce.	The Council's Housing Committee which approved the Additional Licensing Scheme 1 February 2016 highlighted the current fragmented approach to enforcement in relation to HMOs. Additional Licensing was sought instead of increased enforcement as a more enabling approach to assist landlords in providing a higher standard of accommodation and benefitting the occupying tenants and wider local community. The Council recognises that there may be additional burdens for the planning enforcement service following confirmation. However, the Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010. The impact of the change arising from the Article 4 Direction will be monitored and subject to volumes a request for additional resources may be made.
27	G. Pearson	As usual there is no indication as to what the supposed cost is	The fees for additional licensing cannot be used for councils to make

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	Estates	going to be. No doubt the landlords will have no choice but to pass the cost on. No it will not be self-financing as the landlords will have to find the fees from somewhere and this appears yet again to be another money making scheme which the council appear to be wanting to impose.	profit, or be used towards anything other than the administration of the licensing scheme. The fee structure is not intended to be punitive. The Additional Licensing scheme costs will be met from licence fee income and the scheme will be self-financing. The Council has assessed the risk of rent increases due to the Additional Licensing scheme as being low and there has been no evidence from other boroughs with discretionary schemes that this has been the case. The Council will not require a fee for any planning application to convert a dwelling house into a small C4 HMO.
28	G. Pearson Estates	You will be well aware that a similar scheme in Enfield was rejected on the grounds that it should not be enforced across the whole borough.	The judgement made on Enfield's application for additional and selective licensing was considered to have not been lawfully consulted on.
29	G. Pearson Estates	This is another tear of bureaucracy - it is wholly unwarranted and unnecessary. The council already have powers of enforcement where complaints are made of overcrowding. The council appear at the current moment unwilling to enforce breaches of planning and building regulation approvals and yet are prepared to spend considerable sums of money in trying to implement a new scheme and yet appear incapable of enforcing the current laws and regulations.	The Additional Licensing scheme was sought as a more enabling approach to assist landlords in providing a higher standard of accommodation and benefitting the occupying tenants and wider local community. The Council is currently working on guidelines and provisions to streamline the licensing application and associated processes to ensure that the scheme is as straightforward as possible. Without the Article 4 Direction the Council is unable to manage small C4 HMOs which can be converted from single dwelling houses without the need for planning permission. The Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010.
30	Sally Jacobs	I would like to place on record that this household strongly objects to houses meant for family homes being altered into bedsits. Having seen it in operation in this road where parking is a little difficult, although they have paved the whole front garden, adding once again to the flooding problem, there are four vans plus three cars to one house. I notice that extra bins have been allocated so how much extra Council Tax does this landlord (tenants) pay in relation to a "normal" household? The other worry is fire hazard.	The Additional Licensing scheme was sought as a more enabling approach to assist landlords in providing a higher standard of accommodation and benefitting the occupying tenants and wider local community. The purpose of the Article 4 Direction is to ensure that all proposals for new HMO are considered within planning.

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		With one staircase and rooms in the loft space as well as the other two floors where is the fire escape? Another factor is the more this is allowed to progress the surrounding properties will decrease in value. I have spoken to many other people in this area and they are of the same opinion, but of course, were not aware of the changes about to be made. Many, many times the word consultation is banded about which usually means the decision has been made! As for it helping to solve the housing crisis it will add to it when occupants of these rooms start a family and will demand to be rehoused. I sincerely believe the Council have not thought this through, but have their mind on extra revenue.	Where HMOs are required to have a licence under the Housing Act 2004, conditions generally require fire safety measures which protect the existing stairwell as the means of escape, except where other circumstances dictate that an alternative or secondary means of escape are necessary. In other situations, similar fire safety precautions for HMOs and other residential buildings can and in some instances must be dealt with, each case being dealt with according to risk. New work may require Building Regulation consent to provide fire safety precautions.
31	Historic England	We do not have any have substantial comments on the proposed Article 4 Direction. We note that the justification for the Direction to control HMOs includes reference to their impact on the character of streets, for instance, through the additional demand for parking. The storage of rubbish is another matter which can affect the quality of neighbourhoods. These are matters over which the Council will have control and will be able to manage appropriately as a result of the Article 4 Direction. In the case of refuse bins, it will be helpful to provide guidance for suitable storage solutions where HMOs are acceptable in principle.	The Council publishes guidance for architects and developers on the requirements for refuse and recycling facilities and is required for all scales of new residential development in the borough.
32	Historic England	It may be worth noting that in other ways the shared use of a house, as an alternative to formal sub-division into self-contained units, can be sympathetic to the character of the interior and avoid the proliferation of flues on the outside elevations. These matters are of particular importance where a building is listed.	Through applying Policy DM09 to future applications for small C4 HMOs the Council can consider impact on amenity and character. The Council will also use CS5 - Protecting and enhancing Barnet's character to create high quality places and DM01- Protecting Barnet's character and amenity to assess the impact of a HMO and to ensure that any HMO respects the character of an area and is not detrimental to the local amenity.
33	Residential Landlords Association	Using planning to tackle social problems is ineffective. The RLA is aware that in certain areas there has been concern as a result of the presence of small HMO accommodation. However, calling for the adoption of planning laws to deal with any problems is not the right approach It remains the case that problems are caused not	Introducing an Article 4 Direction to manage HMOs through the planning system supports the implementation of an Additional Licensing Scheme as part of an effective borough-wide strategy to better regulate HMOs in Barnet.

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		by the material existence of HMOs but by the behaviour of tenants inside, and planning laws will not be able to reverse changes in areas. Rather, if there are problems then these should be dealt with by intensive area management and the better enforcement of existing legislation to combat anti-social behaviour and environmental concerns. This has been tried successfully and, importantly, it provides an immediate solution to local problems, where they exist. You clearly have in depth knowledge of where HMOs are in the Borough as demonstrated in your case for the Article 4 direction, so why not intensively focus resources in these areas as opposed to introduce a Borough wide scheme that restricts development rights? Or at least target one area and see how successful the scheme is before introducing the direction borough wide.	<p>For example one part of Additional Licensing will seek to address anti-social behaviour through the Scheme by requiring landlords to investigate complaints of anti-social behaviour as a condition of their licence and take reasonable steps to resolve the problem. Further guidance is being drafted for landlords and tenants that will explain what such reasonable steps might be.</p> <p>Boroughwide Article 4 Directions for HMOs have been successfully implemented in a range of local planning authorities including Barking and Dagenham, Enfield, Newham and Waltham Forest</p>
34	Residential Landlords Association	On street parking. Regarding the parking issues in Barnet, it is not necessarily the case that just because there are 5 – 6 individuals in a house, that they will have more cars per household than a family. Particularly those who will be struggling to pay the prices of rent in the Capital, a car may be a luxury that not all can afford. Therefore wouldn't it be more sensible to assess this in areas where this problem is most prevalent as opposed to Borough wide planning restrictions?	HMOs can contribute towards increased parking stress within an area. The supporting evidence clarified that known concentrations of HMO did not demonstrate clear parking stress across a Controlled Parking Zone although streets with high levels of parking permits could be identified. Both HMOs and housing are capable of housing a number of occupants who may own motor vehicles. This is an issue that should be considered through the planning process.
35	Residential Landlords Association	Monitoring. There is no suggestion of any kind of effective monitoring for the success or otherwise of the proposed scheme. Should LB of Barnet Council proceed with these new planning restrictions there needs to be put in place a monitoring regime; agreeing with stakeholders the various measures which will indicate whether or not the desired outcomes for communities are achieved.	<p>The Article 4 Direction will be monitored to measure its impact on HMOs.</p> <p>Results will be highlighted in the Authorities Monitoring Report</p>
36	Residential Landlords Association	Outcomes. You do not specify with any detail what the desired outcomes of the proposed planning restrictions are. No targets or objectives are set other than vague references to how a less concentrated area of HMOs will result in more stable communities.	The outcomes for new HMO are clearly set out in Policy DM09.

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		If anything, a proposal of this kind stigmatises the area concerned. There is no suggestion that there are any particular problems of overcrowding so how can one see any result from this? As to requiring the upgrading of properties, this can be dealt with by a programme of inspections and the use of HHSRS powers.	
37	Residential Landlords Association	Maintaining 'sustainable neighbourhoods' One of the arguments for restricting the number of HMOs in Wards / Boroughs is the very general assumption that HMOs cause a loss of community due to the transient nature of some residents, which is a dated and inaccurate opinion. The fact is that populations have shifted and demographics have changed - a fact poorly reflected by the current Use Classes. In many areas where there is a concentration of HMOs, landlords are making intensive use of the existing stock in places where it might be otherwise underutilised and poorly maintained. HMOs also provide a vital service to the economies of many of our towns and cities. This kind of accommodation is key to the mobility of the workforce, especially young workers. HMOs are not just occupied by students, but with rising rents and difficulties with getting a mortgage, are increasingly required by professional working people.	<p>An Article 4 Direction will help manage the growth of small HMOs therefore mitigating their impact on local amenity and improving the quality of such accommodation as well as their surrounding neighbourhood.</p> <p>Residents of HMOs are attracted by access to public transport and local services as well as affordable accommodation. They provide a convenient means of securing accommodation for students, people on housing waiting lists and others seeking temporary accommodation as well of those on low incomes.</p>
38	Residential Landlords Association	The impact on the Under 35s access to shared housing. Local authorities are under a duty to meet demand for housing. A key issue that you rightly address in your supporting case is the increase in demand from the Under 35 age group who need access to shared housing because: they choose to; of the benefit cap and extension of the Shared Accommodation Rate from 25 – 35; they are priced out of buying a home; or, they are still on a social housing waiting list. We suspect that these issues are prominent in the London borough of Barnet as they are symptomatic of such high demand and lack of supply of housing in capital at the moment. A recent APPG (All Party Parliamentary Group) on the PRS, report recommended that Local Authorities should be allowed to use "flipping". Flipping would mean once a	In order to manage small HMOs (C4) the Article 4 Direction has been introduced for planning to consider issues including impact on amenity and character that arise from the development. Allowing HMOs to flip between uses ie convert from C4 to C3 Dwelling House and back again without recourse to planning is the opposite of what the Council is trying to achieve with this Direction.

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		landlord had received permission for a building to be used as a HMO it would be in force indefinitely enabling them to flip the use of the property from HMO to family use and back to HMO again, if they so wish. This would avoid the situation faced in some areas whereby HMOs remain empty because landlords do not want to have to go through the planning application process if they decide to let the property to a family.	
39	Residential Landlords Association	It also suggested that legislation designed to tackle anti-social behaviour is properly enforced, rather than simply reaching for planning powers to start with. We feel that where occupants of shared housing cause repeated trouble and fail to respond to warnings about their behaviour, universities, students unions, landlords and the local police should ensure that robust action is taken against such tenants, with a much swifter process to evict them where need be. (Full report Appendix 1)	<p>Crime and anti-social behaviour are a key concern of local residents. The planning system plays an important part in making places safer and reducing the opportunity for crime and disorder.</p> <p>The Council will seek to address anti-social behaviour through the Additional Licensing Scheme by requiring landlords to investigate complaints of anti-social behaviour as a condition of their licence and take reasonable steps to resolve the problem. Further guidance is being drafted for landlords and tenants that will explain what such reasonable steps might be.</p>
40	Residential Landlords Association	The cost. With the current cutbacks facing local authorities is this something which a local planning authority should be embarking on at all? You make no mention of cost in your supporting documents. This leaves many questions such as will LB of Barnet have the resources to implement a full Borough wide scheme and deal with the consequent planning applications? How will this cost be met? Shouldn't local resources be better utilised, for example to actually deal with problems as they arise with better tenant education on refuse collection and more effective enforcement, for example ? This could include better enforcement of the complaints that you mention in your Case for HMOs without permission. There is the argument that those Landlords who just 'flip' the use of dwellings without consent already, will just continue to do so unless there is effective enforcement and proactive inspections to see that HMOs have sought the necessary permissions.	<p>Boroughwide Article 4 Directions for HMOs have been successfully implemented in a range of local planning authorities including Barking and Dagenham, Enfield, Newham and Waltham Forest.</p> <p>The Council recognises that there may be additional burdens for the planning enforcement service following confirmation. However, the Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010. The impact of the change arising from the Article 4 Direction will be monitored and subject to volumes a request for additional resources may be made</p> <p>The Additional Licensing Scheme approved by Housing Committee in February 2016 sets out how licensing fees will finance implementation, it is intended that the costs will be met from licence fee income and that the scheme will therefore be self-financing. The fees for licensing cannot be used for councils to make profit, or be used towards</p>

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			anything other than the administration of the licensing scheme.
41	Residential Landlords Association	Local plans If an Article 4 Direction is made, local plans will have to say where smaller HMOs are encouraged, if they are to be banned or restricted in certain areas. To meet need, other areas will have to be designated to encourage small HMOs instead. Local Authorities cannot duck this obligation to say where else in their areas the need for shared accommodation is to be met. There is no reference to any alternative sites for HMOs in Barnet. This will also be almost impossible for you to do seeing as you have proposed a direction in the whole of the borough. How quickly planning applications can be turned around will depend on resources and as such could lead to a backlog of people waiting for shared housing provision when demand is currently so high. The resulting lack of supply of shared housing in Barnet as a result of the proposed directions and the problems that this would cause, including an increase in risking homelessness, would be totally disproportionate to the kind of issues referred to in the Consultation.	In reviewing the Local Plan the Council will be informed by evidence on the housing market area in particular the Strategic Housing Market Assessment (SHMA). This evidence will inform the direction of the Local Plan with regard to addressing housing needs.
42	Residential Landlords Association	The RLA reiterates its objection to the proposed scheme. We strongly believe that in the first instance, before even contemplating removing development rights, the Council should look for a more imaginative solution. What is really needed, as mentioned previously, is some improved area management for the problems that you at the moment are merely anticipating. Once you have established where the problem is through effective local data, street by street property inspections can be carried out. HHSRS powers can be used to effect improvements, if voluntary co-operation will not work. Rather than implementing Article 4 Direction, time would be far better spent "out on the street" looking at properties and making sure that any that are needed are brought up to standard. Landlord accreditation can also be used to ensure that HMO management is of a high standard. These and other measures have an immediate impact and address the current position whereas the Article 4 direction may only prevent new	<p>The Council considers that a boroughwide Article 4 Direction combined with an Additional Licensing Scheme is the right approach for Barnet. Such Directions have been successfully implemented in a range of local planning authorities including Barking and Dagenham, Enfield, Newham and Waltham Forest. We will monitor the impact of the Article 4 Direction in terms of planning applications for C4 HMOs and planning enforcement complaints</p> <p>Whilst the Council appreciates the value of landlord accreditation and the higher standards of management that these encourage, we believe it is not a substitute for licensing and notes that these are voluntary schemes which are likely only to attract the better landlords and agents to membership. That said we see that licensing and accreditation in tandem is important and we will continue to support and encourage membership of the London Landlords Accreditation Scheme (LLAS) and other similar schemes.</p>

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		HMOs (and even this is questionable). Again, if these planning restrictions are to go ahead we would recommend that Local Authorities like LB of Barnet should be allowed to use "flipping", if demand changed in the Borough and more HMO accommodation is needed. As we explain earlier in this document this would avoid the situation faced in some areas whereby HMOs remain empty because landlords do not want to have to go through the planning application process again if they decide to let the property to a family.	
43	Residential Landlords Association	Appendix 1 In October 2014, the APPG on the PRS chaired by the RLA and Oliver Colville MP, published its report 'Access to private rented housing for the under 35s' which looks at implications of Article 4 directions on the supply of private rented shared housing for this age group. You can read the full report here - http://rla.org.uk/policyhub/wp-content/uploads/2014/10/PRS-access-for-U35s_Full-Written-Evidence_Oct.14.pdf	As stated above the review of the Local Plan will be informed by the SHMA. This evidence will improve our understanding of the role of the private rented sector in addressing housing needs in Barnet, including housing younger people.
44	New Barnet Community Association	I am writing on behalf of NBCA to support the proposals set out in your consultation documents.	The Council welcomes this support
45	New Barnet Community Association	We are seeing, and suffering from, more use of family dwellings as HMOs including premises previous thought to be too small but such as the rewards no of overcrowding a house even the smallest houses are being misused. There are too few bins so rubbish is either fly tipped, put into neighbour's bins at night or dumped. Gardens and forecourts are neglected and the property becomes run down. Builders are not seen modifying the premises so they are unlikely to comply with legislation thus increasing Fire and Health hazards to the occupiers and neighbours. We have had one doss house burnt out in Victoria Road over the past six months. The sooner some control is exercised over these properties the better.	By ensuring that all new HMOs will require planning permission together with the Additional Licensing Scheme the Council will have more powers to manage HMOs in Barnet. In February 2016 the Housing Committee approved new standards for HMOs as part the Additional Licensing Scheme.
46	National	The National Landlords Association (NLA) exists to protect and	The Council is not in the process of producing a stock condition

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	Landlords Association	<p>promote the interests of private residential landlords. With more than 60,000 individual landlords from around the United Kingdom and over 100 Local Authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities. The ability to introduce additional licensing is a powerful tool. If used correctly by Barnet Council it can resolve specific issues. The NLA has supported many local authorities with the introduction of a proportional licensing scheme, as it will benefit landlords, tenants and communities. In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Licensing a local housing authority "will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour." As the council is in the process of producing a stock condition survey, why has the council produced a consultation before a report has delivered its findings? Your consultation document also does not point out how it would fit in with the strategies.</p>	<p>survey.</p> <p>The strategic matters were outlined in our FAQ 18 „How does the proposed Additional Licensing Scheme fit in with the Council's Housing Strategy? And FAQ 19 „What else is the Council doing in its overall approach to problems in the private rented sector (PRS)?“</p> <p>The proposed Additional Licensing Scheme is an integral part of the Council's Housing Strategy 2015-2025 and an element of one of our key priorities in sustaining quality, particularly in the private rented sector. Alongside an intention to implement an Article 4 Direction which withdraws permitted development rights which allow the conversion of dwelling houses to small HMOs without planning permission, Additional Licensing has been looked at as part of a review into the way in which HMOs are regulated within the borough. This compliments the other key priorities the Strategy contains including: increasing the housing supply; delivering homes that people can afford; preventing and tackling homelessness; providing suitable housing to support vulnerable people; and, delivering efficient and effective services to residents.</p> <p>The Strategy considers how Barnet's future housing needs will be met. Barnet's Housing Needs Assessment (HNA) indicates that the borough has a potential need for an additional 27,000 dwellings over this period. The majority of Barnet's growth will be focused on Brent Cross/Cricklewood, Colindale, and Mill Hill East, where there is capacity to deliver 20,000 new homes by 2029. The development of Brent Cross/Cricklewood will deliver 7,500 new homes over the next 20 years. Colindale will make the largest housing contribution to the borough over the next 10 years, with approximately 10,000 new homes, and the regeneration of Mill Hill East will provide more than 2,000 new homes over the next 15 years. The Council's largest estates in Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley are being regenerated. Dilapidated, poor quality housing</p>

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			<p>is being replaced with modern, high-quality mixed-tenure accommodation. The regeneration of Barnet's biggest estates will see 3,000 existing council dwellings replaced with 7,000 mixed tenure homes.</p> <p>The strategy also sets out the Council's ambition to build new affordable homes on council housing land. This programme is already underway, the first new council houses in Barnet for over 20 years were completed in March 2014 and 40 more are currently on site. The Council is also progressing plans to provide hundreds of new mixed tenure homes on its own non-housing land and other public sector sites, which will be funded through the sale of market housing.</p> <p>The Council has identified 60 sites which have the potential to deliver hundreds of new homes on its own land over the next decade. This will focus on building new affordable homes for rent on existing pockets of council housing land, mixed tenure homes on other sites, and a range of other projects including new extra care housing for older people and starter homes for ownership...</p> <p>This response continues further in section 4 of the 'Councils Response to Consultation Comments' on the Additional Licensing consultation webpage on the Barnet engage consultation portal: https://engage.barnet.gov.uk/ The response was considered and responded to as part of the consultation on the Additional Licensing Scheme which was approved by the Housing Committee in February 2016.</p>
47	National Landlords Association	One of the dangers of the proposed additional licensing scheme could be the costs are passed through to tenants, thus increasing cost for those who rent in an area, along with the cost of the council. Thus increasing costs to Barnet residents especially the most vulnerable.	There is no evidence from other boroughs with discretionary schemes, that this has been the case. It has been suggested in research carried out for the London Borough of Camden by the LSE that many landlords set rents with reference to the local market and not their outgoings. In our Report into the potential internal and cross boundary

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			effects of a proposed Additional Licensing Scheme for houses in multiple occupation in Barnet", we have assessed the risk of rent increases due to the scheme as being low. This is contained in Appendix 5 of the Housing Committee report.
48	National Landlords Association	In many places such as Newham, Oxford and Bath where they introduced in addition to the additional licensing an article 4 direction, it has restricted the number of shared housing that is available. This has resulted in the council looking to house many local people outside the council's boundary. This policy could also have an impact on house prices in the area, those with permitted development rights having a premium. this has been seen in other areas	. The experience of other local planning authorities who have implemented Article 4 Directions and Additional Licencing on HMOs is that there has been no significant effect upon the supply of shared housing following confirmation. The Council is not aware of any evidence that the introduction of such mechanisms have singly led to price increases in a rising market among other inflationary factors. The introduction of an Article 4 Direction does not mean that once having applied for permission, an application to convert a house to a HMO will be refused as a matter of policy. It is also worth noting that no fees will be charged for making a planning application under the Direction. In relation to additional licensing in particular, the various risks have been considered in a „Report into the potential internal and cross boundary effects of a proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in Barnet". This can be found in Appendix 5 to the Housing Committee report. We will be monitoring the impact of the Article 4 Direction and commissioning new housing evidence to support the review of the Local Plan
49	National Landlords Association	Areas that have seen the introduction of additional licensing have seen mortgages withdrawn, (Nat West and RBS). This could have an impact on the housing market. This could increase the cost to tenants and the council in the areas that it is introduced. What analysis has been undertaken of this and potential change to the market?	The Council are not aware of any specific cases of this kind although we would advise landlords to check the terms of their mortgages to see if there are any restrictions. If in doubt, they should contact their lender for further advice.
50		The increase in the activity will increase the demand on the council, what provision has the council made and how much additional resources has the council allocated i.e. staff answering phones, enquires, lack of property, etc.?	The financial details for the scheme can be found in the Housing Committee report.

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51		The council should consider alternative schemes such as the Home Safe scheme in Doncaster and SEAL in Southend. Both schemes offer alternatives which the council has not reviewed. This is a management of the landlords and tenants, thus management of the whole situation which would be a more appropriate outcome. This would also save the council money.	Whilst the Council appreciates the value of schemes such as Home Safe and SEAL and the higher standards of management that these encourage, it does not see them as being a substitute for licensing and notes that these are voluntary landlord/agent accreditation/self-regulation schemes which are likely only to attract the better landlords and agents to membership. In Doncaster the Home Safe Scheme is an aid to compliance and is run alongside an area based selective licensing scheme. The Council encourages membership of the London Landlords Accreditation Scheme. Currently, there are 522 landlords accredited with the LLAS in the borough.
52	National Landlords Association	In addition to young professionals and students, migrants make up an important part of the shared housing market in Barnet. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Thus the impact of these policies will have an impact on the lower economic groups within Barnet. What measures are the council taking to mitigate these issues which includes increases in housing costs.	The Council agrees that HMOs are an important source of housing for certain groups. We consider that there will be minimal impact on housing costs associated with Additional Licensing in Barnet but will monitor the situation. The confirmation of the Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010. It does not stop planning applications for new small or large HMOs. Applications for small HMOs will not require a planning fee.
53	National Landlords Association	The impact of schemes such as additional licensing with article 4 directions have put houses that are shared at a premium, which has added value to them staying shared. The Council's policy will prevent new entries into the market, thus creating a monopoly. Thus properties that have shared usage will have higher value than those that do not. Landlords will not be inclined to return them to family use, as they have higher value in shared usage and will wish to preserve that status.	A licence granted under an Additional Licensing Scheme is unlikely to add any special value to an HMO that would specifically lead to the type of inertia described and the Council cannot see how its introduction will prevent new HMO entries where there is market for them. Our experience with mandatory HMO licensing is that houses fall into and out of the present licensing regime constantly, often changing from one type of residential occupation to another for reasons unconnected with licensing and the introduction of a wider licensing framework is not expected to change this. Please also see our response to representation 46 above.
54	National Landlords Association	The use of additional licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the	Whilst we appreciate that licensing will not necessarily make tenants better behaved, the Council regards it to be important that the landlords act reasonably to deal with any tenant anti-social behaviour within the licensing framework. The proposed condition concerning this requires no more than to investigate complaints of ASB and to

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		tenant.	take reasonable steps to resolve the problem and demonstrate that they have procedures in place to accommodate this as part of their management practice. We are drafting guidance to both landlords and tenants about what such reasonable steps might be with examples and to ensure that all parties will know what is expected of them.
55	National Landlords Association	The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the criminal landlords – who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords need is regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants. This is evidenced by the schemes that have been introduced elsewhere.	<p>The Council believes that Additional Licensing will increase the focus on professionalising landlords helping to drive up standards, whilst at the same time ensuring that the basic health and safety standards set out in licence conditions are effectively communicated and enforced. The rigorous enforcement regime, which is an integral part of the proposed licensing framework, will serve to make rogue landlords more identifiable and therefore more easily targeted. Further and better data is being and will continue to be gathered and we will encourage and share intelligence about HMOs and their landlords with our partners and other stakeholders. If introduced, we will also promote the scheme widely with the public and provide advice about how they can contact us about properties of concern to them. The resultant shift in emphasis will be towards landlords being more aware of and fulfilling their responsibilities through the operation of the scheme. At the same time, bad landlords or those who are not fit and proper persons will be forced to leave the sector. The Council does not intend good landlords to be the focus of its attention. The Council is not aware of any substantial evidence that licensing regimes do not work.</p> <p>Please also see our response to representation 57 below.</p>
56	National Landlords Association	The changes will make it advantageous for landlords to hold on to a shared house rather than let it go back into family use. This policy as has been seen in other parts of the country will see crystallisation of shared housing and a block on new shared housing. This will increase the cost of those renting shared housing, as you will be stopping new entries into the market and those with shared housing will be hesitant to return a shared house	<p>Please see our response to representation 52 above.</p> <p>The confirmation of the Article 4 Direction effectively reinstates the position that existed in the borough prior to 1st October 2010. It does not stop planning applications for new small or large HMOs. Applications for small HMOs will not require a planning fee.</p>

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		to family use as they will not get conversation back.	
57	National Landlords Association	The introduction of additional licensing will require resources to be allocated to the area it to work i.e. tenant information officers, landlord liaison officers, anti-social behaviour staff, community workers and enforcement staff. This will create added cost to Barnet Council which cannot be met through licensing fees. The NLA would be willing to work with the council with the provision of Tenant Information Packs, Assured Short Hold Tenancies, and support services for landlords to improve the efficiency of the homes in the area. But this would need to be complemented by resources by the council to tackle the issues the council has highlighted.	It is intended that the costs of the scheme will be met from licence fee income and that the scheme will therefore be self-financing
58	National Landlords Association	The changes to welfare allowances, how much resource has the council allocated to help vulnerable residents with increased costs due to these policies? Not only with the costs of the licence but also the increase in rent?	Whilst the Council believes that there is only a low risk of increases in rents generally resulting from Additional Licensing if introduced in Barnet, we will monitor the situation during the course of the scheme as part of ongoing evaluation and take this into account in assessing the performance of the scheme and any impact it may have.
59	National Landlords Association	Clarification on the council's policy, in relation to helping landlords when a section 21 notice is served is required, with the proposed additional licensing scheme? It would be useful if the council could put in place a guidance document which would outline the council's position in helping landlords remove tenants who are causing anti-social behaviour. The NLA would like further explanation on how the council will work with landlords to mitigate the tenants that leave a property early but where they still have a tenancy, thus the tenant is liable for council tax but the property is empty? If a landlord has problems with a tenant, how will the council help the landlord?	The Council will always work with landlords to try to resolve any problems they have and give advice provided it is within their remit. The Council is drafting guidance to both landlords and tenants about what „reasonable steps“ might be in relation to dealing with anti-social behaviour as well as other matters. Exemptions to council tax apply in certain limited circumstances and do change from time to time. Further and up-to-date information can be found here
60	National Landlords Association	The ability for a landlord to enforce the law against the tenant that is causing anti-social behaviour is through the civil court where the burden of evidence is different to that of a criminal court. Although	The Council is aware that possession proceedings can take some considerable time although the point made assumes that the tenant will deliver up the accommodation at the end of the tenancy. Where

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		this is lower, the length of this process will often exceed the period of the tenancy. Why will a landlord continue to prosecute a person who is no longer a tenant? A landlord also risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this?	this is not the case, proceedings are inevitable where the landlord wants to recover possession. In addition proceedings can be taken for waste involving wilful damage in addition to lawful treatment of the tenant's deposit in such situations. Where the landlord has begun the process of possession, there will be a trail of relevant associated documents and suitable copies of such documents will be accepted by the Council as evidence or part of the evidence showing that anti-social behaviour matters are being dealt with appropriately.
61	National Landlords Association	The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their powers to manage their properties effectively. A more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This can allow Barnet Council to target the criminal Landlords – a joint approach is required.	Whilst the Council appreciates the value of landlord accreditation and the higher standards of management that these encourage, we believe it is not a substitute for licensing and notes that these are voluntary schemes which are likely only to attract the better landlords and agents to membership. That said we see that licensing and accreditation in tandem is important and we will continue to support and encourage membership of the London Landlords Accreditation Scheme (LLAS) and other similar schemes as well as to continue to assist and support landlords with any questions they have and give advice where we can.
62	National Landlords Association	There does not appear to be any evidence of research into the impacts of this policy on property prices or lack of property being available. In other parts of the country where this policy has been introduced we have seen people being frozen out of the housing market and rental prices increasing, while creating a monopoly.	There is no evidence from other boroughs with discretionary schemes, that this has been the case. It has been suggested in research carried out for the London Borough of Camden by the LSE that many landlords set rents with reference to the local market and not their outgoings. In our Report into the potential internal and cross boundary effects of a proposed Additional Licensing Scheme for houses in multiple occupation in Barnet", we have assessed the risk of rent increases due to the scheme as being low. This is contained in Appendix 5 to the Housing Committee report. We are not aware of any research or reliable evidence of any significant effect upon the supply of shared housing brought about by Additional Licensing, Article 4 directions or indeed a combination of both. Neither are we aware of any evidence that the introduction these devices have been singled out as having led to price increases in a

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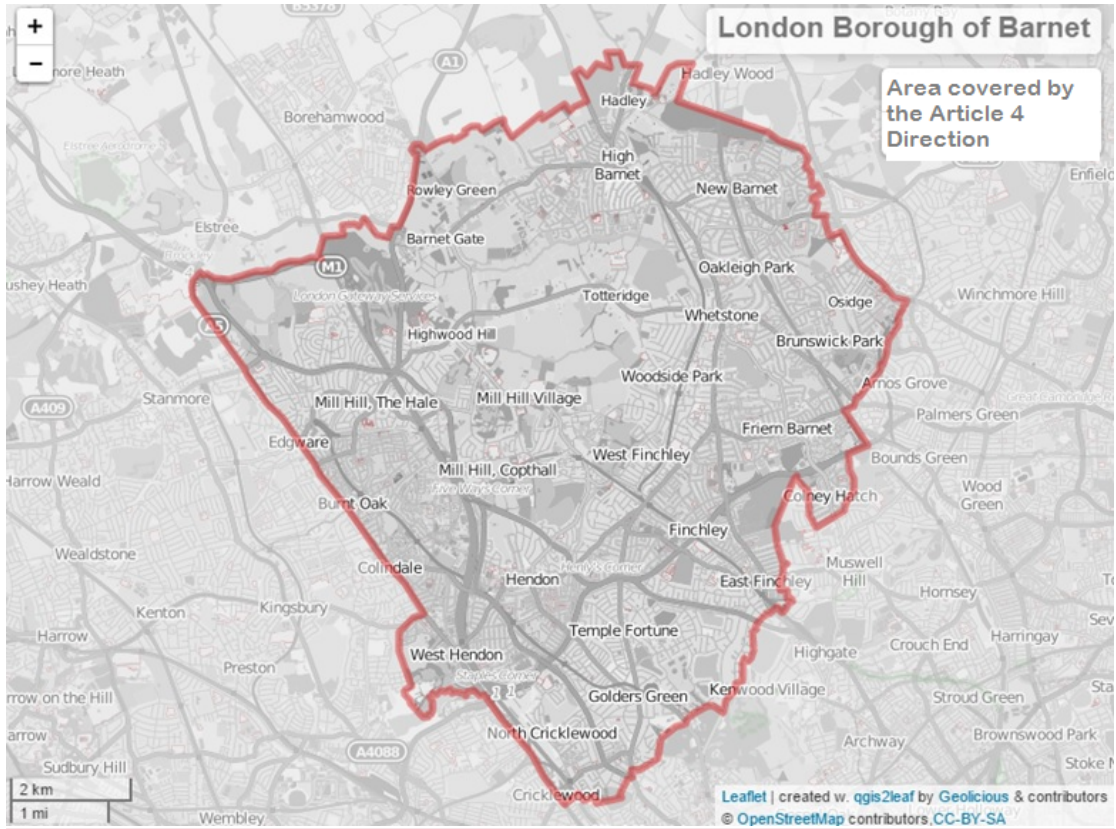
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			<p>rising market among other inflationary factors. The introduction of an Article 4 Direction does not mean that once having applied for permission, an application to convert a house to a house in multiple occupation will be refused as a matter of policy. It is also worth noting that no fees will be charged for making a planning application under the Direction.</p>
63	National Landlords Association	<p>The risk of introducing additional licencing on the number of shared housing is likely to increase the costs for those who rent, as it prevents new entries into the market. Thus a more erudite approach to dealing with nuisance and a separate policy to tackle the criminal landlords would be more applicable in resolving the issues. Enforcement against those landlords that do not meet housing standards is required. This policy will increase the costs of the council.</p>	<p>Being a licence holder is a signal to tenants that a potential home will meet minimum safety standards. One of the scheme's objectives is to provide a reasonable, simple and unambiguous set of basic health and safety standards and to create clear expectations of what is required between all the parties (landlords, tenants and the Council). The implementation of a rigorous enforcement policy is essential to the success of the proposed scheme along with continuous evaluation and development of the inspection programme, licensing processes and measures of the scheme's success. Rogue landlords will be more identifiable and therefore more easily targeted within this licensing framework. The Council does not intend good landlords to be the focus of its attention.</p> <p>There is no evidence from other boroughs with discretionary schemes, that this has been the case. It has been suggested in research carried out for the London Borough of Camden by the LSE that many landlords set rents with reference to the local market and not their outgoings. In our Report into the potential internal and cross boundary effects of a proposed Additional Licensing Scheme for houses in multiple occupation in Barnet", we have assessed the risk of rent increases due to the scheme as being low. This is contained in Appendix 5 to the housing committee report.</p> <p>We are not aware of any research or reliable evidence of any significant effect upon the supply of shared housing brought about by Additional Licensing, Article 4 directions or indeed a combination of both. Neither are we aware of any evidence that the introduction these</p>

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			<p>devices have been singled out as having led to price increases in a rising market among other inflationary factors. The introduction of an Article 4 Direction does not mean that once having applied for permission, an application to convert a house to a house in multiple occupation will be refused as a matter of policy. It is also worth noting that no fees will be charged for making a planning application under the Direction.</p> <p>In relation to additional licensing in particular, the various risks have been considered in a „Report into the potential internal and cross boundary effects of a proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in Barnet“. This can be found in Appendix 5 to the housing committee report.</p>
64	National Landlords Association	The root cause of housing demand is a lack of housing and there needs to be more houses built, demand is outstripping supply in Barnet.	We appreciate the difficulties associated with the housing market in Barnet and indeed the rest of London. These are addressed by the Council's Housing Strategy 2015-2025. Please also see our response to representation 46 above.
65	Catherine Davies	<p>I chose the house in we live in because it is in a conservation area, which was made up of single family dwellings. I thought it would be a great place to bring up my family.</p> <p>I thought that the idea of a conservation area was to protect the character of it. Unfortunately the house next door (33) was sold to a woman who doesn't live there. Instead she has rented it out to individuals (more than 6) and there does not seem to be anything that we can do about it. All of those tenants have moved out now and so she is re letting it again. I have just found out that apparently the owner is allowed to have 6 unrelated tenants as it is classed as a small HMO. I don't understand this as I thought that if a property has 3 floors then there should not be more that 5 unrelated people in there without an HMO licence. The problem with this is that the house only has 4 bedrooms so this means that all rooms are let including the front sitting room. When the previous tenants lived there, there were 2 beds in the sitting room and the</p>	By ensuring that all new HMOs will require planning permission together with the Additional Licensing Scheme the Council will have more powers to manage HMOs in Barnet.

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		blinds were closed most of the time. The tenants left cigarette butts on the pavement in front of their house and ours. There was litter and smashed bottles. Some of the tenants had friends who urinated in the bushes opposite our house. There was so much footfall in the hall which disturbed us as they came in and out at all times of the day and night and would slam the front door. All of these things change the character of our once lovely conservation area. It is breaking up our community because these tenants don't care about our community. We would take parcels for them if they weren't in but they wouldn't even answer their door. They hid behind locked doors and closed blinds. That is not a community is it? We are used to having neighbours here who we get to know and help but by allowing these houses to be let out as HMO's it will destroy this neighbourhood. There are more and more HMO's creeping into the Terraces and I have noticed a decline in the look of the street. This really saddens me and makes me feel that I need to move. If you have read this, I thank you for reading and hope you consider my views.	
66	Francine Harper	I am the neighbour on the other side of Gratton and we have had horrible noise problems from number 33. Late night noise and in the summer our garden was unusable. We managed to speak to the tenants and came to some agreement which helped but now they are gone and we don't know who will move in next. Our lives are being ruined here by these HMO's – please do something about them.	We welcome this support. Confirmation of the Article 4 together with the Additional Licensing Scheme will help the Council to better manage HMOs within Barnet
67	Thor Portess and Bob Parker	I would just like to clarify that no action is required with regard to "Established Use" C4 following your Councils implementation of the above Article 4. May I ask you to confirm for the records that no action is required in respect of a property consisting of 5 bedsits on 2 floors bathroom/toilet separate toilet shared kitchen at 6 Ossulton Place N2 0SB which has been in use C4 since March 2013.	The Council's advice is that in principal the use would be lawful. For formal confirmation of established C4 HMOs it is recommended that an application for a Certificate of Lawfulness is submitted.



LOCATION: Winston House, 2 Dollis Park, London, N3 1HF & 4 Dollis Park, London N3 1HG & 349-363 Regents Park Road, London, N3 1DH

AGENDA ITEM 12

REFERENCE: 16/0849/S73

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WARD: Finchley Church End

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Final Revisions:

APPLICANT: Finchley Developments C &G Limited

PROPOSAL: Minor Material Amendment to condition 1 (approved plans) to planning permission F/00497/11 for "Extension and refurbishment of Winston House, 2 Dollis Park comprising: Change of use of fourth floor from offices (B1) to hotel use (C1) and two storey extension at roof level to provide 119 bedroom hotel; Retention of 11 residential flats on first and second floors; Conversion of residential studio flat (C3) to office (B1); Remodelling and landscaping of car park; Partial remodelling of façade, including raising of parapet level.

Extension and refurbishment of 4 Dollis Park comprising: Change of use of B1(Offices), B8 (Storage & Distribution) and D2 (Gymnasium) to create 27no self-contained residential units. Creation of two new levels of car parking to serve residential/ office/ new hotel use of both Winston House and 4 Dollis Park. Front extension to 349-363 Regents Park Road, and rear extension to 349 Regents Park Road. Change of use of 351-353 Regents Park Road from A2 (Financial & Professional Services) use to A1 (Retail) with internal and external alterations including new shopfronts." dated 30/03/2012. Variations to include increasing the number of bedrooms from 119 to 128. Removal of 6 no. parking spaces. Alterations to existing vehicle car parking entrance. Alterations to elevations including rendering

APPLICATION SUMMARY

Background

Detailed Planning Permission was granted on 30/03/2012 for the following development:

'Extension and refurbishment of Winston House, 2 Dollis Park comprising:

Change of use of fourth floor from offices (B1) to hotel use (C1) and two storey extension at roof level to provide 119 bedroom hotel;

Retention of 11 residential flats on first and second floors;

Conversion of residential studio flat (C3) to office (B1);

Remodelling and landscaping of car park;

Partial remodelling of façade, including raising of parapet level.

Extension and refurbishment of 4 Dollis Park comprising:

Change of use of B1(Offices), B8 (Storage & Distribution) and D2 (Gymnasium) to create 27no self-contained residential units.

Creation of two new levels of car parking to serve residential/ office/ new hotel use of both Winston House and 4 Dollis Park.

Front extension to 349-363 Regents Park Road, and rear extension to 349 Regents Park Road. Change of use of 351-353 Regents Park Road from A2 (Financial & Professional Services) use to A1 (Retail) with internal and external alterations including new shopfronts.'

The S73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the approved planning condition attached to planning approval F/00497/11 dated 30th March 2012, involving the following amendments to the approved scheme.

- The car parking layout is remodelled and reduced in total numbers from 152 to 146 spaces, there are also changes to the allocation of the parking spaces between the hotel and the proposed office use;
- The entrance to the car park at No.4 Dollis Park is moved to an alternative location to create a safer and a more reasonable layout of car parking. This involves the removal of an existing street tree;
- The hotel is enlarged from 119 bedrooms to 128 bedrooms, but within the envelope of the existing approved building;
- The façade of No.4 Dollis Park, being the conversion of the B1, B8 and D2 to residential C3 will be treated in a different way to include more render to enable the brickwork panels to be properly repaired and ensure that the finished result is fully commensurate to the high quality of residential development existing in Dollis Park.

Conclusion

The proposed changes to the resultant buildings are considered to be acceptable in relation to the resultant design and appearance of the buildings involving no change in the external envelope of the building. The proposed alterations to the parking provision is considered acceptable bearing in mind the location close to Finchley Central station and bus services in an area with a PTAL rating of 5. The proposed amendments would not significantly impact upon the amenities of neighbouring residential properties. The proposed amendments are therefore considered acceptable and the proposal is recommended for **APPROVAL**.

RECOMMENDATION

Approve subject to:

Recommendation 1

The applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 30 March 2012 in accordance with the terms set out in the Application Summary section of this report.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1, , the Service Director Development Management & Building Control approve the planning application reference 16/0849/S73 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the , the Service Director Development Management & Building Control:

Conditions

1. Approved Plans

This development hereby permitted shall be carried out in accordance with the following approved plans and documents:

PP_01RevC; PP_03RevC; PP_04RevC; PP_05RevF; PP_06RevE;
PP_07RevE; PP_08RevE; PP_09RevE; PP_10RevC; PP_11RevC;
PP_12RevC; PP_13RevC; PP_14RevE; PP_15RevE; PP_16RevE;
PP_17RevC; PP_20RevD; PP_21RevC; PP_22RevE; PP_23RevE;
PP_24RevE; PP_25RevD; PP_26RevD; PP_31RevD; PP_40RevD;
PP_41RevD; PP_42RevD; PP_43RevD; PP_44RevD; PP_45RevD;
PP_46RevD;

0764 (--) L0 Rev I Proposed Ground Floor Plan; 0764 (--) L4 Rev J Proposed Level 4 Plan; 0764 (--) L5 Rev N Proposed Level 5 Plan; 0764 (--) L6 Rev M Proposed Level 6 Plan; 0764 / 0821 SK076 Rev C Car Parking Plan Level B1; 0764 / 0821 SH077 Rev C Car Parking Plan Level L0; 0821 SK027 Rev A Proposed Plan Level 0 Option 2; 0821 (PL) E01 Rev C Proposed Front & Rear Elevations; 0821 9PL) E02 Rev A Proposed Side Elevations.

- Transport Assessment prepared by Rowland Bilsland Traffic Planning (ref JR/AR/9053) dated 14 January 2011
- Transport Assessment – Supplementary Note (ref JR/AR/9053) dated 4 August 2011;
- Environmental Performance Statement prepared by Tetlow King Limited (rev G) dated 12 December 2011
- Potential Daylight and Sunlight Effects of Proposed Development, Dollis Park prepared by BRE dated 10 October 2011;
- Bat Site Assessment prepared by Leo Batten;
- Flood Risk Assessment prepared by Rogers Cory Partnership;

- Marketing Report prepared by Lambert Smith Hampton dated April 2011;
- Economic Review and Assessment Against Planning Policy prepared by Lambert Smith Hampton dated 20 December 2011;
- Design Report, Access Statement & Scheme Drawings dated January 2011.
- Design & Access Statement dated 5th January 2016;
- Planning Statement dated 9th February 2016
- Supplementary Transport Statement dated 28th January 2016

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. Time Limit

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. A1 and A2 Retail Hours of Opening

The Class A1 and A2 retail units hereby permitted on the ground floor of the building as shown on plan PP_23RevE shall not be open to customers before 7am or after 11.00pm from Monday to Sunday.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

4. Public House Hours of Opening

The Class A4 public house unit hereby permitted on the ground floor of the building as shown on plan PP_23RevE shall not be open to customers before 12.00 noon or after 12:00 midnight from Monday to Friday or before 11:00am or after 12.00 midnight on Saturdays and Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5. Offices Hours of Opening

The Class B1 office floorspace hereby permitted within the building as shown on plans PP_24RevE, PP_25RevD and PP_26RevD shall not be open before 7.00am or after 10.00pm from Monday to Saturday or before 10.00am or after 4.00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

6. Hotel - Restriction to Hotel Use

The hotel floorspace as shown on approved plans 0764 (--) L4 Rev J, 0764 (--) L5 Rev N and 0764 (--) L6 Rev M shall only be occupied for the purposes of a hotel within Use Class C1 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason:

To ensure that use of the premises does not prejudice the amenity of the area and to prevent the units from being occupied as sub-standard residential accommodation and to ensure the Local Planning Authority can control the planning of the area.

7. Exclusion of Conference or Banqueting facilities

Notwithstanding the plans hereby approved, the hotel use as shown on plans 0764 (--) L4 Rev J, 0764 (--) L5 Rev N and 0764 (--) L6 Rev M shall not incorporate or be used for any conference, functions or banqueting purposes.

Reason:

The application has been assessed on the basis of a hotel for guest stay only and not for any other purposes.

8. Removal of Permitted Development Rights in relation to structures on the roof
Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) 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 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

9. Levels

Prior to the commencement of the development hereby approved details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers and the health of any trees on the site in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the

Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

10. Materials – Winston House

Prior to the commencement of the works to Winston House, 2 Dollis Park and 349-363 Regents Park Road hereby approved details and samples of the materials to be used for the external surfaces of the buildings 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.

Reason:

To ensure the delivery of high quality development and to safeguard the visual amenities of the locality in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

11. Materials – 4 Dollis Park

Prior to the commencement of the works to 4 Dollis Park hereby approved details and samples of the materials to be used for the external surfaces of the buildings 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.

Reason:

To ensure the delivery of high quality development and to safeguard the visual amenities of the locality in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

12. Contaminated Land (Part 1)

Before development commences other than for investigative work:

- a. A desktop study 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 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.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

13. Contaminated Land (Part 2)

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 April 2013) and 5.21 of the London Plan 2011.

14. Details of Mechanical Plant for Hotel

Prior to the commencement of works associated with the hotel hereby permitted, details of all mechanical plant including extraction and ventilation equipment associated with the commercial kitchen, shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties 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

15. Noise Report for Hotel Mechanical Plant

Prior to the occupation of the Class C1 hotel hereby approved, a noise report that assesses the likely noise impacts from all mechanical plant associated with the approved hotel shall be submitted to and approved in writing by the Local Planning Authority. The report shall clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should 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 (any of the units are occupied / the use commences).

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

16. Details of Mechanical Plant for Supermarket

Prior to the commencement of works associated with the Class A1 foodstore retail unit hereby permitted, details of all mechanical plant, including the proposed location for installation, shall be submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties 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

17. Noise Report for Supermarket Plant

Prior to the occupation of the Class A1 foodstore retail unit hereby approved, a noise report that assesses the likely noise impacts from all mechanical plant associated with the approved Class A1 foodstore retail unit shall be submitted to and approved in writing by the Local Planning Authority. The report shall clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should 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 (any of the units are occupied / the use commences).

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

18. Details of Mechanical Plant for office

Prior to the commencement of works associated with the Class B1 offices hereby permitted, details of all mechanical plant, including the proposed location for installation of any air conditioning units, shall be submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties 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

19. Noise Report for Office Mechanical Plant

Prior to the occupation of the Class B1 unit hereby approved, a noise report that assesses the likely noise impacts from all mechanical plant associated with the approved Class A1 foodstore retail unit shall be submitted to and approved in writing by the Local Planning Authority. The report shall clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should 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 (any of the units are occupied / the use commences).

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

20. Noise Levels from All Site Plant

The level of noise emitted from all mechanical plant within the development 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 any neighbouring property which existed at the time of this decision notice.

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 any existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the development does not harm the amenities of the occupiers of neighbouring properties in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

21. Sound Insulation for Residential Units

The residential units within the development hereby approved shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally and externally generated noise and vibration. This sound insulation shall ensure that the levels of noise as measured within habitable rooms of the residential properties within the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

Prior to commencement of the works to 4 Dollis Park, a report shall be submitted which sets out the mitigation measures that will be implemented to achieve these noise levels. The report shall include a calculation of the composite sound reduction of the building elements to show that the above noise levels and BS8233 1999 criteria can be achieved.

Reason: To ensure that the adequate amenity is provided for the future occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

22. Landscaping - Details

Prior to the commencement of the development hereby approved a scheme of hard and soft landscaping, including details of existing trees to be retained shall be submitted to and agreed in writing by the Local Planning Authority. The details of landscaping shall include but not be limited to the following:

- the position of all existing trees to be retained;
- new tree and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser;
- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving, proposed materials, samples, and details of special techniques to minimise damage to retained trees and provide conditions appropriate for new plantings;
- trees to be removed;
- timing of planting;
- any proposed boundary treatments to all boundaries of the site.

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 April 2013) and 7.21 of the London Plan 2011.

23. Landscaping - Implementation

All work comprised in each phase of 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 within that phase or completion of the phase, whichever is sooner.

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 April 2013) and 7.21 of the London Plan 2011.

24. Landscaping - Maintenance

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 April 2013) and 7.21 of the London Plan 2011.

25. Obscure glazed windows

Prior to the commencement of the works to 4 Dollis Park hereby approved, the windows in the north west elevation facing the gardens of the adjacent properties in Dollis Park and south west elevation facing the gardens of the properties in Victoria Avenue as identified on approved plans PP_25Rev.D and PP_47Rev.D shall be fully or partly glazed with obscure glass in accordance with detail to be submitted to and agreed in writing by the Local Planning Authority and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight openings.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

26. Privacy Screens

Prior to the commencement of the works to 4 Dollis Park hereby approved, details of privacy screens, fences and balustrades to the terraces and balconies of the residential flats as shown on approved plans PP_24RevE, PP_25RevD, PP_26Rev.D, PP_27Rev.D, PP_43RevD, PP_44RevD and PP47RevD and any other privacy screens considered necessary shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with these details.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

27. Bat Investigation

Prior to the commencement of the development hereby approved a detailed Bat Emergence Survey shall be undertaken for 4 Dollis Park within the relevant season. A report shall be submitted to and approved in writing by the Local Planning Authority setting out the results of the survey and any bat mitigation measures necessary to addresses the findings of the survey. The development shall not be implemented until any mitigation measures have been carried out.

Reason:

To ensure that the impact of the development is satisfactorily mitigated.

28. Lifetime Homes – This Condition has been deleted as this matter is now covered by Building Regulations

29. Ecohomes– This Condition has been deleted as this matter is now covered by Building Regulations

30. BREEAM rating for Non-residential

The non-residential development hereby permitted comprising hotel, office and retail floorspace shall be constructed to a minimum BREEAM standard of 'Very Good'. A formal design stage assessment shall be undertaken by a licensed BREEAM Assessor and submitted to the Local Planning Authority prior to occupation of any of the non-residential floorspace hereby approved.

Reason:

To ensure that the development is sustainable in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

31. Drainage Strategy

The development hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewage

undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with policy 5.13 of the London Plan 2011.

32. Car Parking Spaces

Before the development hereby permitted is occupied the car parking spaces shown on Drawing Nos. SK076 Rev. D and SK077 Rev. D shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

33. Car Parking Management Plan

Before the development hereby permitted commences a Car Parking Management Plan detailing the allocation of car parking spaces, on site parking controls and charges, and enforcement of unauthorised parking has been submitted to and approved by the local planning authority. The plan shall be implemented before the building hereby permitted is 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 Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

34. Hotel Car Parking Spaces

The car parking spaces hereby approved for the hotel shall be provided free of charge at all times and only for customers of the hotel.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles within the site in the interests of highway safety, the free flow of traffic and the amenities of residents in the area.

35. Refuse Storage and Collection

Prior to the commencement of the development hereby approved details of the following for each of the uses approved shall be submitted to and approved in writing by the Local Planning Authority:

- i. enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable;
- ii. a satisfactory point of collection; and
- iii. details of any collection arrangements.

The refuse facilities shall be provided in accordance with the approved details before each phase of the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

36. Servicing and Deliveries Management Plan

A Servicing and Deliveries Management Plan setting out the times of deliveries, number and type of vehicles for each of the hotel (C1), office B1, retail (A1), financial services (A2) and public house (A4) uses hereby approved, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved plan.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and [in the interests of highway safety](#) and freeflow of traffic [in accordance with](#) Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

37. Hours of Construction

No construction work in relation to the development hereby approved 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 the Development Management Policies DPD (adopted September 2012).

38. Construction Management Plan Obligation

Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be

implemented in accordance with the approved details. This Construction Management Plan shall include, but not be limited to, the following information:

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and [in the interests of highway safety](#) in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan 2015.

39. No Stopping on Regents Park Road

No vehicles in connection with any construction works or other works required to implement the development hereby approved shall stop/park/unload on Regent's Park Road at any time.

Reason:

Regent's Park Road is part of the Strategic Road Network. To ensure the safe and effective operation of London Bus Services in accordance with Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

40. Electric Charging Points

a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

INFORMATIVES:

1. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
2. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents;
 - 2) Planning Policy Statement 23 (PPS 23) - England (2004);
 - 3) BS10175:2001 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.

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

3. You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas;

4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

4. The gradient for the proposed ramps leading to the underground and other parking areas should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.
5. The applicant is advised that to prevent the proposed development having an adverse impact on the existing controlled Parking Zone due to the increased demand arising from the new occupants for parking permits, the Council will prohibit the occupiers of the new development from purchasing parking permits.
6. The applicant is advised that an application under Section 184 of the Highways Act (1980) must be submitted for a new heavy duty vehicular access. The access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP
7. Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for 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, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
8. The applicant is advised that construction of a vehicular access/crossover may involve alterations to the existing on-street parking bays. Alterations to on-street parking bays or waiting restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any related costs for the alterations will be borne by the applicant.
9. Transport for London has recommended that during the construction/renovation of the existing building, no construction vehicles shall stop/ park/ load/ unload on the SRN (Regents Park Road), in particular at the area in the vicinity of the bus stop adjacent to the site. This is to ensure the safe and effective operation of London Bus services would not be adversely affected.

10. Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
11. The applicant is advised Regent's Park Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am and 4.30pm-6.30pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment, Planning and Regeneration Directorate should be consulted in this respect.
12. The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
13. For the avoidance of doubt any new signage for the hotel and retail units hereby approved will require a separate application for advertising consent and will be considered carefully in the context of the design and style of the building and the character of the area.
14. Transport for London has recommended that at least 20% of the parking spaces be provided with electric vehicle charging facilities.
15. Any over sailing structure on to public highway such as a canopies or signs etc. would require projection licence.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises The London Plan (published July 2011), Barnet's Local Plan (Core Strategy) 2012 and Development Management Policies DPD 2012.

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

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

National Planning Policy

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan: March 2015}

The London Plan (Consolidated with alterations since 2011) was adopted in March 2015 and provides the strategic planning guidance and policies for the capital. It promotes sustainable growth and environmentally responsive development.

The following policies are considered relevant:

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing Choice
- Policy 3.12 Negotiating Affordable Housing
- Policy 4.2 Offices
- Policy 4.3 Mixed Use Development and Offices
- Policy 4.5 London's Visitor Infrastructure
- Policy 4.7 Retail and town centre development
- Policy 5.1 Climate Change Mitigation

Policy 5.2 Minimising CO² Emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable Energy
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 7.15 Reducing and Managing Noise

Barnet Core Strategy

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The following policies are considered relevant:

CS 1 Barnet's Place Shaping Strategy - The Three Strands Approach
CS4 Providing Quality Homes and Housing Choice
CS5 Protecting and Enhancing Barnet's Character
CS6 Protecting Barnet's Town Centres
CS8 Promoting a Strong and Prosperous Barnet
CS13 Efficient Use of Natural Resources

Development Management Policies (Adoption version) 2012

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

Relevant Development Management DPD Policies:

DM02 Development standards
DM03 Accessibility and Inclusive Design
DM04 Environmental considerations for development
DM08 Ensuring a variety of sizes of new homes to meet Housing Need
DM10 Affordable Housing Contributions
DM12 Maintaining our Local Centres and Parades
DM16 Biodiversity
DM17 Travel Impact and Parking Standards

The Three Strands Approach:

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the borough. It updated this document and brochure in 2008, to reflect ongoing policy development and regeneration. The approach, which is based around the three strands of protection, enhancement and growth, will protect Barnet's Green Belt and designated open spaces; enhance its high quality suburbs and deliver new housing and successful sustainable communities, whilst protecting employment opportunities. The third strand 'Growth' responds to Barnet's significant growth potential and identifies how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough.

Finchley Church End Town Centre Strategy

The Council adopted its 'Suburban Town Centres Strategy' in April 2008 which sets out the Council's role in creating the right environment for private sector investment in the borough's town centres. This strategy identifies Finchley Church End as one of four priority town centres for which detailed planning strategies need to be developed.

The Finchley Church End Town Centre Strategy was adopted in November 2011 which aims to protect and enhance Finchley Church End's position in Barnet's network of town centres and ensure that it continues to provide for the needs of surrounding community.

1.2 Relevant Planning History

Application Ref.	Address	Description of Development	Decision and Date
C00447AH/02	WINSTON HOUSE Regents Park Road London N3 1HZ	Alterations to Dollis Park elevation including alterations to paving and main entrance.	Approved 30/01/2003
C00447AN/03	4 Dollis Park London N3 1HG	Change of use of building from garage (Class B1) to alternative health studio (sui generis) and replacement of garage door with new glazed entrance.	Approved 19/11/2003
C00447AK/02	Taylor's Cafe Bar, 363 Regents Park Road London N3 1DH	Conversion of existing office and residential accommodation on first and second floors to provide four-one bedroom self contained flats and two - two bedroom self contained flats	Approved 11/09/2002
C00447Y	351 Regents Park Road LONDON N3	Internal sub-division of existing A2 unit on ground floor to form two A2 units	Permitted Development 03/12/1991

		(Section 64 Determination)	
F/01046/10	353 Regents Park Road, London, N3 1DH	Change of Use of existing ground floor from Class A1 (shops) to A2 (financial and professional services)	Refused 13/05/2010
F/00497/11	Winston House, 2 Dollis Park, London, N3 1HF & 4 Dollis Park, London N3 1HG & 349-363 Regents Park Road, London, N3 1DH	<p>Extension and refurbishment of Winston House, 2 Dollis Park comprising:</p> <p>Change of use of fourth floor from offices (B1) to hotel use (C1) and two storey extension at roof level to provide 119 bedroom hotel;</p> <p>Retention of 11 residential flats on first and second floors;</p> <p>Conversion of residential studio flat (C3) to office (B1);</p> <p>Remodelling and landscaping of car park;</p> <p>Partial remodelling of façade, including raising of parapet level.</p> <p>Extension and refurbishment of 4 Dollis Park comprising:</p> <p>Change of use of B1(Offices), B8 (Storage & Distribution) and D2 (Gymnasium) to create 27no self-contained residential units.</p> <p>Creation of two new levels of car parking to serve residential/ office/ new hotel use of both Winston House and 4 Dollis Park.</p> <p>Front extension to 349-363 Regents Park Road, and rear extension to 349 Regents Park Road. Change of use of 351-353 Regents Park Road from A2 (Financial & Professional Services) use to A1 (Retail) with internal and external alterations including new shopfronts.</p>	Granted 30/03/2012

1.3 Public Consultation and Views Expressed

A total of 511 local properties and businesses were consulted by letters on the 23rd February 2016. A site notice was displayed on the 3rd March 2016 and a Press Notice was Published on the 25th February 2016. Statutory bodies were also consulted.

Neighbours Consulted: 530
Neighbours Wishing To 1
Speak

Replies: 8
8 in objection

Comments from Residents

The comments in objection to the application can be summarised as follows:-

- Object to increasing number of hotel bedrooms and decreasing amount of parking, this will lead to parking problems in the area.
- Proposal as a whole will increase traffic.
- Proposal might result in pressure to increase the length of parking restrictions in the adjoining roads which is unwanted by residents.
- Query regarding the referenced 27 non self-contained residential units
- The tree which will need to be removed needs to be either relocated or replaced with additional trees to maintain the street character and respect to nature.

Officer Response:

- The increase in the number of hotel rooms is not significant in the context of the scheme. While there is a small decrease in the total number of car parking spaces for the scheme as a whole, the new car parking layout results in all spaces being easily accessible and makes better use of spaces allowing spaces to be shared between the office and hotel uses increasing the quantity of spaces available to the hotel at evenings and weekends when demand is likely to be highest. It is also noted that the PTAL rating of the site is high (Level 5) and the level of car parking proposed is higher than other recent office approvals in areas with a lower PTAL level.
- In relation to the tree which is proposed to be removed, this is a street tree owned and managed by the London Borough of Barnet, part of the requirements for the removal of which is a requirement for the tree to be replaced.
- No changes to the residential element of the proposal are proposed other than in relation to the proposed materials.

Dollis Park & District Residents Association (DPDRA)

A Letter has been received from the DPDRA raising the following objection:

'The Dollis Park and District Residents' Association objects to this Amendment application. We believe the combination of increased number of hotel beds and reduced parking provision will inevitably lead to increased parking on local roads which are unable to absorb such an increase.'

Officer Response:

- The increase in the number of hotel rooms is not significant in the context of the scheme. While there is a small decrease in the total number of car parking spaces for the scheme as a whole, the new car parking layout results in all spaces being easily accessible and makes better use of spaces allowing spaces to be shared between the office and hotel uses increasing the quantity of spaces available to the hotel at evenings and weekends when demand is likely to be highest. It is also noted that the PTAL rating of the site is high (Level 5) and the level of car parking proposed is higher than other recent office approvals in areas with a lower PTAL level.

1.7 Consultation Responses from Statutory Consultees and Other Bodies

Environment Agency – no objection

Highways Agency - no objection

The Highways Agency has confirmed that they have no objection to the application.

Transport for London – no objection subject to the following comments:

TfL has no objections however requests that the following points are considered;

- 1) TfL notes that the Electric Vehicle Charging Point (EVCP) parking for the residential development is in line with London Plan policy.
- 2) TfL requests that of the parking allocated for office use, 20 per cent of all spaces must be for electric vehicles with an additional 10 per cent passive provision for electric vehicles in the future in line with London Plan Policy 6.2.
- 3) TfL also requests that of the retail parking, 10 per cent of all spaces must be for electric vehicles with an additional 10 per cent passive provision for electric vehicles in the future in line with London Plan Policy 6.2.
- 4) TfL is aware that planning permission has been granted for the site. TfL requests that the bus stop immediately in front of the site remains unaffected during the development of the site.
- 5) The footway and carriageway on the A598, Ballards Road must not be blocked during the development of the site. Temporary obstructions must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A598, Ballards Road. All vehicles associated with the development of the site must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

Thames Water - no objection

1.8 Internal Consultation responses

Highways Group

The Highways Officer has confirmed that in principle the proposal is acceptable on highway grounds subject to the attachment of appropriate conditions. Detailed comments are incorporated into the officer comments below.

2. DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT

2.1 Description of site and surrounding area

The application site comprises Winston House (2 Dollis Park) and number 4 Dollis Park located within the Finchley Church End area and is bounded by Dollis Park to the North and by the main thoroughfare of Regents Park Road to the East. The site has an area of 0.6 ha.

Winston House is a 5 storey, post-war, modern, purpose-built office block in an L shape configuration with a main façade fronting Regents Park Road which turns the corner into the side street of Dollis Park. The part of the building fronting Regents Park Road comprises commercial units on the ground floor (349–363 Regents Park Road) including the Dignity Public House, Lloyds TSB Bank, Bairstow Eves Estate Agents, London Tokyo Property and some vacant units.

4 Dollis Park is an inter-war, red brick building of mainly 4 storeys and part 3 storeys. The building comprises four floors (ground and three-storeys) adjacent to Winston House, stepping down to three floors (ground and two-storeys) and stepping down once again to a two-storey, pitched roof building adjacent to No.6 Dollis Park.

The courtyard to the rear of Winston House forms the boundary with the car park of St. Mary's County Court and St. Margaret's Church to the south west. There is a change in level of several metres between the car park of Winston House and the car park of the County Court with a retaining wall separating the two. Levels also drop as you travel down Dollis Park.

The application site is located within Finchley Church End Town Centre which is classified as a District Town Centre within the UDP. The retail units on the ground floor of Winston House fall within the Main Retail Frontage of the town centre as designated on the UDP Policies Map.

The site is also on the boundary of Church End (Finchley) Conservation Area which lies to the south west. King Edward Hall, located 50m to the south west on the junction of Regents Park Road and Hendon Lane, is a Grade II Listed building.

Buildings in the area are generally divided between commercial / retail and residential uses. The architectural character of the immediate area is informed by parades of shops along Regents Park. These are typically Victorian in style with the ends of the parades articulated with a cupola such as the nearby King Edward's Hall building.

The surrounding residential streets are typically characterised 1930s semi detached houses. There are a number of high rise modern office blocks in the vicinity including Gateway House and Central House.

The site is well served by transport links with Finchley Central tube station located within 100m to the west (approximately 3 minutes walk) and numerous bus stops are located outside

the site on Regents Park Road. The site is has a Public Transport Accessibility Level rating of 5.

2.2 Description of Proposed Development

Detailed Planning Permission for the refurbishment and extension of Winston House, No.2 Dollis Park and the residential conversion and extension of No.4 Dollis Park, Finchley, together with extensions and alterations to Nos.349-363 Regents Park Road to provide a mixed use development including a hotel, offices, retail and residential accommodation was granted planning permission under planning application reference F/00497/11 on 30th March 2012.

The S73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the approved planning condition attached to reserved matters approval F/00497/11 dated 30th March 2012, involving the following amendments to the approved scheme.

- The car parking layout is remodelled and reduced in total numbers from 152 to 146 spaces, there are also changes to the allocation of the parking spaces between the hotel and the proposed office use;
- The entrance to the car park at No.4 Dollis Park is moved to an alternative location to create a safer and a more reasonable layout of car parking. This involves the removal of an existing street tree;
- The hotel is enlarged from 119 bedrooms to 128 bedrooms, but within the envelope of the existing approved building;
- The façade of No.4 Dollis Park, being the conversion of the B1, B8 and D2 to residential C3 will be treated in a different way to include more render to enable the brickwork panels to be properly repaired and ensure that the finished result is fully commensurate to the high quality of residential development existing in Dollis Park.

The following documents have been submitted with the application:

- Design & Access Statement dated 5th January 2016;
- Planning Statement dated 9th February 2016
- Supplementary Transport Statement dated 28th January 2016
- 0764 (--) L0 Rev I Proposed Ground Floor Plan
- 0764 (--) L4 Rev J Proposed Level 4 Plan
- 0764 (--) L5 Rev N Proposed Level 5 Plan
- 0764 (--) L6 Rev M Proposed Level 6 Plan
- 0764 / 0821 SK076 Rev C Car Parking Plan Level B1
- 0764 / 0821 SH077 Rev C Car Parking Plan Level L0
- 0821 SK027 Rev A Proposed Plan Level 0 Option 2
- 0821 (PL) E01 Rev C Proposed Front & Rear Elevations

- 0821 (PL) E02 Rev A Proposed Side Elevations

3 PLANNING APPRAISAL

The National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*

The merits of the proposed amendments are discussed in greater detail below, however the principle of the development of this portion of the site providing for a mixed use development providing a hotel, retail space, residential accommodation, a Gymnasium and B1, B8 employment space has already been established under previous consents. The current application would not increase the footprint of the buildings or alter the non-hotel aspects of the proposals.

The main issues arising out of the current application concern the acceptability of the changes to the hotel, highway considerations pursuant to the increase in the hotel room numbers and the changes to the car park and design considerations relating to the alterations to the residential element, which are discussed below, providing the impact of the proposed changes are considered acceptable in these regards it is considered that the proposal can be satisfactorily determined in the form which this application has been submitted.

3.1 Hotel Changes

The application does not change the footprint of the proposed building, however internal changes have resulted in the number of bedrooms increasing from 119-128 bedrooms. This is due to the detailed design work which has taken place subsequent to the original building to and from input from the proposed end user (Travelodge). As a result a number of internal changes have occurred including the introduction of standard room sizes, a reduction in non-occupational uses such as store rooms and a reduction in the number of cores and fire escapes which are no longer required following discussions with Building Control and the Fire Service.

In Policy terms the application site is located within the Finchley Central town centre.

The NPPF advises that within Town Centres Local Authorities should *‘allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites’*. The NPPF also identifies hotels as an appropriate Town Centre Use. London Plan Policy 4.5 ‘London’s Visitor Infrastructure’ further advises that such uses *‘should be focussed in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good public transport.’* In terms of Local Plan Policy CS11, Paragraph 11.14 of which identifies that there is a net additional room requirement for 500 rooms by 2026 and

Policy DM12 which advises that appropriate town centre uses include ‘*retail, leisure, entertainment facilities, more intensive sport and recreation uses, offices and arts, culture and tourism development*’.

In this context the proposed changes to the hotel increasing the number of bedrooms by nine from 119 to 128 bedrooms, is considered acceptable in land use terms subject to the proposal not adversely affecting local amenity or highway infrastructure.

3.2 Traffic impact and Car Parking Alterations

As discussed above the current proposal increases the number of hotel bedrooms from 119 to 128, removal of 6 no parking spaces and alterations to the existing vehicle car parking entrance.

The application proposes no change to the number of apartments originally approved. The car parking provision for the residential use has been increased by 1 space, from 39 parking spaces to 40 parking spaces. The hotel would have 40 allocated spaces and an additional 35 car parking spaces shared with the offices. The car parking provision for the office component for the development is shown as 20 spaces. The original allocation for the office use was 30 spaces. The proposed allocation is for 20 spaces with an additional 35 spaces shared with the hotel. These 35 spaces would be available for the offices during the working day on weekdays and would be available for guests and staff of the hotel on weekday evenings and at the weekends.

It is proposed that the allocation of 13 car parking spaces for the retail use is unchanged.

The total revised parking provision of 146 parking spaces is as per the table below.

	TOTAL	Level LB1 (SK076)		Level L0 (SK077)	
		Standard	Disabled	Standard	Disabled
Hotel	40	9		27	4
Office	18	0		14	4
Shared (Office/Hotel)	35	12		23	
Residential + Visitor	40	36	4		
Retail	13	11	2		
	146	68	6	64	8

It is considered that this marginal reduction in the number of car parking spaces is unlikely to have any detriment to parking conditions on the public highway network in the general area of the application site. It is noted that the overall number of spaces available for the residential and retail elements have not decreased and the peak provision for the office and hotel elements has been increased through the pooling of the parking resources which is considered a sensible approach maximising the use of these spaces. The PTAL level of the site is also high (Level 5) and the level of parking is considered acceptable in this location.

CPZ

The Church End CPZ currently operates for one hour, Monday to Friday between 2pm to 3pm to deal with the parking pressure resulting from all day commuter parking. There are also Pay and Display parking controls at the top end of Dollis Park in front of the development on Regents Park Road to provide parking for shops and facilities in the local town centre. The hours of operation for the Pay and Display are 8.00am to 6.30pm Monday to Saturday.

A petition was submitted to the Council in early 2011 by residents from the streets in the vicinity of the development requesting revision of the existing CPZ. The Council carried out a public consultation on roads in the vicinity of the development on proposals to amend the existing CPZ. The consultation results indicated that the majority of residents are not in favour of amending the existing CPZ.

The original approval granted under application F/00497/11 was subject to a Section 106 contribution of £25,000 to fund any future review of the existing CPZ. This contribution is unchanged by the current proposal.

Cycle Parking

The current application does not alter the proposed cycle parking provision. The scheme proposes 78 secure cycle spaces throughout the proposed development designated as follows:

- Residential 38
- Hotel 12
- Office 12
- Retail 16

A cycle space per residential unit is in accordance with UDP standards. The levels of cycle parking for the other uses are considered appropriate.

3.3 Loss of Tree

The proposal involves the loss of one small tree as a result of the resitting of the proposed western access to the car park. The tree is small in stature, is currently creating cracks in the pavement and makes limited contribution to the streetscene. The tree is under the ownership of Barnet Council and requires approval to be removed. Part of the requirements for which are that the tree is replaced at the applicant's expense. This is considered acceptable and is justified by the improvements to the access and car parking layout which will be achieved.

3.4 Proposed Extensions

The final change proposed under this application concerns the proposed alterations to the approved elevations to 4 Dollis Park Road, which contains proposed residential accommodation.

The consented scheme proposed a predominately brick façade with a recessed glass and aluminium frame structure at upper levels, with rendered balconies. Due to

errors which have taken place during the reconstruction of this façade, large areas of new brickwork have cracked requiring replacement. Due to concern regarding the resultant appearance of this elevation due to the different aging and appearance of the resultant brickwork the current S73 application proposes the use of render along the resultant facades. Areas of brickwork will be maintained in the central portions of the facades with rendering along the ground elevations facing Winston house and the old gym, and horizontal and vertical rendered bands along all facades. The type of render proposed is a Monocouche self-coloured white render which does not require repainting.

The resultant appearance of the block is considered satisfactory and in the context of the cracked brickwork which has occurred would represent an improvement over the alternative approach of replacing and repointing the brickwork. On balance therefore this element of the proposal is considered an acceptable design solution.

3.4 Impact on Neighbouring Residential Properties

The proposals do not increase the footprint of the proposed buildings, or with the exception of the hotel space the level of residential or commercial space created. It is not considered that the additional nine hotel spaces would add significantly to problems of noise and disturbance to neighbouring residents and the proposals as a whole would not adversely affect daylight/ sunlight or privacy to neighbouring properties.

4. EQUALITIES AND DIVERSITY ISSUES

The 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:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

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

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

Officers have in the preparation of 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.

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

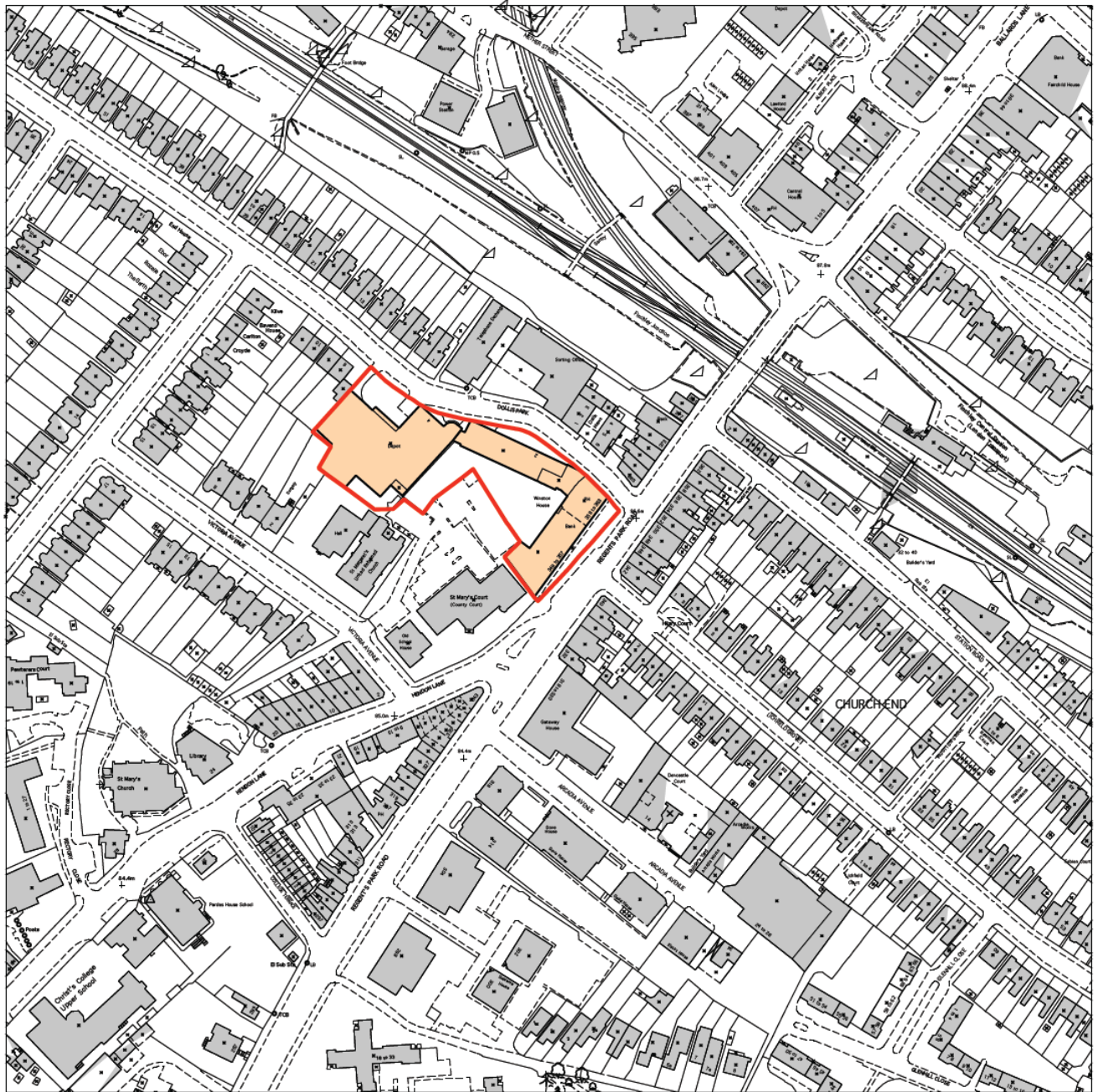
5. CONCLUSION

The application is made under S73 of the Town and country Planning Act seeking a minor material amendment to the approved reserved matters approval to allow for the changes outlined above. National Planning Practice Guidance (NPPG) advises that a minor material amendment *"is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."*

In this case it is not considered that the changes proposed would result in any significant change to the approved reserved matters scheme for this phase. The amendments proposed are considered acceptable in land use terms and do not raise any significant design, neighbouring amenity or highway implications. The proposed amendments generally and taken overall accords with the relevant development plan policies are considered acceptable. Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

**SITE LOCATION PLAN:
Winston House, 2 Dollis Park, London, N3 1HF & 4 Dollis Park, London N3 1HG
& 349-363 Regents Park Road, London, N3 1DH**

REFERENCE: 16/0849/S73



LOCATION: Premier Place, 102-124 Station Road And Car Park To Rear,
Edgware
Middlesex
HA8 7BJ

AGENDA ITEM 13

REFERENCE: 16/0112/FUL Received: 13/01/2016
Accepted: 21/01/2016

WARD: Edgware Expiry: 13/04/2016

APPLICANT: Premier House Ltd

PROPOSAL: Demolition of 120-124 Station Road and full planning permission for the rebuilding and extension of 102-120 Station Road to provide 1,705sqm retail floorspace (Use Class A1/A2) including a new frontage to Approach Road; redevelopment of rear car park for new buildings ranging in height from 3 to 17 storeys with podium level to provide 122 flats (Use Class C3) and a further 150sqm of new retail floorspace (Class A1/A2/A3) to Church Way. The provision of car parking, landscaping and amenity areas and environmental improvements to Station Road and Approach Road, a pedestrian site access from Station Road and Approach Road and vehicular site access from Church Way

APPLICATION SUMMARY

The proposed development would entail the comprehensive redevelopment of the site to provide a residential-led mixed use development. The scheme would comprise 122 residential units accommodated within a number of buildings ranging from 3 to 17 storeys in height located on a podium deck. The development would also involve the provision of 1855 square metres of retail floorspace, a net increase of 625 square metres over and above the existing provision. The development would provide 96 car parking spaces within an undercroft parking area.

The application follows on from a previous application in 2014 which was refused on a number of grounds. The current scheme has been significantly reduced from the previous scheme in an effort to address these reasons for refusal.

Edgware is identified within the Core Strategy as being suitable for tall buildings, in this case it is considered that the location of the building being located to the rear of the existing street frontage, together with height and the form of the tall building is appropriate for its context. The scheme would involve improvements to the street frontage on Station Road and on Approach Road, delivering on the objectives of the Edgware Town Centre Framework (ETCF).

The viability assessment submitted in support of the application was independently reviewed on behalf of the Council by Knight Frank, following some iteration it was agreed that the scheme would deliver 20% of the units as affordable equating to 24 units. This level of provision is considered to be good given the town centre location and is fully supported by financial viability. In addition, the quality of the accommodation provided would be high with

a good percentage of dual aspect units, all units meet or exceed space standards and amenity space requirements.

In transport terms, the development would provide 96 parking spaces which would be shared between the development and the existing Premier House residential development. Across the site, none of the 1 bedroom units would be allocated a space, 2 of every 3 (a ratio of 0.65) of the 2 bedroom units would be allocated a space and all of the 3 bedroom units would be provided with a parking space.

Given the high PTAL rating and the location of the application site within a major town centre less than 100 metres from Edgware Interchange, it is considered that the level of parking provided is appropriate and in accordance with Policy CS9 of the Core Strategy.

The development would not have an unacceptable impact on the residential amenity of any of the surrounding occupiers. In regard to the daylight/sunlight impact, this is fully supported by an assessment from Waterslades. The application is therefore considered acceptable in sustainability terms and is compliant with London Plan standards.

The Waterslades report goes into each of the aforementioned issues in greater depth, however, in conclusion officers consider that the scheme is acceptable and would help to deliver the ETCF objectives and aid the regeneration of Edgware Town Centre. The application is therefore recommended for approval subject to conditions and a Section 106 Agreement.

RECOMMENDATION

Approve the application subject to:

Recommendation 1

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 of seeking to secure the following:

(a) Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant.

(b) Enforceability

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

(c) Employment and Enterprise

The applicant will enter into a Local Employment Agreement with the Council and will commit to providing the following minimum number of places:

End use jobs - 8
Progression into employment, less than 6 months – 8
Progression into employment, more than 6 months – 5
Apprenticeships – 10
Work experience – 16
School / College / University site visits – 99
School / College workshops – 82

The Local Employment Agreement would be subject to discussion with the Council and would be agreed prior to the commencement of development.

(d) Affordable Housing

The provision within the development of a minimum of 20% (by unit number) of homes as affordable housing, providing a minimum of 24 residential units with the following mix:

- Social Rent: 66.6% (16 units)
- Intermediate Housing: 33.3% (8 units)

(e) Affordable Housing Review Mechanism

The viability of the development shall be re-appraised at an appropriate point in the implementation of the development and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.

(f) Edgware Urban Design/Public Realm Study

£100,000 monies towards detailed design work as part of a comprehensive urban design and public realm masterplan for Edgware Town Centre.

(g) Pedestrian Legibility Contribution

Contribution of £10,000 towards improving pedestrian legibility in the vicinity of the site.

(h) Travel Plan

The applicant shall enter into a Residential Travel Plan for the residential uses on the site that seeks to reduce reliance on the use of the private car along with a Travel Plan monitoring contribution of £20,000. The Residential Travel Plan would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives (up to a maximum of £36600) for the first occupier of each residential unit. Incentives to comprise of a voucher to a minimum value of £300 per dwelling to be spent on Car Club Membership, an Oyster Card with a pre-loaded amount and/or Cycle Scheme vouchers.

(i) Traffic Management Order

Contributions of £2,000 towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits

(j) Car Club

Provision of a car club with 2 car club spaces.

(k) Highway Works

Any works on public highway if required to facilitate the development would need to be carried out under S278 of the highways Act 1980.

(l) Monitoring Contribution

A S106 monitoring contribution of £3180.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1, subject to Stage 2 approval from the Mayor, the Assistant Director of Development Management and Building

Control approve the planning application reference 16/0112/FUL under delegated powers and grant planning permission subject to the conditions and informatives set out in Appendix 1 and any changes to the wording of the conditions considered necessary by the Service Director for Development Management and Building Control.

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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. 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.

The London Plan

The London Plan (2015) 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:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) and 3.13 (Affordable Housing Thresholds).

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise) and 7.18 (Protecting Local Open Space and Addressing Local Deficiency).

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

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)
- CS6 Promoting Barnet's Town Centres
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS8 (Promoting a strong and prosperous Barnet)
- CS9 (Providing safe, effective and efficient travel)
- CS10 (Enabling inclusive and integrated community facilities and uses)
- CS11 (Improving health and well-being 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)
- DM05 (Tall Buildings)
- DM06 (Barnet's Heritage and Conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM11 (Development principles for Barnet's town centres)
- DM13 (Community and education uses)
- DM14 (New and existing employment space)
- DM15 (Green belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

Edgware Town Centre Framework

The framework provides the basis for managing and promoting positive change in the town centre and offers a significant opportunity to secure infrastructure improvements to support existing businesses, address traffic issues and enhance the attractiveness of Edgware as a place to live, work and shop. The aims of the framework are as follows:

- address the mixture of land uses in the town centre, focusing on main town centre uses of retail, leisure, entertainment (cinemas), offices, and hotels but also including residential uses
- create a strategy, which promotes and maximises existing and future movement opportunities including public transport and pedestrian and cycle connections
- promote a safer and more secure environment in which all sectors of the community can have a sense of ownership of and pride in the town centre
- create a clear role for the town centre in the context of the planned growth at Brent Cross and other centres

- identify and take account of the opportunities and constraints for sustainable development

The framework was prepared in consultation with land owners, local businesses, residents and other stakeholders to help shape the future of Edgware town centre.

Supplementary Planning Guidance and Documents:

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)
 Residential Design Guidance (April 2013)
 Planning Obligations (April 2013)
 Affordable Housing (February 2007 with updates in August 2010)

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)
 Health Issues in Planning (June 2007)
 Wheelchair Accessible Housing (September 2007)
 Planning for Equality and Diversity in London (October 2007)
 All London Green Grid (March 2012)
 Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
 Housing (November 2012)

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

1.0 Site Description

- 1.0 The application site comprises ground floor commercial units 102-124 Station Road and the surface car park to the rear. The surface car park to the rear is accessed from Church Way and has capacity for 145 car parking spaces, primarily for occupants of Premier House, although approximately 40 spaces are leased to off-site users. The site has a total area of 0.57 hectares.
- 1.1 The site is bounded to the north and east by the Broadwalk Shopping Centre and to the south by Church Way, which serves as an access to the Broadwalk car park. To the west is Station Road (A5100), the main commercial street in Edgware town centre, which is mainly made up of 2 and 3 storey buildings, generally with retail and food and drink uses on the ground floor and offices/residential above. Nos.102-124 Station Road are located within the primary shopping frontage.
- 1.2 The site also incorporates Premier House, a 14 storey building previously in a primarily office use (Use Class B1). The building has recently undergone conversion to provide 133 residential units along with associated external works including recladding and the creation of some inset balconies. The conversion of the property was approved through a prior approval application, the details of which are set out in Section 3.0 of this report.
- 1.3 Edgware Underground Station (Northern Line) and local bus station are located some 200m to the north of the site, giving the site a public transport accessibility level (PTAL) of 6a (on a scale of 1-6, where 1 is poor and 6 is excellent). The site is within Flood Zone 1, with a low annual probability of flooding.
- 1.4 Edgware is designated as one of 35 major centres in the London Plan and the only one in Barnet. A Town Centre Framework (ETCF) was adopted by the Council in June 2013, which provides specific guidance for development principles within Edgware Town Centre.

2.0 Proposed Development

- 2.1 Permission is sought for the demolition of 120-124 Station Road and the rebuilding and extension of 102-120 Station Road to provide 1,705sqm retail floorspace (Use Class A1/A2) including a new frontage to Approach Way, the redevelopment of the car park to the rear to provide new buildings ranging in height from 3 to 17 storeys accommodated on a podium level. In all, the development would provide 122 residential units (Use Class C3) and a further 150sqm of new retail floorspace (Class A1/A2/A3) to Approach Way. The development would also provide 96 car parking spaces at ground floor level below a podium deck incorporating hard and soft landscaping and communal amenity space.
- 2.2 The development would comprise of four distinct blocks, Blocks A, B, C and D, which would stand at 4, 5, 6 and 17 storeys in height respectively. All of the buildings would be located upon a podium level with undercroft car parking and podium level communal amenity space. Building D, the 17 storey element, would be located to the south east corner of the site away from the street frontage with Blocks C, B and A

being visually separated from Block D and located in a linear form along the southern boundary of the site and stepping down in height from 6 to 3 storeys.

- 2.3 The development would provide a total of 122 residential units located throughout the four blocks. The residential component would comprise the following accommodation:

Unit Type	Number of Units
1-bedroom	48
2-bedroom	61
3-bedroom	13
Total	122

- 2.4 The scheme would also entail improvements to the street frontage on Station Road, this would be achieved through internal and external refurbishments, rebuilding and/or rear extensions to the existing Station Road retail units. In addition the existing retail units on the corner of Church Way and Approach Way, 120-124 Station Road, would be replaced with a new double-height retail unit with a glazed active frontage to Approach Way. The replacement building would be curved in plan and slightly pulled back resulting in a wider pavement along Approach Way. A new retail unit of 150 square metres would also be provided at ground floor level of Block A, fronting onto Approach Way. In all, the development would result in retail floorspace totalling 1855 square metres, a net increase of 625 square metres on the existing provision.

- 2.5 The podium level of the development would be accessed from a stairwell and would accommodate communal amenity space, hard and soft landscaping and the children’s playspace. Access to the podium deck would be restricted to occupiers of the development. In all, the scheme would deliver the following

- 1,281 square metres of private amenity space
- 1,000 square metres of communal amenity space
- 460 square metres of children’s playspace

- 2.6 At undercroft level, the development would comprise a total of 96 vehicular parking spaces with access and egress from Approach Way. A dedicated servicing and delivery bay would also be provided at undercroft level, to the rear of the retail units.

3.0 Relevant Planning History

- 3.1 The following applications relate directly to the application site:

- 3.2 Application: H/05793/13
 Application Type: Outline Application
 Description: Demolition of 120-124 Station Road and outline planning permission (with all matters other than access reserved) for new buildings from 7 to 19 storeys with podium level to provide up to 165 flats (Use Class C3), up to 1,450sqm flexible community floorspace (Use Class D1/D2), 275sqm of retail / restaurant floorspace

(Use Class A1/A2/A3), and new shopfront to the Church Way facade of the existing retail unit at 102-106 Station Road. The provision of pedestrian site access from Station Road and Church Way, and vehicular access from Church Way.

Decision: Application Refused

Decision Date: 11/06/2014

The application was refused for the following reasons:

1. The proposal would, by reason of its physical relationship to Station Road, lack of proposals to improve the appearance of the street frontage and Premier House, coupled with a lack of a formal undertaking to secure public realm and transport infrastructure, fail to adequately contribute towards the Council's objectives for the regeneration and renewal of Edgware Major Centre. The proposal would therefore be contrary to policy CS6 of the Barnet Local Plan Core Strategy (September 2012), policy 2.15 of the London Plan (July 2011, October 2013 and January 2014) and the Edgware Town Centre Framework (June 2013).
2. The proposed tall buildings would, by reason of design, height, scale and mass coupled with the parameters sought and failure to provide adequate justification or a robust framework for future reserved matters submissions, represent visually prominent and obtrusive features on the skyline and could cause unacceptable harm to the setting of heritage assets and local microclimatic conditions. The proposal would therefore not constitute a sustainable form of development and would be contrary to policies CS NPPF, CS5, DM01, DM05 and DM06 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
3. The proposal would, by reason of its design, height, scale and mass coupled with the parameters sought and failure to provide a robust framework for future reserved matters submissions, represent a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in Edgware Major Centre, 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 policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Residential Design Guidance Supplementary Planning Document (April 2013).
4. The proposal would, by reason of its layout, design, height, scale and mass coupled with the parameters sought, represent a cramped form of development that would result in inadequate daylight and sunlight being received at a significant proportion of the proposed flats, to the detriment of the amenities of future occupiers of the development. The application would therefore not

constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).

5. The proposal would, by reason of its lack of outdoor amenity space provision and lack of justification for the usability of the proposed roof terraces and rooftop play space, result in a poor standard of accommodation for future occupiers of the development and would fail to make adequate provision for children's play and informal recreation, to the detriment of their amenities. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF, DM01 and DM02 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 and 3.6 of the London Plan (July 2011, October 2013 and January 2014), the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013) and Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (September 2012).
6. The proposal would, by reason of its layout and proximity to the Broadwalk Shopping Centre and Station Road properties, coupled with the parameters sought, represent a cramped form of development that would result in poor outlook from a significant proportion of the proposed flats and a lack of privacy, to the detriment of the amenities of future occupiers of the development. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
7. The proposal, by reason of insufficient car parking provision for the proposed residential and community centre uses, would be likely to lead to increased kerbside parking outside of the Controlled Parking Zone to the detriment of free flow of traffic and highway and pedestrian safety. The application is therefore unacceptable and contrary to policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies (both adopted September 2012).
8. The proposal, by reason of unsatisfactory assessment of trip generation and the Church Way/Station Road junction, would be likely to result in adverse conditions impacting on highway safety. The application is therefore unacceptable and contrary to policies DM17 and CS9 of the Barnet Local Plan Core Strategy and Development Management Policies (both adopted September 2012).

9. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area despite the application proposing to make such a contribution. The application is therefore unacceptable and contrary to policies CS NPPF, CS4, CS15 and DM10 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.
10. The application does not include a formal undertaking to secure the delivery of a Travel Plan for the development proposed, to minimise increases in road traffic from the proposal and encourage the use of sustainable modes of transport, and the provision of the funding needed to monitor and review a Travel Plan of this nature. The application is therefore unacceptable and contrary to policies CS NPPF, CS9, CS15 and DM17 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012); policies 6.1 and 6.3 of the London Plan (adopted July 2011 and October 2013); and the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document.
11. The proposal, by reason of the provision of long sections of blank ground floor frontage along the north east and south east elevations and lack of definition between public and private space, would not provide a safe and secure environment for people to live and work in and would not reduce opportunities for crime and fear of crime. The application would therefore not constitute a sustainable form of development and is found to be unacceptable and contrary to policies CS NPPF, CS12 and DM02 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 7.3 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
12. The application does not include a formal undertaking to secure the making of a financial contribution needed to ensure the delivery of the planning obligations which are necessary for the development to be found acceptable:
 - Junction improvements along Station Road;
 - Improved public open space around Edgware Station;
 - Improved public realm along Station Road;
 - Improved bus interchange;
 - Pedestrian and cycle environment improvements, including Legible London;and
 - Improvements to local bus stops, including DDA compliance.

The application is therefore unacceptable and contrary to London Plan policies 6.3, 6.9 and 6.10, policies DM17 and CS9 of the Barnet Local Plan

Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document and the Edgware Town Centre Framework (June 2012).

- 3.2 The following application relates to Premier House which does not form part of the application site however is intrinsically linked to the development and is relevant to the consideration of the current scheme.

Application: H/02513/14

Description: Change of use from Class B1(office), floors 1 to 6 and 8 to 13, to Class C3 (residential) (112 units).

Decision: Prior Approval Required and Approved

Decision Date: 04.07.2014

4.0 Consultations

- 4.1 As part of the original consultation exercise 665 letters were sent to neighbouring occupiers in January 2016. The application was also publicised via a site notice and a press notice was published. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

- 4.2 As a result of the consultation, 10 responses were received from neighbouring occupiers, all of which objected to the application.

4.3 Summary of Neighbour Objections

- 4.4 The material planning considerations contained within the objections received from neighbouring residents are summarised below:

- The development is too high at 17 storeys and would be out of character with its surroundings;
- The development would be overly dominant and would result in a loss of outlook for neighbouring residential occupiers, including at Centurion House;
- The development represents overdevelopment of the site;
- There is insufficient parking provided by the development which would result in an increase in indiscriminate parking in the wider town centre;
- The development would result in increased congestion within the town centre;
- Insufficient publicity was given to the application and consultation should have taken place over a wider area;
- There is no provision for servicing and deliveries to the commercial units;
- The open space provided is solely for the use of residents and would not provide any benefit to the wider town centre;
- The development would result in a loss of privacy for surrounding residents.

4.4 Summary of Responses from External Consultees

- Transport for London (TFL)

- TfL supports the access arrangements proposed in terms of both the pedestrian and vehicular access;
 - Notwithstanding a significant reduction on the current level of car parking, TfL is of the view that the proposed level of car parking is unnecessary for a flatted development in such a highly accessible location. TfL recommends that the development should be car free, save for spaces to serve accessible dwellings. TfL also recommends the imposition of a Section 106 car-free obligation, consistent with London Plan Policy 6.13.
 - TfL is not satisfied with the trip generation analysis presented in the transport assessment. The approach to trip generation does not accord with TfL's guidance, which requires TRICS sites of no more than five (5) years unless agreed with TfL. The transport assessment utilises TRAVL sites which are more than 5 years and therefore would not qualified as suitable sites for deriving the person trip rates for the proposed development;
 - To satisfy the London Plan requirements a minimum of 214 cycle parking spaces must be provided. 196 long-stay cycle parking places are required for the residential use, with a further 3 cycle parking spaces for visitors. 5 long-stay and 9 short-stay cycle parking must be provided for the retail use;
 - TfL notes the proposed public realm improvements in Station Road and Church Road and view this as a positive contribution to the wider pedestrian environment. These should be secured by Barnet Council by planning obligations or section 278 agreements as appropriate;
 - A Travel Plan, Construction Logistics Plan and a Delivery and Servicing Plan should be secured by condition;
 - TfL supports the proposed development subject to the above issues being satisfactorily addressed. That said, TfL considers that a development in highly accessible location is a suitable location for car free development as demonstrated by the low take up of existing parking.
- Metropolitan Police Crime Prevention Design Advisors – No objection subject to compliance with Secured by Design requirements.
 - Greater London Authority (GLA) –
 - Principle of redevelopment supported;
 - Housing mix and density acceptable;
 - Further information required on affordable housing following independent review;
 - Tall building supported;
 - Urban design impact acceptable subject to S106 clause retaining architects of same calibre.
 - Further information required on transport impacts (subsequently provided and accepted).
 - Natural England – No comments
 - Thames Water – No objection subject to Grampian condition

4.7 Summary of Internal Responses

- Environmental Health Team – No objection received subject to noise, contaminated land and air quality issues being mitigated through conditions.

- **Transport and Highways** – Given the high PTAL rating and subject to S106 clause preventing future occupiers from applying for parking permits, the overall level of parking provision is considered to be acceptable

5.0 Land Use / Principle of Development

- 5.1 The application seeks permission for the redevelopment of the site to provide a residential led mixed use development comprising of 122 residential units and 1855 square metres of commercial floorspace. The site is located in a prime location within Edgware Town Centre which is identified within the London Plan (2015) as a Major Centre, the only such centre within the borough.
- 5.2 Policy 2.15 of the London Plan requires development within Major Centres, amongst other requirements to sustain and enhance the vitality and viability of the centre, to accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations and to promote access by public transport, walking and cycling. With its excellent public transport accessibility, Edgware is well placed to deliver high density mixed use development that can deliver the above objectives, and in this case it is considered that the scheme would be in accordance with Policy 2.15.
- 5.3 Barnet Local Plan policy CS6 also seeks to realise development opportunities for Edgware and seeks to ensure an efficient use of land and buildings in town centres by encouraging a mix of compatible uses including retail, leisure and residential that adds to vibrancy of those areas. In relation to Policy CS6, officers consider that the mix of the land uses including residential is appropriate for the location.

Edgware Town Centre Framework

- 5.4 In 2013, the Council adopted the Edgware Town Centre Framework (ETCF), which identifies opportunities for enhancement of retail, leisure and entertainment uses in Edgware town centre. The ETCF has been prepared in consultation with the community and is a material consideration for planning applications in the area.
- 5.5 The ETCF sets out a vision for Edgware town centre to be a ‘successful and thriving place with new and expanded shops around the Broadwalk Shopping Centre integrated with Station Road and the surrounding residential suburbs by new streets and connections’. It identifies some key sites within the town centre that can contribute to the objectives of the framework, including the application site, as well as a list of infrastructure that requires funding to deliver. The document sets out a number of specific objectives for the development of the application site and also sets out the challenges involved with the redevelopment of the site. One of the challenges is outlined as follows:

“The car park site can only be comprehensively redeveloped if it is combined with the frontage along Station Road. There is therefore a need for land assembly. The land owners will need to come together in order to deliver a comprehensive scheme and fully realise the potential of the site.”

- 5.6 Previous application H/05793/13 failed to incorporate the land at 126-140 Station Road and thus was refused in part due to its lack of physical relationship to Station Road and lack of proposals to improve the appearance of the street frontage and

Premier House. The explanatory text within the committee report explained that part of the reason for this was the failure to incorporate the aforementioned land. The current application does not incorporate the relevant land at 126-140 Station Road and thus the scheme still fails to have any proper relationship with Station Road.

- 5.7 Within the planning statement submitted in support of the application by Dalton Warner Davis, it is stated that *“the owners of properties at 126-40 Station Road have previously been consulted; however, currently they have no plans for redevelopment primarily due to leasehold constraints.”*
- 5.8 Officers must therefore make a balanced judgement on whether it is appropriate and reasonable to resist the current application on the failure to incorporate the land at 125-140.
- 5.9 The Design and Access Statement submitted shows how the adjoining site could be developed in congruence with the currently proposed scheme. The applicant has also submitted a supplementary note which sets out the reasons why it has not been possible to bring the two sites forward together for development. These are set out below:
- The occupiers of 126-140 Station Road enjoy long leases until 2026 and 2027 and provide and as such provide a long term rental yield to the landowners, disincentivising the owners from developing the land;
 - The application site requires a podium deck to accommodate the parking requirement so it would not be feasible to create any ground level linkages between the site and Station Road even if the land were incorporated into the scheme;
- 5.10 Pragmatically, officers recognise that the current scheme coming forward in isolation would provide a less comprehensive development of the town centre sites as envisaged by the ETCF. However, the granting of permission for the redevelopment of the Premier Place site may provide the momentum and incentive needed for the land acquisition issues of the 126-140 Station Road site to be resolved and for the site to come forward for redevelopment. Should this not be the case, officers consider that the granting of permission for the current scheme would not preclude future redevelopment of the 126-140 site at a scale which was appropriate for its location and surrounding constraints.
- 5.10 Therefore, in conclusion it is clear that the scheme would not strictly address the challenges faced by the site as outlined in paragraph 5.5, nevertheless, the potential benefits of a comprehensive scheme involving both sites must be balanced against the inherent and tangible benefits that would be provided were the current scheme to be approved. Having made a balanced judgement, officers consider that the long term forestalling of development of the Premier Place site on the basis of a lack of land assembly of the Station Road properties would be counter-productive to the wider regeneration objectives for Edgware Town Centre.

- 5.11 In relation to Premier House, this has since undergone conversion to residential including extensive recladding of the external elevations which has improved its aesthetic appearance. The current scheme would seek to refurbish, rebuild and/or extend the existing Station Road retail units to provide improved modern retail premises totalling 1,705sqm which would contribute towards the regeneration objectives of Edgware town centre and would address the previous reason for refusal in this regard specifically.

Residential Density

- 5.12 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 5.13 The application site is best described as ‘central’ defined within the London Plan as “areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.”
- 5.14 In terms of density, the Barnet Residential Design Guidance SPD confirms that rooms exceeding 20sq.m will be counted as two habitable rooms. On this basis the current scheme would provide a total of 344 habitable rooms (hr). Nevertheless, given that the site has historically included the Premier House site which is currently undergoing conversion to residential use following a prior approval it is considered appropriate to include these units in the calculations. The Premier House development will deliver a total of 302 hr under the Prior Approval scheme.
- 5.15 The overall site area (inclusive of Premier House) is 0.64 hectares and taking into account the above, the density of both schemes combined would be 1009 hr/ha. This figure is at the upper end of the indicative range (650-1100hr/ha) provided in the London Plan density matrix for a site in a central (i.e. town centre) setting and a public transport accessibility level of 6a.
- 5.16 There would be a combined total of 646 hr on site and thus average habitable rooms per unit equates to 2.7 hr/unit. Using this figure, the London Plan density matrix therefore suggests a figure of between 215-405 units per hectare. The combined units for both schemes (122 at Premier Place and 121 at Premier House) equates to a total of 243 units. Using the site area of 0.64 hectares, the density of the combined schemes is therefore 380 units per hectare which falls within the range set out within the London Plan density matrix.
- 5.17 The density is towards the upper end of the acceptable range which is considered to be appropriate given that the site enjoys a high PTAL of 6A and represents a prime town centre development site. High density residential use as part of a mixed use development in this location would represent the optimal use for the site and in this

regard it is considered that the application is in accordance with Policy 3.4 of the London Plan.

6.0 Housing / Quality of Accommodation

6.1 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 Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. 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, Residential Design Guidance SPD and CAAP policy 5.2.

Dwelling Mix

6.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.

6.3 The development proposes 122 residential units with the following mix of units

Unit Size	Number of Units	% of Units
1 bedroom	48	39%
2 bedroom	61	50%
3 bedroom	13	11%

6.4 It is considered that the mix of units being provided with a biased towards 1 and 2 bedroom units is appropriate for the town centre location. Nevertheless, the development would still provide 13 x 3 bedroom units which would make a contribution towards the borough priority for 3 bedroom, family sized housing.

6.5 Furthermore, family sized units are defined as being those with 2 or more bedrooms and in this case all of the two bedroom units provided are capable of being occupied ~~as such~~. With this in mind and with 66 of the 81 units (82%) being family sized accommodation it is considered that the application would provide a suitable range of dwelling sizes and types to address housing preference and need in accordance with the abovementioned policy. It should also be noted that previous application H/05793/13 proposed a broadly similar mix of units which was considered to be acceptable.

Affordable Housing

6.6 London Plan 2015 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more

dwellings. Council policies seek a tenure split of 70% social rented and 30% intermediate housing.

- 6.7 The application was accompanied by an ‘Affordable Housing and Economic Viability Assessment’ produced by BNP Paribas (BNPP) which set out that no affordable housing provision could be supported by the development and thus an initial offer of 0% affordable housing was proposed.
- 6.8 The Council instructed Knight Frank to undertake an independent review of the Affordable Housing Statement. Knight Frank carried out the review and disagreed with assumptions made within the assessment. The assumptions that Knight Frank disagreed with in the BNPP document can be summarised as follows:
- The sales values of the proposed units are understated;
 - The rental yields of the commercial units are understated;
 - The Benchmark Land Value is understated;
 - Commercial agency fees are overstated;
 - The profit level assumed on the commercial element is excessive;
 - Post practical construction sales period understated;
 - Proportion of off plan sales understated.
- 6.9 Knight Frank tested the viability of the scheme using their adjusted inputs as set out above and came to the conclusion that the development could support the provision of affordable housing. Following discussions and the submission of additional evidence to justify the adopted assumptions, it was agreed by the parties that the scheme could support 20% affordable housing equating to 24 units.
- 6.10 The affordable housing would have the following composition:
- 16 x Social Rented Units (66%)
 - 8 x Intermediate Units (34%)
- 6.11 In summary, officers consider that the proposed affordable housing provision of 24 units equating to 20% of the total residential offer is a good level and is fully justified by financial viability. The relative tenure split of the units is also broadly in line with the Council’s objectives. The application is therefore in accordance with Policy CS4 of the Core Strategy and is acceptable in terms of affordable housing.

Residential Space Standards

- 6.12 Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is set out in Table 1.0 below, which shows the areas relevant to the units proposed within the development:

Table 1.0 – Residential Internal Space Standards Requirements

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square
--	---------------------------------------------	------------------------------------------------

		metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
Houses	3 bed (5 persons)	85

- 6.13 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.
- 6.14 In addition, all of the units would have at least a 2.5 metre floor to ceiling height and all units have glazing which is equivalent to 20% of the floor area.

Wheelchair Housing Standards

- 6.15 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 policy 3.8. In this regard, a condition be attached to ensure that a minimum of 12 units are constructed as wheelchair accessible in accordance with both the Planning and Design and Access Statements. In their Stage 1 response, the GLA requested clarification on the location and the layout of the wheelchair units so any condition would be worded appropriately so as to ensure these details are also required.

Amenity space

- 6.16 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 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in Table 1.1 below:

Table 1.1 – Outdoor Amenity Space Requirements

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

- 6.17 The development proposes a mix of private and communal amenity areas and the planning statement submitted in support of the application incorporates an assessment of the level of amenity space provided in relation to the requirements of both the London Plan SPG and the Barnet SPD.
- 6.18 The communal amenity space would be provided within the central courtyard above the podium deck and would incorporate the amenity space, allotments and children's playspace. The deck would only be available to residents of the currently proposed Premier Place development with an access controlled entrance to Station Road and private access from the units onto the podium deck.
- 6.19 Using the methodology associated with Table 2.3 of the SPD, the development would comprise 447 habitable rooms which would necessitate the provision of 2235 square metres of amenity space. The Planning Statement from Dalton Warner Davis sets out that the development would provide the following amenity space:
- 1,281 square metres of private amenity space
 - 1,000 square metres of communal amenity space
 - 460 square metres of children's playspace
- 6.20 The development would therefore comprise an overall amenity provision of 2741 square metres which is in excess of the 2235 square metre requirement. The development is therefore fully accordant with the amenity requirements of the SPD and is acceptable in this regard.
- 6.21 It should be noted that previous application H/05793/13 was refused partly on the basis that the rooftop amenity areas would have been inappropriate and not fit for purpose. This aspect of the scheme has been removed with all amenity space accommodated at podium level, directly addressing and overcoming the previous reason for refusal.

Children's Play Space

- 6.22 The development would have a Child Yield of 46 children as per the Mayor's Child Yield Calculator. The Mayor's Shaping Neighbourhoods: Informal Play and Recreation SPG requires a provision of 10 square metres of playspace per child. The Proposed Development meets this target and provides two separate children's play areas on the podium amounting to 460sqm. In this regard, the level of children's playspace provided is accordant with the requirements of the Mayor's Shaping Neighbourhoods: Informal Play and Recreation SPG and the application is therefore acceptable.
- 6.23 Nevertheless, the application does not incorporate details of the equipment to be provided. Therefore if permission were to be granted a condition would be attached requiring the submission of details of the play equipment to ensure it is of an appropriate type and quality.

Noise

- 6.24 In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment produced by Environmental Noise Solutions. The Noise Impact Assessment has the following purposes:
- To determine the ambient noise levels at the application site during representative periods of the daytime and at night;
 - To assess the potential impact of the ambient noise climate on the proposed development (with reference to the National Planning Policy Framework); and
 - To provide recommendations for a scheme of sound attenuation works, as necessary, to ensure that the future occupants of the proposed development do not experience any unacceptable loss of amenity due to noise.
- 6.25 The assessment identifies that the ambient noise climate across the majority of the application site is due to local road traffic, with further contributions from activities at the Broadwalk Shopping Centre and Sainsbury's Service Yard. The assessment goes on to state that a scheme of sound insulation works has been developed to protect the proposed residential element of the development from the ambient noise climate in accordance with the requirements of the NPPF. The assessment then concludes that the ambient noise climate is not considered to represent a constraint to the proposed development of the application site.
- 6.26 The Council's Environmental Health officers were consulted on the application and largely agree with the findings of the assessment from Environmental Noise Solutions identifying the traffic as the main source of ambient noise. Environmental Health officers have recommended conditions relating to noise insulation measures for the residential units which would be attached if permission were granted. Subject to these conditions it is considered that the application would be acceptable in terms of noise.

Privacy

- 6.27 The development comprises of four distinct blocks (Blocks A, B, C and D) which range in height from 3 to 17 storeys and are laid out in a largely linear form along the east boundary of the site. In terms of neighbouring uses and potentially sensitive relationships which may compromise the privacy of future occupiers, the most sensitive relationship is that between the existing Premier House development and the facing elevations of Blocks B and C.

Block A

- 6.28 The windows of Block A would enjoy a perpendicular relationship to the windows of both Premier House and Block B and to the west would adjoin Church Way. In this respect there would be no privacy concerns for future occupiers of this part of the development.

Block B

- 6.29 The windows to the west elevation of Block B would be located directly opposite the facing elevation of Premier House which has undergone conversion to residential and thus comprises habitable windows on the south elevations. The relevant windows of Block B comprise the following:
- Duplex units – 1 kitchen window at 1F level + 2 bedroom windows at 2F level
 - Third floor units – 2 units with kitchen window and 1 unit with bedroom window
 - Fourth floor units - 2 units with kitchen window and 1 unit with bedroom window
- 6.30 The aforementioned windows of Block B are located approximately 25 metres from Premier House which is in excess of the 21 metre minimum set out within the Sustainable Design and Construction SPD. Given this separation distance, it is considered that the layout of the development in relation to Premier House would not give rise to an unacceptable loss of privacy for future occupiers of the residential units within Block B.
- 6.31 To the rear of Block B, the first floor of each of the duplex units would incorporate 2 windows serving the main living/dining area. These windows would front onto the access road leading to the upper level of the Broadwalk Shopping Centre adjacent. Adjacent to Block B the access road is at ground level and thus there would be no privacy concerns arising.

Block C

- 6.32 The front windows of Block C would be located approximately 20 metres from the facing elevation of Premier House however would not be directly opposite, being located on a slightly oblique angle. Whilst there is a slight shortfall of 1 metre below the minimum SPD standard for facing windows, it is considered that this slight shortfall is mitigated by the oblique relationship.
- 6.33 At first floor level of the northern part of Block C, 2 of the units would each incorporate 2 bedroom windows that would front onto the Broadwalk vehicular ramp. The sections provided with the application show that at this point the starts to ascend up to the height of the roof of the Broadwalk Centre. Nevertheless, given that the access is vehicular only and is a thoroughfare it is considered that any activity on the access road would be kinetic rather than stationery which would minimise opportunities for overlooking of the ground floor windows. In this regard it is considered that the layout of the development in relation to the access road to The Broadwalk Centre would not give rise to an unacceptable loss of privacy for future occupiers of the residential units.

Block D

- 6.34 To the front of Block D, the closest separation distance is approximately 15 metres between 2 bedroom windows of 1 x 2 bedroom unit at first floor level and the rear windows of 128-130 Station Road. It is understood that the rearmost of the windows are not in residential use and as such it is considered that the level of harm in terms

of privacy would be somewhat reduced. Furthermore, the windows would front onto a private amenity space which could be enclosed by a privacy screen which would further minimise the potential for overlooking. Details of the privacy screen would be required by condition if permission were granted.

- 6.35 There would be 1 x 3 bedroom unit at first floor level of Block D with a living/dining/kitchen which would enjoy a similar relationship to the vehicular ramp of the Broadwalk as the bedroom windows of Block C. In line with the view taken in relation to the bedroom windows it is considered that this relationship would not result in an unacceptable loss of privacy for future occupiers.

Daylight

- 6.36 A daylight/sunlight assessment has been submitted in support of the application by Waterslade which is inclusive of an assessment on the levels of both daylight and sunlight that would be received by all units of the proposed development.
- 6.37 The daylight/sunlight assessment submitted by Waterslade sets out the Average Daylight Factor (ADF) figures for each residential habitable room of the proposed development.
- 6.38 The daylight/sunlight assessment shows that the ADF value for each habitable room within the proposal. Of the 334 rooms tested 317 (95%) strictly adhere to the BRE ADF guidelines. There are 6 second floor bedrooms in Block B that do not achieve the recommended target ADF of 1.0% as they have their access to direct skylight restricted by the access deck to the flats above. The remaining 11 rooms are all combined living/kitchen/dining rooms, 9 of which will achieve the 1.5% ADF target value for a living room, which is their principal use.
- 6.39 Given the urban location of the application site, it is considered that the levels of daylight compliance achieved in the scheme would be good. Of those windows which fail to strictly adhere to the BRE Guidelines, it is considered that the marginal failure in the 6 bedrooms can be tolerated given the secondary habitable nature of the room use whilst the living/kitchen/dining rooms would achieve the target value of 1.5 % for the principal living room use.

Sunlight

- 6.40 In relation to sunlight the results show a spread of values, with 48% of the living rooms (60 out of 125) achieving the recommended 25% of total APSH with at least 5% in winter.
- 6.41 It is therefore clear that some windows will receive low sunlight levels due to their orientation and particular location with the scheme whilst some rooms would their access to sunlight restricted by recessed balconies. Nevertheless, it is accepted that in such an urban location there will be instances where the optimal use of the site and provision of external amenity space in the form of balconies would provide benefits that would outweigh a degree of failure in terms of the BRE guidelines.

- 6.42 The situation is not unusual in a modern urban development and overall the sunlight availability will be good for a development such as this.

Outlook

- 6.43 A dual aspect unit has many inherent benefits including cross ventilation, a choice of views, access to a quiet side of the building, and a greater flexibility in the use of rooms. The Mayor has outlined within design guidance that dual aspect should be the first option that designers explore for all new developments. In this regard, the development proposes 118 of the units as dual aspect, equating to 97% of the units which is considered to be an excellent ratio and would help to provide a very good standard of outlook for future occupiers. It should be noted that none of the single aspect units proposed would be north facing.
- 6.44 Previous application H/05793/13 was refused partly on the basis that the proximity of the development to the Broadwalk Shopping Centre and the Station Road properties would result in poor outlook from a significant number of flats. Previously a community centre was proposed at first floor level which has now been removed from the scheme and duplex apartments are now proposed at first and second floor level of Block B with 2 bedroom units at first and second floor level of Block C.
- 6.45 In the determination of the previous application, the reason for refusal related to the residential units at second floor level which would have comprised habitable rooms with the primary outlook onto the 2 storey facing elevation of the Broadwalk Centre 13 metres away, giving a poor and unacceptable level of outlook. The introduction of residential accommodation to first floor level now means that the following windows would be located below the height of the Broadwalk Centre building opposite:

First Floor Level

- 3 x living/dining room windows
- 8 x bedroom windows

Second Floor Level

- 7 x bedroom windows

- 6.46 It should be noted that the duplex units are dual aspect and would have outlook to the north onto the private amenity spaces on the podium deck at first floor level and onto decking at second floor level. Following officer review of the application, the layout of the duplex units at first floor level has been revised to incorporate a living/dining room covering the full depth of the unit and thus having a dual aspect with the primary outlook over the private amenity space to the front. It is considered that the dual aspect of the primary living space would provide an acceptable standard of accommodation with only the secondary window having outlook onto the Broadwalk Centre.

- 6.47 This would leave 8 bedroom windows at first floor level which would have sole outlook onto the Broadwalk Centre. The units within which the bedrooms are contained are dual aspect units with the primary habitable rooms located to the north and overlooking the podium deck. Given that the bedrooms are secondary habitable rooms and given the low number of bedrooms relative to the overall number of habitable windows provided with the development, it is considered that on balance the reduced outlook from these 8 windows can be tolerated.
- 6.48 At second floor level, Blocks B and C would incorporate 7 bedroom windows with sole outlook to the south onto the facing elevation of the Broadwalk Centre. Again, these windows are secondary habitable rooms and should be afforded less weight than if they were primary living areas. The primary habitable room of each of these flats at second floor level would have a good outlook to the north over the podium level and as such the occupiers of each flat would not be confined to a sole south facing outlook due to the dual aspect of the units. In this regard it is also considered that the reduced outlook from the 7 bedroom windows can be tolerated and would not outweigh the wider benefits of the scheme.

7.0 Design and Appearance

Tall Building (Block D)

- 7.1 London Plan Policy 7.7 sets out the approach to tall buildings in London requiring that appropriate locations are identified in Local Plan's. The policy sets out design criteria that tall buildings should comply with. Further to this, London Plan paragraph 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline.
- 7.2 Core Strategy Policy CS5 identifies this part of the borough as being suitable for tall buildings as part of the Edgware The location of the tall building is therefore acceptable in principle. Nevertheless, Policy Development Management Policy DM5 states that, where acceptable in principle, tall buildings must satisfy 5 criteria which are addressed in turn below.
- i) An active street frontage
- 7.3 The form and layout of the application site means that the tall building is located on a podium level, behind the properties of 126-140 Station Road. The layout of the development with the podium deck is derived from the policy requirement for the site to reprovide a similar quantum of car parking as currently exists. Given the costs involved in excavating an underground car park, such a solution in this location would be unlikely to be cost effective and if provided would be likely to impact on the viable level of affordable housing. It is therefore accepted that the ground level parking and podium deck is an appropriate response to the policy need to provide car parking within the development.
- 7.4 The location of the tall building and its lack of a street frontage is also derived from the shape of the site and the fact that the properties at 126-140 Station Road are

outside of the ownership of the applicant. For the reasons set out within section 5 of this report, it had not been possible for the two sites to come forward together and as such it is not possible for a street frontage on Station Road to be provided with the tall building.

- 7.5 Nevertheless, the location of the tall building is considered to be appropriate given that it would be set back from the street frontage thereby reducing its visual impact on the street scene and minimising its impact on the surrounding residential occupiers. In this regard it is considered that it is not strictly appropriate for the tall building to have a street frontage. It should also be noted that previous application H/05793/13 accepted that the location of the tall building behind the street frontage, on a podium deck was acceptable.
- ii) Successful integration into the urban fabric
- 7.6 The application site is located within Edgware Town Centre where the most prominent building in the locality is that of the existing Premier House tower at 14 storeys which the development, at 17 storeys, would exceed. Nevertheless, it is considered the positional relationship between the two buildings would avoid any unacceptable cumulative impact given that there are limited viewpoints in which the two buildings would present together as singular mass due to the separation distance and the location of the proposed tower to the rear of the site.
- 7.7 Edgware is identified as being suitable for tall buildings and The Tall Buildings Study of London Borough of Barnet (2010) recognises that tall buildings typically relate better to the urban form in these areas, particularly where they are more sensitively located relative to the public realm. In this case, given the location of the tall building relative to the public realm, and given its relationship to Premier House it is considered that it would integrate successfully into the urban fabric. It should also be noted that the GLA were supportive of the scheme in strategic urban design terms including the tall building.
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- 7.8 There are also no strategic views or identified local viewing corridors which would be adversely affected by the development.
- iv) Not cause harm to heritage assets and their setting
- 7.9 The nearest heritage assets to the application site are the Grade II listed St Margaret's Church, the Grade II listed Railway Hotel on Station Road (50m to the south of the site) and the Watling Estate Conservation Area (350m to the south east). Edgware High Street Conservation Area, which also contains a number of listed buildings, is located 100m to the west of the site, within the London Borough of Harrow. Previous application H/05793/13 was refused on the basis that the tall building could cause harm to the setting of the aforementioned heritage assets.

- 7.10 With regards to the Grade II listed buildings and the Edgware Road Conservation Area, when viewed from the south the backdrop setting of these buildings is dominated by the existing Premier House. This can be clearly seen in the CGI's provided by the applicant which include a long view from Station Road, adjacent to the junction with the A5.
- 7.11 When viewed in this context, the proposed tall building would present to right hand corner of the Premier House building with the majority of the silhouette being subsumed within the massing of the existing Premier House building. It is therefore considered that any harmful impact on the setting of these heritage assets as a result of the proposed development would not be significantly over and above that which already exists. In this regard it is considered that the previous reason for refusal has been addressed through the reduction in height of the tall building element.
- v) That the potential microclimate effect does not adversely affect existing levels of comfort in the public realm
- 7.12 The previous application was also refused partly on the basis that the development would result in an unacceptable impact on local microclimate conditions. In order to address this issue, the application is accompanied by a Microclimate (Wind) Report by Tsengi Building Simulations which sets out that an assessment was carried out using Computational Fluid Dynamics (CFD) simulations with several scenarios based on local climatic data being tested. A number of points located throughout the proposed development and on the adjacent highway were identified as being those where activity would take place and the assessment was carried out using these points. The results within the report are presented in accordance with standard practice for wind microclimate studies using the Lawson Scale of pedestrian comfort.
- 7.13 The results show that on all the points assessed, the pedestrian comfort levels would only exceed acceptable wind conditions as set out in the Lawson Scale by 0.02% in the case of two private amenity areas within the new development. The results of the report are summarised in Table 1.3 below:

Table 1.3

Description	Impact	Mitigation Required
Wind along pedestrian thoroughfares	Negligible	None
Wind impact at entrances	Negligible	None
Wind impact in public amenity spaces	Negligible	None
Wind impact on surrounding properties	Negligible	None

- 7.14 Having regard to the report by Tsengi Building Simulations and the results outlined above, it is clear that the development would not have a detrimental impact on existing levels of comfort in the public realm.

CABE/English Heritage Advice on Tall Buildings

- 7.15 As well as the Barnet DMP – DPD outlined above, the London Plan and CABA set out criteria which tall buildings should adhere to. Most of these criteria are similar to those of Policy DMO6 and are set out below with a brief assessment:
- 7.16 *Context:* As outlined in paragraphs 7.6-7.7 above, it is considered that the proposed tall building would harmonise with the existing urban fabric and would be congruent within its context.
- 7.17 *Historic Assets Impact:* As outlined in paragraphs 7.9-7.11 above, the height and location of the tall building and its separation distance from the nearby heritage assets would ensure that the impact on their setting would not be significant.
- 7.18 *Relationship to Transport:* The development has a PTAL of 6A which is the highest PTAL rating and is located within 100 metres of Edgware Transport Interchange. In terms of its transport accessibility, the site is therefore ideally located for accommodating a tall building.
- 7.19 *Architectural Quality:* Brick would be the dominant material of the tower and the massing of the tower would be broken through the use of smaller vertical blocks with differing depths and treatment. Balconies would be integral and recessed into the elevations contributing to well-ordered and logical elevations. Subject to the quality of the materials being used being secured through condition and subject to the retention of a similarly reputable architect to discharge conditions, it is considered that the architectural quality of the tall building would be good.
- 7.20 *Sustainability:* The application is supported by an energy statement which confirms that the development will accord with London Plan guidelines relating to CO₂ emissions. The sustainability of the scheme is discussed fully within section 9 of this report.
- 7.21 *Design Credibility:* The scheme is designed by a reputable architecture team and is supported by an established consultancy.
- 7.22 *Contribution to Spaces and Facilities:* The development contributes ground floor active frontages to Station Road and Approach Road, in line with the ETCF aspirations for the site. The development also provides a good level of communal amenity space for future occupiers.
- 7.23 *Environmental Effect:* No significant adverse impacts are identified including microclimate, overshadowing, night-time appearance, vehicle movement or to neighbour's amenity. This is clearly set out in paragraph 7.12-7.14 of this report.
- 7.24 *Contribution to Permeability:* The development would be located on a podium deck that would be accessed from access controlled stairwell on Station Road. Due to the policy requirement to provide car parking with the development and the podium deck, it is not feasible or appropriate for the development to create any new connections to the

7.25 *Well-Designed Environment:* The scheme would deliver robust, well designed buildings that would be connected by high quality hard and soft landscaping on the podium level. It is considered that overall, these combine to create a well-designed environment.

Scale, Bulk and Massing (Blocks A, B and C)

7.26 Previously refused application H/05793/13 proposed a linear building form along the southern site boundary ranging from 3 to 6 storeys in height. In the assessment of the application, it was considered that the heights and the massing of this element of the development were excessive and offered a singular built mass to the south of the site with no visual relief.

7.27 The heights of the blocks step up in height from the 3 storeys of Block A to the 6 storeys of Block C. This stepping of the building heights is considered to be appropriate and in urban design terms would provide a visual transition from the 17 storeys of the tall building to the 3 storey buildings to the Approach Way frontage. Whilst contributing to this visual transition, it is also considered that the reduced height of the buildings prevents Blocks A-C from being overly dominant in the context of the communal amenity area and Premier House

7.28 The massing of Blocks A-C is also mitigated by the visual separation between the blocks which has been introduced. It is considered that the separation of Block C from Block D and Block A from Block B would aid the visual permeability of the development and lessen its massing.

7.29 It is acknowledged that scale and height of the buildings would exceed that of most of the building typologies in the surrounding vicinity which mostly stand at 2-3 storeys. Nevertheless, in this case it would not be appropriate for the development to strictly reproduce this scale given that the application site represents a prime development opportunity within a major town centre. High density enabling residential development and resultant increased building scale and height to deliver the objectives of the ETCF is therefore considered to be appropriate in this location.

Conclusion

7.30 Having regard to all of the above, officers consider that the principle of a tall building in this location is acceptable. Officers consider that the scheme is of a high design quality and would integrate well with its surrounding context in accordance with London Plan Policy 7.7 and Local Policies CS5 and DM01.

8.0 Amenity Impact on Neighbouring Properties

Daylight/Sunlight

8.1 The applicant has submitted a Daylight/Sunlight report from Waterslade (June 2015) which is inclusive of daylight, sunlight and overshadowing assessments of the impact

of the proposed development on both neighbouring occupiers and future occupiers of the development itself.

Daylight

- 8.2 The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.
- 8.3 The assessment from Waterslade relies on the basis that the application site is located within an urban context and as such the target VSC level in such an environment should be correspondingly lower given the tight urban grain and the increased scale of the buildings. Waterslade have therefore adopted a revised VSC target value of 18% which they consider to be appropriate for the location.
- 8.4 In response to this revised VSC target value, it is accepted that the BRE guidelines are predicated on a suburban environment and that a less prescriptive approach may be adopted in an urban environment. Indeed, paragraph 1.6 of page 1 of the guidance states the following: *“The advice given here is not mandatory and 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 the factors in layout design. In special circumstances the developer or planning authority may wish to use different target values...”* With the above in mind and cognisant of the urban context within which the application site is located, it is considered that the reduced VSC target value is reasonable.

136-140 Station Road

- 8.5 The car park site is currently in an undeveloped state and as such it is inevitable that the neighbours immediately adjoining the site would experience a noticeable proportional loss in terms of daylight given the high extant VSC levels. In the case of 136-140 Station Road there would be a number of windows that would experience a proportional loss of less than 0.8 times their former value which would not be in strict accordance with BRE guidelines.
- 8.6 Nevertheless, the BRE target levels are meant to be used as a guideline rather than applied strictly and mechanistically. Each of the windows affected would still retain a VSC level of over 20% which is considered to represent a good level of daylight for such a central urban location. In this regard it is considered that the extent of the daylight loss to these properties would not be so significant as to warrant refusal of the application on this basis.

Premier House

- 8.7 In relation to the Premier House building which is currently undergoing conversion to residential use, the daylight analysis from Waterslades shows that all windows above 3rd floor level would achieve the target VSC levels. Below 3rd floor level there would be a total of 20 windows that would fail to achieve the revised target VSC level of 18% and would experience a proportional reduction of less than 0.8 times the former value.
- 8.8 The majority of the windows are located under balconies which restrict their access to direct skylight and as such it is inexorable that the windows would have restricted levels of daylight. Three windows which are unencumbered by balconies, would also receive lower levels. However these windows are located at first floor level and are located in close perpendicular proximity to the Premier House tower and as such also have restricted levels of daylight as a result. In this regard it is considered that the harm caused by the additional reduction to all of these windows would not be so significant as to warrant refusal of the application on this basis.

27-65 Station Road

- 8.9 The ground floors of these properties are in commercial use, however it is understood that upper floors may contain residential elements and as such the daylight assessment from Waterslades incorporated as an assessment of the impact on these properties.
- 8.10 The daylight analysis shows that all of the windows serving these properties will comfortably achieve the BRE VSC criteria demonstrating that these properties would continue to receive very good daylight amenity after the development.

Century House, 69 Station Road

- 8.11 Century House, located to the north of the application site is in residential use at 2nd floor level and above and as such was also incorporated into the daylight analysis.
- 8.12 The daylight analysis shows that all of the windows serving these properties will comfortably achieve the BRE VSC criteria demonstrating that these properties would continue to receive very good daylight amenity after the development.

Sunlight

- 8.15 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period. The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”.

136-140 Station Road

- 8.16 The sunlight analysis undertaken as part of the Waterslades assessment shows that in relation to 136-140 Station Road, only one window would not fully comply with the BRE APSH criteria.
- 8.17 The window falls short of compliance in relation to winter sun, however, in such an urban location it is accepted that this is not unusual. Given the marginal nature of the non-compliance, it is considered that the overall sunlight amenity to these properties will remain very good after development.

Premier House

- 8.18 The sunlight analysis shows that 5 rooms of Premier House would not achieve the target BRE levels for APSH as outlined above.
- 8.19 Of the windows identified that would not achieve the BRE target guidelines, 1 of the windows is located underneath a balcony which restricts access to direct sunlight and 3 of the windows are located at first floor level and are located in close perpendicular proximity to the Premier House tower. It is considered that the existing situation and the restricted access to direct sunlight with these windows identified means that the additional harm resulting from development is not so significant as to warrant refusal of the application on this basis.
- 8.20 One further window falls marginally short of the BRE target guidelines due to a reduction in winter sun however will still retain good levels of sunlight in the summer. Given the retention of the good levels of summer sun, only a marginal failure in winter sun and the urban location of the application site, officers consider that this failure can be tolerated in the wider context of the development.

27-65 Station Road

- 8.21 The sunlight analysis undertaken shows that the upper floor windows of 27-65 Station Road would continue to receive very good sunlight amenity with each window comfortably achieving the BRE APSH criteria. The majority will continue to receive over 1.5 times the recommended levels of sunlight after development.

Century House, 69 Station Road

- 8.22 The sunlight analysis undertaken shows that the upper floor windows of Century House would continue to receive very good sunlight amenity with each window comfortably achieving the BRE APSH criteria. The majority will continue to receive over 1.5 times the recommended levels of sunlight after development.

Outlook

- 8.23 The proposed development varies in height between 3 and 17 storeys, descending in height from the 17 storeys of Block D to the east of the site to the 3 storeys of Block A to the west of the site. In terms of relationships to surrounding residential

development, the most sensitive neighbour would be Premier House which is currently undergoing conversion to residential and incorporates windows which directly overlook the development.

- 8.24 Floors 1-5 of Premier House would incorporate windows to the south elevation which would be located below the maximum height of the facing elevation of Blocks B and C. In this regard there would be a loss of outlook from the existing unencumbered outlook over the roof of the Broadwalk Centre to the south. Nevertheless, there would be a separation distance of approximately 25 metres to the facing elevation of Blocks B and C which is in excess of the 21 metre minimum set out within the Sustainable Design and Construction SPD. In this regard it is considered that the south facing windows at floors 1-5 of Premier House would still retain a good outlook.
- 8.25 The residential windows of 136-140 Station Road are located at first floor level and would be located directly opposite the north elevation of Block D which would rise to 17 storeys in height. The separation distance from the windows to Block D would be 15 metres which is below the minimum guidelines as set out within the Sustainable Design and Construction SPD. Given the positional relationship and the separation distance it is clear that there would be a significant loss of outlook to these windows. The residential windows identified are located above retail premises, within a major town centre and currently enjoy an unencumbered outlook due to the extant state of the undeveloped car park. The application site has been identified as a development site and it is considered that any development of an appropriate scale would be likely to result in a marked loss of outlook for the windows in question. The benefits of redeveloping the town centre site must be therefore weighed against the harm caused by the loss of outlook to these windows and in this case it is considered that the harm is outweighed by the benefits. It should also be noted that previous application H/05793/13 which proposed a 22 storey building in the same location was not refused on the loss of outlook to these windows.
- 8.26 Century House would be located approximately 60 metres away from the 17 storeys of Block D. Whilst it is the case that the development would be visible from the south facing windows, it is considered that the separation distance would be sufficient to ensure that the 17 storey height would not be unacceptably harm the outlook for existing and future occupiers. It should also be noted that previous application H/05793/13 which proposed a 22 storey building in the same location was not refused on the loss of outlook to the windows of Century House.
- 8.27 Likewise, the properties at 27-65 Station Road are located a minimum of 75 metres from the 17 storeys of Block D and it is considered that this is sufficient to ensure any loss of outlook is not significant.

Privacy

- 8.28 The most sensitive relationship between the proposed development and neighbouring residential properties would be that between Blocks B and C and the south elevation of Premier House and between the Block D and the rear windows of 126-140 Station Road.

- 8.29 Only those windows at floors 1-4 of Premier House would be located directly opposite the facing windows of Blocks B and C. The separation distance between Premier House and these windows Blocks would be approximately 25 metres which is in excess of the minimum guidelines for facing habitable windows as set out within the Sustainable Design and Construction SPD. In this regard it is considered that the separation distance would be sufficient to ensure that future occupiers of Premier House would not suffer any unacceptable loss of privacy as a result of development.
- 8.30 In terms of the windows on the upper floors of 126-140 Station Road, these would be located approximately 15 metres from the first floor windows to the north of Block D. whilst this is below the minimum guidelines as set out within the SPD, the first floor windows of Block D would be located behind an enclosed private amenity area which would provide a degree of screening and would avoid mutual overlooking and consequent loss of privacy for the occupiers of 126-140. It should also be noted that previous application H/05793/13 which proposed north facing windows in a similar location on Block D was not refused on the loss of privacy to neighbouring occupiers.

Noise

- 8.31 The applicant has commissioned as Noise Impact Assessment from Environmental Noise Solutions Ltd which sets out the likely noise impacts of the development and which has been reviewed by the Council's Environmental Health officers.
- 8.32 Conditions are suggested which would require the submission of noise mitigation measures to control noise from plant machinery and equipment installed in association with the retail and residential uses. This condition would ensure that there would be no unacceptable noise pollution for future occupiers of the development and occupiers of both Premier House and 126-140 Station Road.
- 8.33 Given the scale of the development, it is likely that there would be potential for significant noise from construction. If permission were to be granted, in order to ensure that the construction process would be managed appropriately including the provision of noise mitigation measures, a condition would be attached requiring the submission of a construction method statement.

9.0 Sustainability

- 9.1 London Plan Policy 5.2 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
- 9.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that

sustainable design standards are integral to the proposal, including its construction and operation.

- 9.3 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.
- 9.4 With regards to the energy hierarchy set out within London Plan Policy 5.2, it is considered that the application is broadly in accordance. The application is accompanied by an Energy Statement from AJ Energy Consultants which sets out that the scheme will incorporate energy efficiency measures and Combined Heat and Power (CHP) and photovoltaic panels.
- 9.5 The scheme would incorporate a range of passive design features and demand reduction measures to reduce the carbon emissions. Both air permeability and heat loss parameters will be improved beyond the minimum values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.
- 9.6 It is also outlined within the energy strategy that the scheme is proposing to significantly reduce heat loss through thermal bridging. In consultation with the GLA, further details were requested in relation to the processes that would be put in place to ensure that the performance levels associated with the thermal bridging would be achieved. In this regard, a condition is attached requiring these details to be submitted by condition. A condition is also attached requiring the submission of details outlining measures to be incorporated to reduce the overheating risk for the residential dwellings.
- 9.7 There are no existing or planned district heating networks within the vicinity of the proposed development however it is proposed to ensure that the development is designed to allow future connection to a district heating network should one become available and a condition is attached to this end. The applicant is also proposing to install a site heat network which would be supplied from a single energy centre 73 m2 in size and located on the ground floor. A condition is attached to ensure that all units being provided would be supplied by the network.
- 9.8 Based on the energy assessment submitted and inclusive of the energy efficiency measures, CHP and the photovoltaic panels, the scheme would deliver the following overall carbon dioxide emissions:

	Total residual regulated CO₂ emissions (tonnes per annum)	Regulated CO₂ emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building regulations	212		
Energy Efficiency	183	29	14%
CHP	153	30	14%
Renewable energy	133	20	10%

Total		79	37%
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- 9.9 Overall, the incorporation of all of the measures outlined would equate to a reduction of 37.2% for the scheme which exceeds the 35% improvement requirement under the London Plan.

Other Sustainability Issues

- 9.10 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.
- 9.11 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. A BREEAM pre-assessment is appended to the Sustainability Statement which confirms that the office floorspace could achieve a standard of 'Very Good'. If permission were to be granted, a condition would be attached to ensure that the development achieved this standard on implementation.

10.0 Planning Obligations

- 10.1 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.
- 10.2 In accordance with development plan policies the following obligations 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.

Affordable Housing

- 10.3 In accordance with policy 3.12 of the London Plan and Policies CS4, CS15 and DM10 of the Barnet Local Plan, officers recommend that the following number and mix of affordable housing unit types and sizes are secured by S106 Agreement at the application site:
- 20% (by unit number) representing a minimum of 24 units with a split of 66.6% Social Rent (16 units) and 33.3% Intermediate Housing (8 units).
- 10.4 Officers also recommend that a review mechanism should be included in the S106 agreement should permission be granted. This mechanism would ensure that if circumstances changed and the scheme became more economically viable, a correspondingly appropriate additional financial contribution and/or additional affordable housing would be made to the Council.

Employment and Training

- 10.5 In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would be required to deliver employment and training opportunities through a Local Employment Agreement.
- 10.6 If permission were granted, the employment agreement would need secure the following minimum levels and would also set out specifically how the applicant would achieve this.
- End use jobs – 8
 - Progression into employment, less than 6 months – 8
 - Progression into employment, more than 6 months – 5
 - Apprenticeships – 10
 - Work experience – 14
 - School / College / University site visits – 79
 - School / College workshops – 62
- 10.7 The LEA would be subject to discussion with the Council and would be agreed prior to the commencement of development.

Travel Plan and Travel Plan Monitoring

- 10.8 In accordance with policy DM17 of the Local Plan the applicant would be required to enter into a Strategic Level Travel Plan for the residential development which would seek to reduce reliance on the use of the private car and promote sustainable means of transport.
- 10.9 The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives (up to a maximum of £36600) for the first occupier of each residential unit. These incentives are discussed in further detail in the relevant section of this report but would comprise of a voucher to a minimum value of £300 per dwelling to be spent on Car Club Membership, an Oyster Card with a pre-loaded amount and/or Cycle Scheme vouchers all designed to encourage the use of more sustainable modes of transport.
- 10.10 A contribution of £20000 would be required towards the monitoring of the Travel Plans for the development. This contribution would enable the Local Planning Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.
- 10.11 In line with the incentives above, the provision of a car club and the allocation of 2 car parking spaces within the site to be provided and retained for use by the car club would also be required.

Monitoring of the Section 106 Agreement

- 10.12 The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements would be required. The Council would therefore require the payment of £3180 towards the costs of undertaking the

work relating to securing the planning obligations recommended in line with the adopted SPD for Planning Obligations.

Traffic Management Order

- 10.13 The application would be required to provide £2000 funding towards Contributions towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits.

Edgware Urban Design/Public Realm Study

- 10.14 The Council has secured government funding through the One Public Estate initiative. Part of the funding secured will contribute towards a public realm, landscape and urban design masterplan for Edgware Town Centre which in turn will provide a detailed framework of public realm and urban design enhancements. The current application will have an irrevocable impact on the townscape within its context and as such it is considered appropriate that a contribution is made towards funding the detailed design work stage of the masterplan. To this end, a figure of £100,000 has been agreed with the applicant.
- 10.15 The masterplan would help to guide and stimulate the regeneration of Edgware Town Centre and in this regard it is considered that the contribution secured could bring tangible benefit to Edgware Town Centre.

Community Infrastructure Levy

- 10.16 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined.
- 10.17 The CIL liability of the scheme is determined by the amount of new floorspace being provided, deducting both the social housing element and the office floorspace, both of which are exempt from CIL liability.

11.0 Flood Risk / SUDS

- 11.1 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”.
- 11.2 The application has been accompanied by a Flood Risk Assessment produced by EAS. The report identifies and assesses the risks of all forms of flooding to and from the development and concludes that the proposal would not adversely effect on site or neighbouring properties. The application has also been accompanied by a Drainage Feasibility Report (also from EAS) which considers peak flow rates and the potential for SUDS and surface water storage.
- 11.3 The site is generally within Flood Zone 1, with no significant surface water flood risk at the site. Nevertheless, following initial investigation, Thames Water have identified

an inability of the existing waste water infrastructure to accommodate the needs of the current application. Thames Water have therefore requested a 'Grampian Style' planning condition be attached to any permission imposed requiring the submission of a drainage strategy detailing any on and/or off site drainage works for approval. Accordingly, a condition would therefore be attached if permission were granted.

12.0 Contaminated Land

- 12.1 The application site has a historical commercial/industrial land use and as such the Council's Environmental Health officers have requested a condition requiring site investigation works to be carried out prior to the commencement of development and subsequent mitigation should it be required. Such a condition would be attached if permission were granted.

13.0 Crime Prevention / Community Safety

- 13.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 13.2 Previous application H/05793/13 was refused partly on the basis that the blank frontages to the north-east and south-east elevations would fail to provide a safe and secure environment. The layout of the current scheme has retained the louvred elevations to the north-east and south-east elevations; however, an area of landscaping has been incorporated adjacent to the elevations which would prevent potential assailants from having an environment in which to lurk with anonymity. Officers therefore consider that the previous reason for refusal has been addressed and overcome and the proposed development would not provide an unsafe environment for future occupiers or increase opportunities for crime in the locality.
- 13.3 To this end, the Metropolitan Police were consulted on the application and had no objections to the application subject to a condition requiring compliance with Secured by Design guidelines. A Secured by Design condition is attached accordingly.

14.0 Transport / Highways

- 14.1 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.

Car Parking

- 14.2 The London Plan sets out maximum parking standards which are outlined in Table 1.4 below.

Table 1.4

	PTAL 0 to 1		PTAL 2 to 4		PTAL 5 to 6	
Suburban	150–200 hr/ha	Parking provision	150–250 hr/ha	Parking provision	200–350 hr/ha	Parking provision
3.8–4.6 hr/unit	35–55 u/ha	Up to 2 spaces per unit	35–65 u/ha	Up to 1.5 spaces per unit	45–90 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–65 u/ha		40–80 u/ha		55–115 u/ha	
2.7–3.0 hr/unit	50–75 u/ha		50–95 u/ha		70–130 u/ha	
Urban	150–250 hr/ha		200–450 hr/ha		200–700 hr/ha	
3.8–4.6 hr/unit	35–65 u/ha	Up to 1.5 spaces per unit	45–120 u/ha	Up to 1.5 spaces per unit	45–185 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–80 u/ha		55–145 u/ha		55–225 u/ha	
2.7–3.0 hr/unit	50–95 u/ha		70–170 u/ha		70–260 u/ha	
Central	150–300 hr/ha		300–650 hr/ha		650–1100 hr/ha	
3.8–4.6 hr/unit	35–80 u/ha	Up to 1.5 spaces per unit	65–170 u/ha	Up to one space per unit	140–290 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–100 u/ha		80–210 u/ha		175–355 u/ha	
2.7–3.0 hr/unit	50–110 u/hr		100–240 u/ha		215–405 u/ha	

14.3 Explanatory text provided in the parking addendum sets out that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.

14.4 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is 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

14.5 The application site comprises of 145 parking spaces including 59 spaces allocated to the Premier House Prior Approval which consists of 121 units. At the time of the application being made, 117 of the 121 units at Premier House had been sold and only 7 parking spaces have been taken up. Based upon the existing sales and interest expressed to date it is expected that a maximum of 10 parking spaces will be allocated to two-bed units.

14.6 The current scheme proposes to provide a total of 96 spaces which would be allocated between the Premier House residential development and the new Premier Place application to make best use of this available parking.

14.7 It has been suggested that considering the sale of new residential properties in Premier House has so far resulted in a low take up of parking provision, an assumption has been made that none of the 1 bed flats will require parking, as was previously agreed as part of the Premier House application.

14.8 It is also assumed that the proposed 12 Premier Place three bed flats should have a guaranteed parking space if required, which would require 12 spaces. This leaves 67 Premier House and 62 Premier Place two-bed units. Or a total of 129 two bed units to share a remaining 84 parking spaces or 0.65 spaces per dwelling, or approximately 2 spaces for every 3 dwellings, or 40 spaces for Premier Place and 44 spaces for Premier House.

14.9 The applicant has therefore proposed to provide parking to the following standard applied across Premier House and Premier Place Residents:

- One bed flats car free;
- Two bed flats: 2 space for every 3 dwellings – providing 40 spaces for Premier Place; and
- Three bed flats: 1 space per dwelling – providing 12 spaces for Premier Place

14.10 Also a S106 Agreement will need to be in place to amend the Traffic Management Order (TMO) to ensure that the new occupants of Premier House and Premier Place are prevented from purchasing parking permits. £2,000 contribution will be required towards the amendments to the TMO to mitigate the likely detrimental impact of the proposed development on available parking in the vicinity of the development site.

14.11 Therefore taking into consideration the location of the site within a PTAL rating of 6a and the proposed limits on purchase of parking permits the proposed development would be acceptable on highway grounds.

Vehicular Access

14.12 The basement car park would be accessed via a ramp from Approach Road which represents public highway up to the back of the pedestrian refuge at the signalised junction with Station Road whilst beyond the pedestrian refuge the road is in private ownership. In this regard, the applicant would therefore need to seek approval from the owners of Church Way for any highway works associated with the proposed development. Nevertheless, subject to the applicant being able to secure the necessary approval, neither LBB Transport and Highways nor TFL have any objection to the location and layout of the vehicular access.

Cycle Parking

14.13 The development would provide 202 cycle spaces for the residential element located in purpose built enclosures at ground floor level in cycle stores within the car park and 80 spaces provided on first floor level in Block D. However, to satisfy London Plan requirements a minimum of 214 spaces must be provided with 196 of those spaces being for long-stay in association with the residential use, with a further three visitor stands. The short-stay cycle parking provided in Station Road and in the car park would satisfy the London Plan minimum requirement the residential and retrieval uses.

14.14 Revised drawings were submitted showing the required numbers of parking spaces as outlined in TFL comments. A condition would be attached to secure the delivery of the cycle storage

Vehicular Trip Generation

14.15 Residential Trip Rates were assessed using industry standards TRAVL which is now part of TRICS data base. Following initial comments from TFL, the methodology used was revised to incorporate assessment of existing sites which satisfied the following criteria:

- Less than 5 years old;
- Located within an Outer London borough;
- Located within a town centre or edge of town centre; and
- With a PTAL 3-6.

- 14.16 The sites identified are located in a town centre location in Brentford and an edge of centre location in Kingston. Both of these sites are considered to be appropriate and were used to calculate the likely trip rates of the development. The trip generation rates indicated that the development would result in the following increased journeys:
- 15 car trips in the morning peak hour;
 - 14 car trips in the evening peak hour; and
 - 129 car trips over a typical day.

- 14.17 Both LBB Transport officers and TFL are satisfied that these increases would not result in an unacceptable impact on the surrounding highway network.

Public Transport Impact:

- 14.18 The application site enjoys a PTAL of 6A, being located less than 100 metres from Edgware Interchange, inclusive a number of bus routes and the Northern Line underground station. It is considered that the level of increase would not be significant given the number of daily journeys undertaken through the interchange.

PERS Audit:

- 14.19 The applicant has undertaken PERS Audit which has been agreed with Transport for London. In this regard, any highway works identified in the vicinity of the site as part of PERS, the applicant would be required to fund as part of the S106 Agreement and would then be concluded under a Section 278 Agreement if permission were granted.

Refuse Collection

- 14.20 The proposed refuse strategy would involve the storage of refuse in purpose built enclosures within the site with the refuse being transferred to the highway for collection on the appropriate day. The temporary storage of a large number of bins on the public highway could result in health and safety risks and as such if permission were granted a condition would be attached requiring the submission of a refuse strategy for approval.

Deliveries and Servicing

- 14.21 The application is accompanied by a Delivery and Servicing Management document which shows that deliveries and servicing would be undertaken using a dedicated area within the undercroft. This arrangement is considered to be acceptable by LBB and transport and TFL however a final version of the document would be secured by condition if permission were granted.

15.0 Conclusion

- 15.1 In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable and in accordance with the ETCF aspirations for the site. The height, density and scale of the development are considered to be appropriate for the town centre location and have successfully addressed and overcome the reasons for refusal of the previous scheme. The level of affordable housing secured is fully justified by a financial viability appraisal and is considered to represent a good level of provision. The development would not have an unacceptable impact on the amenity of surrounding occupiers and would provide a good standard of

accommodation for future occupiers. The development is acceptable in transport and sustainability terms.

- 15.2 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 in Appendix 1 of this report.



Existing Site Plan
1:500 (A1:1000000)



Project Name	123456789	Client	ABC Company
Project No.	987654321	Project Manager	John Doe
Revision	01	Date	12/12/2023
Author	Jane Smith	Check	John Doe
Drawn	John Doe	Approved	John Doe
Scale	1:500	Sheet No.	1 of 1
Project Location	123 Main Street, London, UK		
Project Description	Residential Development		
Project Status	Approved		
Project Start	01/01/2024		
Project End	31/12/2024		
Project Budget	£1,000,000		
Project Risk	Low		
Project Contact	John Doe, 123 Main Street, London, UK		
Project Phone	+44 20 1234 5678		
Project Email	john.doe@abc.com		
Project Website	www.abc.com		
Project Social Media	@abc_company		
Project Logo	[Logo]		
Project Footer	halobrown architects		

Appendix 2: Conditions

- 1) This development must be commenced within three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority:

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 and policy 1.1 of the London Plan.

- 3) Notwithstanding the details shown on the plans, hereby approved, no development (other than demolition, site clearance and ground works) shall be undertaken unless and until:
 - (a) details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority; and
 - (b) a sample panel shall be constructed on site, inspected 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 policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 4) Notwithstanding the details shown on the plans, hereby approved, no development shall commence (other than demolition, site clearance and ground works) unless and until detailed bay studies at an appropriate scale (1:10, 1:20 or 1:50) showing details of the construction of the below features have been submitted and approved in writing by the Local Planning Authority:

- window reveals
- residential core entrances
- brickwork shadow gaps
- parapets, fascias and brick on edge details
- projecting and recessed balconies
- rainwater goods

The development shall be carried out and constructed in accordance with the detailed bay studies and schedules approved. For the avoidance of doubt, any

features shown on these bay studies where they represent specific parts of the development shall be taken to represent all features of that type throughout the development unless otherwise stated.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 5) Prior to the commencement of development (other than demolition, site clearance and ground works), 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 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 6) Notwithstanding the details submitted in the drawings hereby approved no phase of the development is to commence (other than demolition, ground works and site clearance) unless and until details of the levels of the proposed buildings, footpaths 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 any of the residential units 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 in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

- 7) Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing which specify:
- (a) the siting and design of all privacy screens that are to be installed as part of the development (including the set back/planting located to the rear of the first floor amenity areas of Block C); and
 - (b) a schedule of the parts of the development hereby permitted that are to be used for amenity purposes and those which are to be restricted access for maintenance only.

Before the buildings hereby approved are occupied 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 neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

- 8) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance and ground works) shall be commenced until details are submitted to and approved in writing by the Local Planning Authority which specify the details of boundary treatments to be installed within 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 prior to the first occupation of any residential unit 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.

- 9) Notwithstanding the details shown on the plans submitted hereby approved, 10% of the residential units provided shall be easily adaptable for wheelchair use or to 'Wheelchair Homes' standards. A plan showing the location and layout of such units shall be submitted to and approved in writing by the Local Planning Authority prior to any development (other than demolition, site clearance and ground works) being commenced. The wheelchair units shall thereafter be constructed as such.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

- 10) Prior to the commencement of any development (including demolition, site clearance and ground works), a Demolition and Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 11) Prior to the first occupation of the development the parking shown on Drawing No. 138(GA) 00 Rev.PL1 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 12) Prior to the first occupation of the development, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. the allocation of car parking spaces between the approved scheme and Premier House, including provision of a minimum of 44 spaces for Premier House;
- iii. on-site parking controls and charges;
- iv. the enforcement of unauthorised parking; and
- v. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the car parking spaces are provided and managed in an appropriate way and to ensure that adequate parking is retained for existing and

future residents of Premier House in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 13) Prior to the first occupation of the development, hereby approved, full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 20% passive parking spaces with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 14) Prior to the first occupation of the development, a minimum of 214 cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and shall thereafter be used for any purpose other than for the parking of cycles associated with the development.

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.

- 15) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance and ground works) shall be commenced until details of the refuse and recycling collection arrangements have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling strategy shall thereafter be implemented in accordance with the approved strategy.

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.

- 16) Prior to the first occupation of the development, hereby approved, a full Delivery and Servicing Plan (DSP) encompassing both the residential and commercial elements of the scheme shall be submitted to and approved by the Local Planning Authority. Deliveries and servicing shall thereafter be carried out solely in accordance with the approved details.

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.

- 17) The CHP plant hereby approved must not exceed the Band B Emission Standards for CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document. Prior to the installation of the CHP, evidence to demonstrate compliance with these emission limits shall be sent to and approved in writing by the Local Planning Authority for approval. The CHP plant shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

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

- 18) a) An air quality assessment report, written in accordance with the relevant current guidance, for the CHP plant shall be submitted to and approved by the Local Planning Authority prior to the commencement of development (including demolition, site clearance and ground works). It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
- b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development (including demolition, site clearance and ground works).
- c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013).

- 19) Prior to the commencement of development (other than demolition, site clearance and ground works) a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and outlines measures to be implemented to address its findings, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 20) Prior to the commencement of the development (other than demolition, site clearance and ground works) details of all extraction and ventilation equipment to be installed as part of the development 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. The development shall be implemented in accordance with details approved under this condition before the first occupation of the development 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 DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 23) Prior to the commencement of the development (other than demolition, site clearance and ground works), a report shall be undertaken 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 first occupation of the development and retained as such thereafter.

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

- 24) No development (other than demolition, site clearance and ground works) shall take place until a strategy setting out how the development could enable future connection to any District Heating Network has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan policies 5.2 and 5.6.

25) Part 1

Prior to the commencement of development (including demolition, site clearance and ground works) other than for investigative work:

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.

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.

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

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 prior to the commencement of development (including demolition, site clearance and ground works).

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 26) No development (other than demolition, site clearance and ground works) shall take place until a drainage strategy detailing all on and off site drainage works including Sustainable Urban Drainage Systems, such as permeable paving, attenuation measures and rainwater harvesting) to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

- 27) No development (other than demolition, site clearance and ground works) shall take place until a detailed scheme of hard and soft landscaping (to include green and brown roof details) 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:

- the position of any existing trees and hedges to be retained or removed;
- 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;
- 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;
- existing site contours and any proposed alterations to these such as earth mounding;
- details of all proposed hard landscape, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site.

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 DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

- 28) All work comprised in the approved scheme of hard and soft landscaping be shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

- 29) Any trees, hedges 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 neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

- 30) Notwithstanding the details shown on the plans otherwise hereby approved:

- a) Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space of the development 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 prior to the first occupation of the development and the play space shall thereafter be permanently retained.

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 3.6 of the London Plan.

- 31) Prior to the first occupation of the development, hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be permanently maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

- 32) No development (other than demolition, site clearance and ground works) shall take place until, a scheme for the provision of communal/centralised satellite/cable and television reception equipment to be installed within the development (including any external or rooftop installations required) has been submitted to, and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be permanently retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the townscape and character of the area, so that it accords with policies CS5 and DM01 Barnet Local Plan.

- 33) 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 express 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 townscape and 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.

- 34) No development (including demolition, site clearance and ground works) shall take place until, details of any public highways to be stopped up under Section 247 of the Town and Country Planning Act shall be submitted to, and approved in writing by, the Local Planning Authority. The public highways shall be stopped up, and if necessary re-provided, in accordance with the approved details.

Reason: To ensure that adequate public access is provided throughout the development, in line with the requirements of policy CS9 of the Barnet Local Plan and policy 6.10 of the London Plan.

- 35) The opening hours of the commercial units, hereby approved, shall be restricted to the following unless otherwise approved in writing by the Local Planning Authority:
- Monday to Saturday (8am-10pm)
 - Sundays and Bank Holidays (10am-6pm)

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

- 36) The commercial units, hereby approved, shall be used for use class A1 (Retail) or A2 (Financial and Professional Services) and no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

Appendix 3: Informatives

- 1) In accordance with paragraphs 186 and 187 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. 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) If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team at London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 3) The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty kerbed access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic & Development Section – Traffic and Development Section, London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 4) Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 5) The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 6) The applicant is advised that A1 Watford Way is part of Transport for London Road Network (TLRN). The proposed scheme is likely to have an impact on A1. Therefore the applicant is advised that Transport for London is consulted as part of the application to ensure that their view is taken into consideration.
- 7) The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8) The report submitted to the LPA should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance - Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007); 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the

Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9) 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 details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.
- 10) 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.
- 11) 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 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
 - 3) BS 8223: 2014 – Guidance on sound insulation and noise reduction for buildings: code of practice;
 - 4) Department of Transport: Calculation of road traffic noise (1988);
 - 5) Department of Transport: Calculation of railway noise (1995);
 - 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

Noise Levels – For information

Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.

4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
5. Distance away from noise sensitive premises and the nature of these premises e.g.: offices, housing flats or storage.

12) In relation to the car parking provision, you are advised that the level of parking approved under Prior Approval ref: H/02513/14 at Premier House should be amended to reflect the changes hereby approved. Any necessary amendments to the associated Unilateral Undertaking should be carried out through a Deed of Variation.

LOCATION: 112-132 Cricklewood Lane,
London
NW2 2DP

AGENDA ITEM 14

REFERENCE: 16/0601/FUL Received: 01/02/2016
Accepted: 01/02/2016

WARD: Childs Hill Expiry: 02/05/2016

APPLICANT: Cricklewood Developments Limited

PROPOSAL: The erection of a part 3, part 6, part 8 storey building comprising 122 no. residential units and 279 sqm (GIA) of commercial floorspace, including the provision of private and communal amenity space, landscaping, car parking, cycle parking, refuse storage areas and other associated development

APPLICATION SUMMARY

The application seeks permission for the redevelopment of the site to provide a residential –led mixed use development comprising of a part 3, part 6, part 8 storey building with 122 residential units and 279 square metres of commercial floorspace.

The application site comprises a series of buildings ranging in height, form, use and layout and located on the sites forming 112-132 Cricklewood Lane. These buildings include an old single storey, pitched roof warehouse building currently in use as a place of worship (Use Class D1); a vehicle repair garage with front forecourt and a 4 storey vacant office building (Use Class B1).

The existing site incorporates employment floorspace which, even though vacant, merits protection under Policy DM14. The application is supported by an employment floorspace analysis and a structural survey of the buildings currently providing the employment floorspace are in dilapidated state and require significant works to bring them up to a modern standard. Such works to refurbish the buildings, to retain the existing employment uses on site and to bring them to a modern standard would be unlikely to be viable and consequently the site would be likely to remain in a dilapidated and under developed state unless a comprehensive development comes forward. On this basis, and taking into account that some employment floorspace would be retained on site, it is considered that on balance the reduction in employment floorspace is acceptable.

The existing site also incorporates an occupied community facility, currently occupied as a place of worship by an Islamic charity. As a community facility, the use necessitates protection under Policy DM13 which requires the retention of

reprovision of any community use. The current occupiers of the community building have been in discussions with the applicant with a view to securing an alternative site for Islamic centre. The occupiers are fully committed to a relocation strategy and are actively working with the applicant to facilitate the relocation. At the time of the report being written, no site had yet been secured and as such a Grampian style planning condition has been attached to the permission stating that no development shall take place until an alternative site has been secured. Subject to this condition, the application is in accordance with Policy DM13.

The scheme would deliver 21 affordable housing units, representing 17.2% of the total number of units. The affordable housing statement submitted in support of the application was subject to an independent review carried out on behalf of the Council by BNP Paribas. BNP Paribas are satisfied that the current level of affordable housing being offered is the maximum that can be offered. A small surplus was identified however the surplus was not of a size which could enable the delivery of any additional affordable housing. The surplus has been secured as contributions within the Section 106 Agreement.

Core Strategy Policy CS5 identifies parts of the borough that are suitable for tall buildings and defines tall buildings as those that are 8 storeys or over. In this case the application proposes a development incorporating buildings of up to 8 storeys in height and Cricklewood is not identified as one of those areas suitable for tall buildings. The application therefore represents a departure from development plan policy and was advertised as such as part of the consultation. Notwithstanding the departure, it is considered that the tall building is of a high quality design and is located in a location which lends itself to an identity corner. The building would introduce a high quality aesthetic and increase visual legibility to this part of Cricklewood. The visual impact of the development is discussed fully in Section 7 of this report.

In terms of transport, the PTAL rating for the site is 4 the parking provision is calculated as approximately 126 parking spaces which would need to be provided to meet the parking standards. The development proposes to provide 82 parking spaces which would fall short of the requisite standard by 44 spaces. It is therefore likely that there would be overspill parking onto the surrounding streets. Parking surveys were therefore carried out and submitted in support of the application which identified capacity of 185 spaces within the CPZ streets with peak utilisation of 31%. Supplementary parking surveys were carried out in relation to the unrestricted street to the south of the application site which identified a total of 200 unrestricted spaces with a maximum parking demand of 89%.

Following review of the Transport Assessment and surveys, LBB Transport officers consider that a contribution of £2,000 would be necessary to mitigate the likely

adverse impact of the development on roads in the vicinity of the site within the CPZ by exempting the occupiers of the new development from purchasing permits.

It is likely that due to lack of on-street parking controls the roads to the south of the application site would be adversely affected by the overspill parking resulting from the proposed development. It is therefore considered that in order to ensure that the likely adverse impact on the pocket of roads just outside of the CPZ can be mitigated; a contribution of £35,000 should be secured under S106 to extend the existing CPZ to cover these roads.

Subject to both of these items within the Section 106 Agreement, LBB Transport officers are satisfied that the level of parking provided with the development is acceptable and would not result in increased parking stress for surrounding streets.

RECOMMENDATION

Approve the application subject to:

Recommendation 1

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 of seeking to secure the following:

Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

Enforceability

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

Affordable Housing

The provision within the development of a minimum of 21 of homes as affordable housing, providing the following

- 13 Affordable Rented Units
- 8 Shared ownership units

Affordable Housing – Review Mechanism

The viability of the development shall be re-appraised at an appropriate point in the implementation of the development and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.

Employment and Enterprise

Progression into employment, less than 6 months – 8
Progression into employment, more than 6 months – 5
Apprenticeships – 12
Work experience – 19
School / College / University site visits – 95
School / College workshops - 88

A Local Employment Agreement is needed. The LEA would be subject to discussion with the Council and would be agreed prior to the commencement of development. Please refer to p.10 of the SPD on Delivering Skills, Employment and Enterprise Training (SEET). The SEET should provide information pertaining to how the developer will deliver the placement numbers outlined.

Transport / Public Realm

Section 278 - Any works on public highway including alteration to existing shall be implemented under a S278 Agreement.

Travel Plan Incentives - Travel Plan Incentives Fund comprising a Travel voucher/s per residential unit up to the value of (£300) to be spent on 2 of the following (total contribution of £36600/122 x £300):

- £150 Oyster card
- Subsidised Car club membership to the value of £150 and/or towards car club hire
- Bike voucher to the value of £150

Travel Plan Monitoring - A contribution of £15,500 towards monitoring the objectives of the Travel Plans will be required for a single phase development. Please note that the contributions would need to be reassessed for a phased development.

S278 - Any works on public highway associated with the development proposal including provision of a new accesses or alteration to existing accesses shall be implemented under S278 Agreement.

CPZ Contribution – Contribution of £35,000 towards extension of CPZ

Provision of a car club in accordance with the submitted transport statement.

A contribution of £2000 for a traffic management order exempting future residents from applying for a parking permit.

Monitoring Contribution

£ 2613 contribution (3% of total of contributions) (index linked) towards the costs of undertaking the work relating to securing and monitoring the planning obligations.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1 the Assistant Director of Development Management and Building Control approve the planning application reference 16/0601/FUL under delegated powers and grant planning permission subject to the conditions and informatives set out in Appendix 1 and any changes to the wording of the conditions considered necessary by the Service Director for Development Management and Building Control.

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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. 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.

The London Plan

The London Plan (2015) 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:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) and 3.13 (Affordable Housing Thresholds).

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water

Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise) and 7.18 (Protecting Local Open Space and Addressing Local Deficiency).

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

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)

CS6 Promoting Barnet's Town Centres

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well-being 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)
DM05 (Tall Buildings)
DM06 (Barnet's Heritage and Conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents:

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)
Barnet Housing Strategy 2015-2025 (February 2016)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

1.0 Site Description

- 1.1 The application site comprises a series of buildings ranging in height, form, use and layout and located on the sites forming 112-132 Cricklewood Lane. These buildings include an old single storey, pitched roof warehouse building currently in use as a place of worship (Use Class D1); a vehicle repair garage with front forecourt and a 4 storey vacant office building (Use Class B1).
- 1.2 The site is located to the south side of Cricklewood Lane, opposite the junction with Gillingham Road. To the south-west of the site is a Virgin Active gym and leisure centre (Use Class D1) whilst to the north-east is a working men's club (Use Class A4). To the opposite side of Cricklewood Lane, to the north and north-west of the site are two places of worship, the Sadhu Vaswani Centre and St. Agnes Catholic Church (both Use Class D1). The application site adjoins residential properties to the south on Besant Road and Harman Drive.
- 1.3 The site is located approximately 200 metres from Cricklewood Station which forms part of the Thameslink line and is connected to London St Pancras Station and is located approximately 500 metres outside of Cricklewood Broadway which is designated as a District Centre. The site is not located within a Conservation Area and does not incorporate and listed buildings. The site is located within Flood Risk Zone 1.

2.0 Proposed Development

- 2.1 Permission is sought for the comprehensive redevelopment of the application site to deliver a residential-led mixed use scheme comprising of 122 residential units and 279 square metres (GIA) of B1 floorspace.
- 2.2 The development would be accommodated within a range of buildings ranging from 3 to 8 storeys. The scheme would be separated into two distinct blocks with Block A to the front of the site rising to 8 storeys at the north east corner of the site. 6 storey wings with the top two floors set back would adjoin the 8 storey element and would step down to 4 storeys adjacent to the Virgin Active Gym building to the west of the site. The development would be largely of a brick construction with a grey/dark grey materials palette with the exception of the set-back top floors which would incorporate a lighter contrasting cladding system.
- 2.3 Block A would be laid out in a horseshoe manner around a central courtyard providing communal amenity and children's playspace. The central courtyard would be located at podium level with ground floor parking located underneath accessed from a vehicular access point to the north east elevation. Cycle parking and refuse storage would also be accommodated within purpose built enclosures at ground floor level.
- 2.3 To the rear of the site, Block B of the development would extend to 3 storeys in height with access to the building from an estate road running parallel to the north elevation of the block and separating it from the larger Block A. Vehicular parking and refuse storage would be located to the front of the block, adjacent to the road. A mix of private and communal amenity space would be provided to the rear of the block, adjacent to the site boundary.
- 2.4 In all, the development would provide 82 car parking spaces along with 225 dedicated cycle parking spaces.

3.0 Relevant Planning History

- 3.1 The following applications are considered to be relevant in the consideration of the application, with the applications being set out starting with the most recent.
- 3.2 F/00553/11 (112-114 Cricklewood Lane) - Extension to the time limit for implementing planning permission C01059E/08 dated 15/08/08 for 'Demolition of existing buildings and erection of six storey 121 bedroom hotel with ancillary cafe / bar, kitchen, dining room and business meeting rooms, and basement car park on two levels with spaces for 60 cars. Application approved 13/05/2011 subject to S106.

- 3.3 C01059E08 (112-114 Cricklewood Lane) - Demolition of existing buildings and erection of six storey 121 bedroom hotel with ancillary cafe / bar, kitchen, dining room and business meeting rooms, and basement car park on two levels with spaces for 60 cars. Application approved 15/08/2008 subject to S106.
- 3.4 C00402Q (120 and 134 Cricklewood Lane) - Change of use of 134 Cricklewood Lane from recording studio (B1) to trades hall (D2) and change of use of 120 Cricklewood Lane from a trades hall (D2) to a recording studio (B1). Application approved 02/06/04.
- 3.5 C02550AJ (r/o 112-120 Cricklewood Lane) - Continued use of former workshop (including vehicular repairs), store and warehouse as use for public worship (D1). Application approved 21/11/00.
- 3.6 C01059A (112 Cricklewood Lane) - Change of use of part of Ground Floor from mixed warehouse and storage (Class B8) and workshop (Class B1) use to a light industrial and research development use (Class B1). Application approved 02/08/94.
- 3.7 C00142K (114 Cricklewood Lane) - Use of part of first floor for class B1 (Business) use and retention of rear extension, access balcony and staircase to class B1 (business) use. 6 parking spaces along Cricklewood Lane frontage. Application approved 15/06/94.
- 3.8 C00402J (120-132 Cricklewood Lane) - Change of use of existing trade hall club to offices and existing offices to club. Application approved 07/01/92.
- 3.9 C02550U (r/o 112 Cricklewood Lane) – Rebuilding of warehouse to provide new warehouse and ancillary offices. Application approved 18/01/89.

4.0 Consultations

- 4.1 As part of the original consultation exercise 419 letters were sent to neighbouring occupiers in February 2016. The application was also publicised via site notices and a press notice was published. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.
- 4.2 As a result of the consultation, 28 objections and 21 letters of support were received. A summary of the comments received is set out below.

Summary of Neighbour Objections

- 4.3 The material planning considerations contained within the 28 objections received from neighbouring residents are summarised below:
- The development is too high at 8 storeys and would be out of character with its surroundings;
 - The development represents overdevelopment of the site;
 - There is insufficient parking provided by the development which would result in an increase in indiscriminate parking in the wider town centre;
 - The likely traffic associated with the development would result in increased traffic and congestion on Cricklewood Lane and the surrounding road network;
 - The development would result in a loss of privacy for occupiers of the residential properties to the south;
 - The development would increase strain on local infrastructure;
 - Construction noise from the development will result in disturbance to surrounding occupiers;
 - The development would result in a detrimental impact on the residential amenity of the adjoining residential occupiers in terms of sunlight, daylight and privacy.

Summary of the Letters of Support

- 4.4 The 21 letters of support received in support of the application can be summarised as follows:
- The development would improve the appearance of the area;
 - The development would deliver much needed new homes to the area;
 - The relocation of the place of worship and the associated car parking and noise problems would be of benefit to the area;
 - The development would bring much needed investment and kick start regeneration of the area;
 - The existing buildings are an eyesore and in need of redevelopment such as this.

Summary of Responses from External Consultees

- 4.5 The following responses were received from external consultees as a result of the consultation exercise:
- Metropolitan Police Crime Prevention Design Advisors – No objection subject to compliance with Secured by Design requirements.
 - Natural England – No comments
 - Thames Water – No objection subject to Grampian condition

Summary of Internal Responses

- Environmental Health Team – Concern raised in relation to the noise levels on the external balconies fronting onto Cricklewood Lane. The response to these comments is set out within the relevant section of this report along with a summary and discussion of the associated issues.
- Transport and Highways – Given the high PTAL rating and subject to S106 clause preventing future occupiers from applying for parking permits, the overall level of parking provision is considered to be acceptable

5.0 Land Use / Principle of Development

5.1 The application seeks permission for the redevelopment of the site to provide a residential led mixed use development comprising 122 no. residential units and 279 sqm (GIA) of commercial floorspace. The existing site comprises of community and employment uses and as such the scheme would involve the loss of the community use and a reduction in the quantum of the employment floorspace.

Loss of Community Floorspace

- 5.2 Given the loss of the community floorspace inherent in the application, Policy DM13 of the Development Management Policies Document is relevant. Policy DM13 states that the loss of a community or educational use will only be acceptable in exceptional circumstances where new community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location or there is no demand for continued community or education use, and that the site has been marketed effectively for such use.
- 5.3 The existing community use represents a place of worship which operates within a former warehouse building. No planning permission was granted for the use however the use has become lawful through the passage of time, having operated continuously for a period of over 10 years. Therefore, irrespective of the fact that no planning permission was granted in the first instance, the community use is lawful and should be afforded protection under Policy DM13 as set out above.
- 5.4 The application does not propose to retain any element of community floorspace and as such the applicant has submitted a community floorspace assessment produced by Jones Lang Lasalle (JLL) which provides justification for its loss. The document sets out a range of sites which are could be utilised as replacement community facilities, these sites are summarised in Table 1.0 below:

Table 1.0

Address

13 Waxlow Road, NW10 7NU
106 Brent Terrace, NW2 1BZ
Units 6 and 11, 1000 North Circular Road, Staples Corner Business Park, NW2 6LU
Denmark House, West Hendon Broadway, NW9 7BW
Victory, Great Central Way, Wembley, NW10 0BN
Wembley North Conservative Club, Churchill Hall, Hawthorne Ave, Harrow, HA3 8AG
Land Between 179 & 183 West Heath Road, NW3 7TT
28 Dorset Square, NW1 6QG
Tileyard Road, N7 9AH
Unit 6, Abbey Road, NW10 7SU
Building 3 (NLBP), Brunswick Park Road, N11 1GN
1 – 8 Capitol Way, NW9 0EQ
Corner of Blackbird Hill, NW9 8RR
26 – 28 Dorset Square, NW1 6QG
Manor Park Works, NW10 4JJ
Advance House, North Circular Road, NW10 7SH
17 – 27 Stirling Road, W3 8DJ
Units 14-19 Fleetway West Business Park, Wandsworth Road, UB6 7LD

- 5.5 The applicant has outlined that an interest free loan facility has been offered to the occupiers of the community building in order to try to enable them to find a replacement facility. In addition to the sites outlined above and identified within the JLL report, the Islamic Group which currently occupies the site have engaged with their own commercial agents who are also actively looking for sites to relocate to. The Islamic Group are fully committed to a relocation strategy and commercial discussions with the applicant are ongoing in terms of this being secured.
- 5.6 Nevertheless, at the time of the report being written, no alternative site had been secured and as such it is considered that it would be necessary for the Council to attach a ‘Grampian’ style planning condition in order to ensure that the re-provision of the community use is secured prior to the implementation of the development. Grampian Conditions derive from the decision in Grampian Regional Council v City of Aberdeen (1984) which provided that a condition precluding the implementation of development permitted by a planning permission until some step had been taken is valid.
- 5.7 The report from JLL also sets out that the building currently being used for by the Islamic Charity is not suitable for reuse for any other purpose under the D1 use class. Given that the building is not a purpose built community facility and is currently in a dilapidated state, officers accept that this is the case.

- 5.8 Subject to the suggested Grampian style condition, officers consider that the application is in accordance with Policy DM13.

Loss of Employment Floorspace

- 5.9 With regards to the reduction in the employment floorspace, Policy DM14 states that outside of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map the loss of a B Class use will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. The existing site incorporates the following employment premises:

- Warehouse with attached offices, listed as 112 Cricklewood Lane (vacant);
- Car wash and mechanics, listed as 114 Cricklewood Lane (occupied);
- Office, listed as 120 Cricklewood Lane (vacant).

- 5.10 In this case, the applicant has not carried out any marketing of the aforementioned premises, instead attempting to justify the reduction in employment floorspace through the report produced by JLL. The key argument within the document relates to the current state of the office units and the costs associated with bringing the offices back to a modern standard being prohibitive.

- 5.11 The applicant has provided supplementary figures which indicate the indicative costs associated with the renovation of the offices which set out that to bring the offices up to a modern standard would cost approximately. This figure is supported by a structural analysis of the office accommodation which sets out the following problems which would require remediation:

- The rainwater goods servicing the premises are beyond reasonable repair and currently allow water to penetrate internally.
- The main roofs including the skylights and front dormer windows are beyond reasonable repair and require replacement. This is likely to include some structural replacement/alteration of the steel portal frames providing support to the existing roofs.
- The building suffers vandalism and notices indicate that squatters had taken residence as recently as December 2015.
- The rear portion of the warehouse is fire damaged showing partial roof collapse and indicating significant, structural damage to the brick built elements of the building.
- The front elevation shows some inward leaning at roof height and should be checked and stabilised to prevent further movement.

- Internally the warehouse and offices are in a poor and derelict state and require significant repair and upgrading works
- Internally the office building appears to suffer water ingress resultant of the previous issues raised. Internal fixtures, fittings and fixtures are in a dilapidated state and require significant works to make the building fit for purpose.
- Based on the structural survey, it is likely that upgrades will need to be carried out to the building envelope and services in accordance with Part L regulations (consumption of fuel and power). The premises are likely to require upgrading works undertaken in order to comply with The Energy Act 2011, which prevents the letting of properties which perform badly in this regard after April 2018.

5.12 It is also noted within the report that despite the car wash and mechanics premises being occupied the building would require significant improvements, similar to those outlined above, in order to remain in order to be brought to a modern standard.

5.13 Officers consider that the realities of delivering a comprehensive redevelopment of the buildings which form the application site would necessitate a predominantly residential led mixed use development and a relative loss of the existing employment floorspace. For the reasons set out above, a 'light touch' redevelopment of the site to retain the existing employment uses on site and bring them to a modern standard would not be economical.

A preliminary assessment of the refurbishment costs, indicated that costs of £1,509 per sqm for the offices and £798 per sqm for the factory/warehouse. Working on the basis of the existing floorspaces, this would give indicative refurbishment costs of £18.9m for the offices and circa £10m for the factory warehouse. Consequently the site would be likely to remain in a dilapidated and under developed state unless a comprehensive development comes forward.

5.14 It should also be noted that the floorspace being provided with the development would be flexible and would be of a size that would encourage small start-up businesses. The applicant is also making a financial contribution that is commensurate with the level and quality of the floorspace being lost, whilst also not impinging on the overall delivery of the scheme and the quantum of affordable housing being delivered.

5.15 Having regard to all of the above, it is considered that the proposed development is in accordance with Policy DM14.

Residential Density

- 5.16 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 5.17 The application site is best described as ‘urban’, defined in the London Plan as areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a district centre or, along main arterial routes.
- 5.18 In terms of density, the Barnet Residential Design Guidance SPD confirms that rooms exceeding 20sq.m will be counted as two habitable rooms. In this regard, the application site is approximately 0.64 hectares in area with the development proposing 122 residential units and 474 habitable rooms. The site also enjoys a PTAL of 5.
- 5.19 Using the aforementioned figures, it is possible to extrapolate that the scheme would deliver 3.88 habitable rooms per hectare. Using the London Plan density matrix, it is clear that this would suggest a density of 45-185 units per hectare would be acceptable. In terms of habitable rooms, 200-700 habitable rooms per hectare is suggested as being acceptable. In this case the development would slightly exceed these density ranges with 191 units per hectare and 741 habitable rooms per hectare.
- 5.20 Notwithstanding the fact that the scheme density would slightly exceed the ranges set out within the density matrix, it should be recognised that the density standards should not be applied mechanistically. Whilst the London Plan density matrix is a useful guide it must be recognised that density should not be used as a tool in isolation to judge the appropriateness of a development, rather density is an outcome of the design and development process. In this case, the scale and layout of the development is appropriate and as such the manifestation of the increased density is considered to be acceptable.

6.0 Housing / Quality of Accommodation

- 6.1 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 Ch1 ‘Context and Strategy’, Ch2 ‘London’s Places’, Ch3 ‘London’s People’, and

Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. 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, Residential Design Guidance SPD and CAAP policy 5.2.

Dwelling Mix

6.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.

6.3 The development proposes 122 residential units with the following mix of units

Table 1.1

Unit Size	Number of Units	% of Units
1 bedroom	25	21%
2 bedroom	73	60%
3 bedroom	24	19%

6.4 It is considered that the mix of units being provided is appropriate for the location. The scheme would deliver a good proportion of family sized units, contributing towards the objectives of Policy DM08.

Affordable Housing

6.5 London Plan 2015 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 70% social rented and 30% intermediate housing.

6.6 The application was accompanied by an 'Affordable Housing and Economic Viability Assessment' produced by Fairview which sets out that out of the 122 proposed units, 21 (17.2%) would be affordable. There are already 7 residential units within the site and as such the net increase of units is 115 units, and therefore the 21 affordable units represent 18.3% affordable housing in terms of net additional units.

6.7 The affordable housing statement was subject to an independent review from BNP Paribas. There were some differences between the two parties in terms of the assumptions made within the document, mostly relating to the

benchmark land value. Nevertheless, the alternative figures adopted by BNPP produced only a small surplus above the viability benchmark. The surplus was not so significant as to enable the provision of additional affordable housing on site.

- 6.8 Given that the scheme is delivering 17.2% of the residential units as affordable, it is considered appropriate to incorporate a review mechanism within the Section 106. The review mechanism would enable the viability of the scheme to be reappraised at an appropriate point following implementation. If any additional surplus is identified and if deemed viable to do so, an additional payment would then be made to the Council to contribute towards the provision of additional affordable housing.
- 6.9 The aforementioned affordable housing provision would be written the Section 106 Agreement through relevant clauses and triggers to secure delivery. It is therefore considered that the affordable housing provision is the maximum that can be secured and is therefore acceptable and in accordance with Policy 3.12 of the London Plan and Policy CS4 of the Core Strategy.

Residential Space Standards

- 6.10 Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is set out in Table 1.0 below, which shows the areas relevant to the units proposed within the development:

Table 1.2 – Residential Internal Space Standards Requirements

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
Houses	3 bed (5 persons)	85

- 6.11 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.
- 6.12 In addition, all of the units would have at least a 2.5 metre floor to ceiling height and all units have glazing which is equivalent to 20% of the floor area.

Wheelchair Housing Standards

- 6.13 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 policy 3.8. In this regard, a condition be attached to ensure that a minimum of 12 units are constructed as wheelchair accessible in accordance with both the Planning and Design and Access Statements. The provision of the wheelchair units would be secured by condition with the location and the layout of the units also required.

Amenity space

- 6.14 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 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in Table 1.1 below:

Table 1.3 – Outdoor Amenity Space Requirements

Outdoor Amenity Space Requirements	Development Scale
For Flats: 5m2 of space per habitable room	Minor, major and large scale
For Houses: 40m2 of space for up to four habitable rooms 55m2 of space for up to five habitable rooms 70m2 of space for up to six habitable rooms 85m2 of space for up to seven or more habitable rooms	Minor, major and large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

- 6.15 The development proposes a mix of private and communal amenity areas and the application incorporates a Landscape Design Strategy setting out the details of this pr
- 6.16 Within Block A, the communal amenity space would be provided within the central courtyard above the podium deck and would incorporate a mix and hard and soft landscaping along with children’s playspace. A further communal amenity space incorporating children’s playspace would be provided to the rear of Block B, adjacent to the boundary with the Besant Road properties.

- 6.17 Using the methodology associated with Table 2.3 of the SPD and set out in Table XX.XX above, the development would comprise 474 habitable rooms which would necessitate the provision of 2370 square metres of amenity space. The development would provide the following:
- 1,178 square metres of communal amenity space;
 - 915 square metres of private amenity space in the form of balconies
- 6.18 The development would therefore comprise an overall amenity provision of 2083 square metres which falls below the 2370 square metre requirement derived from SPD requirements. It is therefore clear that there would be a shortfall of 287 square metres. This shortfall would represent a shortfall of just over 10% which is not considered to be a significant shortfall. The site is located in close proximity of several areas of public open space to the south east of the site including UCS Sports Ground and Hampstead Cemetery. The CIL contributions attracted by the development could be partly used to fund improvements to these amenity areas to mitigate any additional impact.

Children's Play Space

- 6.19 The development would have a Child Yield of 46 children as per the Mayor's Child Yield Calculator. The Mayor's Shaping Neighbourhoods: Informal Play and Recreation SPG requires a provision of 10 square metres of playspace per child. The Proposed Development meets this target and provides two separate children's play areas on the podium amounting to 460sqm. In this regard, the level of children's playspace provided is accordant with the requirements of the Mayor's Shaping Neighbourhoods: Informal Play and Recreation SPG and the application is therefore acceptable.
- 6.20 Nevertheless, the application does not incorporate details of the equipment to be provided. Therefore if permission were to be granted a condition would be attached requiring the submission of details of the play equipment to ensure it is of an appropriate type and quality.

Noise

- 6.21 In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment produced by Grant Acoustics. The report sets out the likely noise impacts on future occupiers of the development and the methodology used was agreed with Council Environmental Health officers in advance.

- 6.22 The report was subsequently reviewed by Council Environmental Health officers who agreed with most of the assumptions and conclusions. It is clear from the report that it is likely that future occupiers would experience noise impacts from the commercial uses on the ground floor including internal noise, external plant noise or outbreak noise and delivery noise if not controlled adequately. It has been confirmed that mechanical ventilation will be used due to the extant noise levels adjacent to the site. Conditions suggested by Environmental Health officers would be included if permission were granted and subject to these conditions, it is considered that internal noise transfer and noise impacts associated with the commercial units at ground floor could be adequately mitigated.
- 6.23 However, with relation to external noise some concern was raised with regards to the noise levels of the external balconies adjacent to Cricklewood Lane. It has been identified that the noise levels would be very high for the entire façade of the building fronting onto Cricklewood Lane, being 73dBA on first floor decreasing to 68dBA on the fourth floor mainly due to noise from vehicular traffic on Cricklewood Lane. For this reason it has been suggested by Environmental Health officers that winter gardens are incorporated into the scheme in order to reduce the noise levels to a level which in line with WHO standards.
- 6.24 It should be noted that all of the units that would incorporate a balcony fronting onto Cricklewood Lane would also have access to the communal amenity space within the courtyard where the ambient noise levels would be low. Given that the balconies would not provide the sole external space for future occupiers, it is considered that the higher noise levels can be tolerated. Whilst the inclusion of winter gardens would inexorably reduce noise levels, officers consider that their inclusion would unacceptably compromise the aesthetic quality and composite design of the development to an extent that would outweigh the benefits derived from the reduction in noise levels.

Privacy

- 6.25 The most sensitive relationship in terms of adjacent windows would be between the facing windows of the south elevation and Block A and the north elevation of Block B at Levels 0 to 2. The windows located within the north elevation of Block B would be bedroom windows with the primary habitable windows to south, overlooking the communal amenity space, whilst those windows to the south elevation of Block A would largely serve the primary living areas of the respective units.
- 6.26 The SPD on Sustainable Design and Construction advises a minimum separation distance of 21 metres between facing habitable windows. In this

case the separation distance would vary between 12 and 16 metres which would clearly fall short of the recommended minimum distance.

- 6.27 Nevertheless, it should be recognised that the site represents a brownfield site in an urban location and as such it may not be appropriate to apply the SPD recommended minimum separation distances mechanistically. The dual aspect of the Block B units would ensure that future occupiers would not be restricted to solely the outlook to the north with its proximity to the windows of Block A, lessening the extent of the resultant harm. The separation distances largely stand at 16 metres which, whilst below the prescriptive minimum distances set out in the SPD, would still represent a good separation distance in such an urban location.
- 6.28 For the reasons set out above and in order to maximise the development potential of the site, it is considered that the shortfall below the prescriptive standards recommended within the SPD can be tolerated.
- 6.29 A condition would be attached requiring the submission of details of the privacy screens to be used on the private balcony areas to ensure that they are of an adequate quality in terms of aesthetics and opaqueness.

Daylight

- 6.30 A daylight/sunlight assessment has been submitted in support of the application by CHP Surveyors Ltd which is inclusive of an assessment on the levels of both daylight and sunlight that would be received by all units of the proposed development.
- 6.31 The daylight/sunlight assessment submitted by CHP sets out the Average Daylight Factor (ADF) figures for each residential habitable room of the proposed development at ground floor and first floor level on the basis that if those at first floor level are in compliance then those above would also be in compliance.
- 6.32 The daylight/sunlight assessment shows that within Block A, the ADF value for all habitable rooms at first floor level would be in compliance with BRE standards whilst only 2 living room windows at ground floor level would fall below the minimum standard. In both cases, the extent of the shortfall is marginal and in this regard it is considered that they can be tolerated.
- 6.33 To Block B, the results show that all of the habitable windows would be in compliance with BRE guidelines with the exception of the following:

- 2 bedrooms;
- 2 living rooms;
- 1 kitchen/dining room

6.34 In terms of the bedrooms, the BRE guidelines recognise that daylight levels are less important than those to primary habitable rooms. In the case of the living rooms and the kitchen/dining room, the shortfalls are marginal in nature with the exception of R11 where there is a shortfall of 0.5 below the required ADF of 1.5. Given that this is the only noticeable shortfall in the 51 windows tested in Block B, it is considered that the shortfall can be tolerated given the good level of compliance otherwise evident.

Sunlight / Overshadowing

6.35 In relation to sunlight, the report from CHP Surveyors demonstrates that almost the entire courtyard amenity space would receive 2 hours of direct sunlight on 21st March in line with BRE Guidelines.

Outlook

6.36 In terms of the outlook from the proposed development, the most sensitive relationship would be between the south elevation of Block A and the facing north elevation of Block B at Levels 0 to 2. It is considered that all of the other windows would enjoy a good outlook.

6.37 With regards to the windows to the south of Block A at Levels 0 to 2, these windows would largely serve primary habitable rooms and would have separation distances of between 12 and 16 metres from the facing elevation of Block B. Whilst below the recommended minimum separation distances set out within the SPD, it is considered that the relationship would not be dissimilar to that which would exist in a typical urban residential street with a mews arrangement. Whilst the scheme is clearly not providing a mews development, it is considered that the outlook from the south facing windows at levels 0-2 of Block A would have a similar outlook as would exist in such a development. The reduced outlook in the limited number of windows must also be balanced against the wider benefits of the scheme and in this regard it is considered that the extent of the reduced outlook and the number of windows involved would not be so significant as to warrant refusal of the application on this basis.

7.0 Tall Building Assessment

7.1 Core Strategy Policy CS5 identifies parts of the borough that are suitable for tall buildings and defines tall buildings as those that are 8 storeys or over. In

this case the application proposes a development incorporating buildings of up to 8 storeys in height and Cricklewood is not identified as one of those areas suitable for tall buildings. With this in mind, it is clear that the application represents a departure from development plan policy and was advertised as such as part of the consultation.

- 7.2 Notwithstanding the non-compliance, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that all applications must be determined in accordance with the development plan, unless material planning considerations dictate otherwise. The key test is therefore whether material planning considerations exist which dictate that the tall building is appropriate in this location.
- 7.3 Officers consider that the layout of the site is such that it lends itself to a feature building on the north east corner to provide visual legibility and a focal point. The existing streetscape on this part of Cricklewood Lane consists of a mix of building typologies ranging from 2-4 storeys, and as such it is clear that the 8 storey building would be prominent within its context. Nevertheless, the tall element would be located on a bend in the road, perpendicular to Gillingham Road and it is considered that this provides scope for additional height and the provision of a visual focal point. The 8-storey block would provide an identifiable and clear visual reference point and adding positively to the streetscene.
- 7.4 The tall element would be of a high design quality which would add positively to the streetscene through its aesthetic quality and architectural refinement. The 8 storey height provides the scope to introduce additional refinement and to break up the mass of the building through the elevational treatment.
- 7.5 Having regard to all of the above it is considered that the high quality of the overall design of the building and its particular location within the streetscene provides material planning considerations that dictate that a tall building in this location could be acceptable in principle. It would therefore be necessary to assess the development against the requirements of Policy DM05 of the Development Management Policies DPD. Policy DM06 states that tall buildings will only be acceptable where the following criteria are satisfied.
- i) An active street frontage
- 7.5 The development would incorporate a number of commercial units fronting onto Cricklewood Lane which would have an active frontage, ensuring that the tall building would fully interact with the public realm at ground floor level.

- ii) Successful integration into the urban fabric
- 7.6 As outlined in paragraphs 7.3 and 7.4 above, it is considered that the layout of the surrounding locality lends itself to a taller building in the location proposed. The building is of a high design quality and would provide a visual focal point for this part of Cricklewood Lane.
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- 7.7 There are no strategic views or identified local viewing corridors which would be adversely affected by the development.
- iv) Not cause harm to heritage assets and their setting
- 7.8 There are no heritage assets within the vicinity of the site.
- v) That the potential microclimate effect does not adversely affect existing levels of comfort in the public realm
- 7.9 Bu virtue of the 8 storey height of the corner building, the development constitutes a tall building for the purposes of Policy DM05. However, the scheme incorporates only one tall element which, whilst in a prominent location, is not in close proximity to other larger buildings. The surrounding buildings do not exceed 4-5 storeys and therefore would be considered low-rise development. Microclimate assessments are appropriate and necessary when the proposed development will be built in the context a series of taller buildings in close proximity to each other. In such instances, the combination of tall buildings has the potential to cause decreased levels of comfort in the public realm. In this case, it is considered that the height, form and layout of the development would be unlikely to result in any harm to pedestrian comfort levels within the public realm.

CABE/English Heritage Advice on Tall Buildings

- 7.10 As well as the Barnet DMP – DPD outlined above, the London Plan and CABE set out criteria which tall buildings should adhere to. Most of these criteria are similar to those of Policy DMO6 and are set out below with a brief assessment:
- 7.11 Context: As outlined in paragraphs 7.3-7.4 above, it is considered that the layout of the surrounding locality lends itself to a taller building in the location proposed.

- 7.12 Historic Assets Impact: There are no heritage assets in the vicinity of the site which would be adversely affected by the development.
- 7.13 Relationship to Transport: The development has a PTAL of 5 (very good) and is located within 500 metres of Cricklewood Rail Station. Given the high PTAL rating and its proximity to public transport, it is considered that the site is suitably located in terms of transport accessibility.
- 7.14 Architectural Quality: The architectural detailing of the 8 storey element is of a high quality and it is considered that the articulation of the building would give it a distinctive and robust appearance. The final design quality of the development would be dependent on high quality materials being used and as such conditions are attached requiring the submission of samples of the materials for agreement by the LPA.
- 7.15 Sustainability: The application is supported by an energy statement which confirms that the development will accord with London Plan guidelines relating to CO₂ emissions. The sustainability of the scheme is discussed fully within section 9 of this report.
- 7.16 Design Credibility: The scheme is designed by a reputable architecture team.
- 7.17 Contribution to Spaces and Facilities: The development contributes ground floor active frontages to Cricklewood Lane. The development also provides a good level of communal amenity space for future occupiers.
- 7.18 Environmental Effect: No significant adverse impacts arising from the development have been identified including daylight/sunlight, night-time appearance, vehicle movement or to neighbour's amenity.
- 7.19 Contribution to Permeability: The ground floor of the development would step back from the boundary of the public realm and thus create an enhanced area of public realm to the front, aiding pedestrian permeability on this part of Cricklewood Lane. The introduction of a tall building in this location would also serve to provide a visual focal point and would aid the visual legibility of the vicinity.
- 7.20 Well-Designed Environment: The scheme would involve the comprehensive redevelopment of the existing site which consists of a number of buildings which do not have any architectural commonality. In this case the proposed development would create a high quality and well-designed environment, bringing aesthetic improvement to the streetscene.

Design and Appearance

- 7.21 Aside from the 8 storey element, the development would incorporate buildings ranging in heights from 3 to 6 storeys in height.
- 7.22 Block B which is located closest to the low rise residential buildings to the rear of the site would step down to 3 storeys in height. In purely design and layout, it is considered that the 3 storey height to the rear of the site stepping down to the low rise development to the south is acceptable.
- 7.23 The height of the development would descend from the 8 storeys of the identity corner to 4 storeys adjacent to the Virgin Active gym building. It is considered that this stepping down in height is appropriate and would help to bridge the visual transition between the two building typologies. The 6 storey height of the development within the central wing parallel to Cricklewood Lane would be offset by a set-back 4th and 5th floor incorporating a cladding system with a contrasting palette to the lower floors. It is considered that this treatment would reduce the visual massing of the top floor.
- 7.24 Balconies have been set onto the projecting vertical columns to the front elevation which would help to lessen the street presence of the development and its overall massing through breaking up the flank elevation of the column.

Landscaping

- 7.25 Drawing ref: FNH415 LS/01 submitted in support of the application sets out the landscape design strategy for the scheme and shows that it would be of a good quality and with robust hard/soft landscaping both at podium level within the courtyard amenity space and at ground floor level throughout the site.

Conclusion

- 7.26 Having regard to all of the above, officers consider that the principle of a tall building in this location is acceptable. Officers also consider that the scheme is of a high design quality and would integrate well with its surrounding context in accordance with London Plan Policy 7.7 and Local Policies CS5 and DM01.

8.0 Amenity Impact on Neighbouring Properties

Daylight

- 8.1 The applicant has submitted a Daylight/Sunlight report from CHP surveyors which is inclusive of daylight, sunlight and overshadowing assessments of the impact of the proposed development on neighbouring occupiers.

- 8.2 The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.

140-148 Cricklewood Lane

- 8.3 The property at 140-148 Cricklewood Lane is located to the north of the application site and comprises of residential accommodation at first and second floor level. The report from CHP shows that all of the residential windows within the property would achieve a VSC of at least 27% in compliance with BRE guidelines.

21 and 22 Harman Drive

- 8.4 21 and 22 Harman Drive are located to the east of the application site and comprise residential accommodation at ground and first floor levels. The report from CHP shows that all of the residential windows within the property would achieve a VSC of at least 27% in compliance with BRE guidelines.

33-55 Besant Road

- 8.5 The properties at 33-55 Besant Road are located to the south of the application site and comprise of residential accommodation at ground, first and second floor levels. The report from CHP shows that all of the residential windows within the property would achieve a VSC of at least 27% or would retain a level commensurate with 0.8 times its former value, in compliance with BRE guidelines.

Sunlight

- 8.6 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period. The BRE guidelines state that "...all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun".

- 8.7 The only property which lies within 90 degrees of due south is 140-148 Cricklewood Lane and as such this is the only property which was assessed as part of the CHP review.

140-148 Cricklewood Lane

- 8.8 The report from CHP demonstrates clearly that all windows facing within 90 degrees of due south would retain at least 25% APSH and at least 5% of winter sun in compliance in BRE guidelines.

Outlook

- 8.9 The development is laid out in such a way that the maximum height of 8 storeys would be located to the north east corner of the site, opposite the junction with Gillingham Road which runs perpendicular to Cricklewood Lane. Given the perpendicular relationship, the front and rear elevation windows of the Gillingham Road properties would face away from the application site and the 8 storey element would not be readily visible other than in oblique views.
- 8.10 Clearly, the development would be highly visible from the public realm on Gillingham Road however it is considered that this in itself would not harm the living conditions of residential occupiers which is predicated on the impact on day to day living within the properties themselves rather than on the street where most of the activity by nature would be transitory.
- 8.11 To the south of the site, the properties at 21 and 22 Harman Drive back on to the southern boundary of the development. Block B of the development would be 3 storeys in height and would be set back from the boundary by approximately 8 metres, giving a separation distance of approximately 37 metres from the rear elevation of the properties. Given the height of the building relative to the separation distance, it is considered that Block B would not result in an unacceptable loss of outlook for existing and future occupiers of the 2 properties.
- 8.12 Also to the south of the application site are the properties at Besant Close. The rear elevations of these properties would be located at a slightly oblique angle to Block B of the development. The outlook from the rear of the Besant Road properties is already dominated by the Virgin Active building and in this case, given the oblique relationship, it is considered that the level of harm in terms of outlook would not be significantly over and above that which already exists. The properties at 1-6 Besant Close, to the south of the application site, are laid out perpendicularly to the application site and as such the outlook from the front and rear elevations of the properties would not be significantly impact as a result of the development.

Privacy

- 8.13 To the north and the west of the application site are non-residential buildings and, in the case of the north, there would be significant separation distances from the north elevation windows of the development to the neighbouring buildings. For these reasons, there are no concerns in respect of a loss of privacy for occupiers to the north and west of the development.
- 8.14 To the south of the development are the properties on Besant Close and Harman Drive. Block B of the development would incorporate windows serving the primary habitable rooms along with some balconies to the south elevation.
- 8.15 The closest separation distance from the habitable windows to the rear elevation of the Harman Drive properties would be approximately 37 metres with the closest separation distance from the external balconies being approximately 35.5 metres. These separation distances are in excess of the recommended minimum from the SPD on Sustainable Design and Construction demonstrating that it is likely that there would not be an unacceptable impact in terms of privacy or overlooking.
- 8.16 The positioning of no.'s 1 to 6 Besant Close is such that the rear elevations of the property face away from the application site and as such Block B would only likely be visible in oblique angles, mitigating its impact. With regards to the properties further to the west of Besant Close, there would be no habitable windows in a location that would create any new opportunities for overlooking.

Noise

- 8.17 The applicant has commissioned a Noise Impact Assessment from Environmental Noise Solutions Ltd which sets out the likely noise impacts of the development and which has been reviewed by the Council's Environmental Health officers. Given the nature of the proposed uses and the distance from the application site to the surrounding residential development, it is unlikely that there would be any potential noise impacts which could not be suitably controlled through condition.
- 8.18 Conditions are suggested which would require the submission of noise mitigation measures to control noise from plant machinery and equipment installed in association with the commercial and residential uses.
- 8.19 Given the scale of the development, it is likely that there would be potential for significant noise from construction. If permission were to be granted, in order

to ensure that the construction process would be managed appropriately including the provision of noise mitigation measures, a condition would be attached requiring the submission of a construction method statement.

9.0 Sustainability

9.1 London Plan Policy 5.2 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

9.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

9.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

9.4 With regards to the energy hierarchy set out within London Plan Policy 5.2, it is considered that the application is broadly in accordance. The application is accompanied by an Energy Statement and Sustainability Statement from Silver which set out that the development would achieve the requisite reductions as set out in the London Plan.

9.5 The scheme would incorporate a range of passive design features, demand reduction and energy efficiency measures including efficient lighting, a heating distribution system, energy efficient appliances and energy metering and monitoring. An on-site Combined Heat and Power (CHP) system would be installed and would be connected to a site-wide heating network to supply hot water and space heating to the entire development

9.6 The Energy Statement demonstrates that the London Plan CO2 reduction target can be met without additional renewable energy technologies such as Photovoltaic (PV) panels. Based on the energy assessment submitted and inclusive of the energy efficiency measures, CHP, the scheme would deliver the following overall carbon dioxide emissions:

Table 1.4

	Regulated Energy CO2 Savings	
	Tonnes CO2 Per Annum	% reduction

Savings from energy demand reduction	5.7	4.2%
Savings from CHP	42.8	31.6%
Savings from renewables	0.0	0.0%
Total cumulative savings	48.5	35.8%
Total target savings	47.3	35%
Annual surplus	1.1	0.8%

- 9.7 Overall, the incorporation of all of the measures outlined would equate to regulated CO2 savings of 48.5 tCO2 which is equivalent to circa 35.8% CO2 reduction over the Part L 2013 Building Regulations Target Emissions Rate (TER). This means that the entire development will exceed the London Plan target of 35% CO2 reduction, as required by Barnet Policy CS13.

Other Sustainability Issues

- 9.8 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.
- 9.9 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings. Nevertheless, the Sustainable Design and Construction Supplementary Planning guidance document confirms that non-residential developments of less than 1,000m2 are not required to be assessed against or achieve a BREEAM. In this case the non-residential element of the development falls below 1000m2 and as such no BREEAM assessment is necessary.

10.0 Planning Obligations

- 10.1 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.
- 10.2 In accordance with development plan policies the following obligations 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.

Affordable Housing

- 10.3 In accordance with policy 3.12 of the London Plan and Policies CS4, CS15 and DM10 of the Barnet Local Plan, officers recommend that the following number and mix of affordable housing unit types and sizes are secured by S106 Agreement at the application site:
- 13 Affordable Rented Units
 - 8 Shared ownership units
- 10.4 Officers also recommend that a review mechanism should be included in the S106 agreement should permission be granted. This mechanism would ensure that if circumstances changed and the scheme became more economically viable, a correspondingly appropriate additional financial contribution and/or additional affordable housing would be made to the Council.

Employment and Enterprise

- 10.5 In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would be required to deliver employment and training opportunities through a Local Employment Agreement.
- 10.6 If permission were granted, the employment agreement would need secure the following minimum levels and would also set out specifically how the applicant would achieve this.
- Progression into employment, less than 6 months – 8
 - Progression into employment, more than 6 months – 5
 - Apprenticeships – 12
 - Work experience – 19
 - School / College / University site visits – 95
 - School / College workshops - 88
- 10.7 The LEA would be subject to discussion with the Council and would be agreed prior to the commencement of development.

Travel Plan and Travel Plan Monitoring

- 10.8 In accordance with policy DM17 of the Local Plan the applicant would be required to enter into a Strategic Level Travel Plan for the residential development which would seek to reduce reliance on the use of the private car and promote sustainable means of transport.
- 10.9 The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives (up to a maximum of £36600) for the first occupier of each

residential unit. These incentives are discussed in further detail in the relevant section of this report but would comprise of a voucher to a minimum value of £300 per dwelling to be spent on Car Club Membership, an Oyster Card with a pre-loaded amount and/or Cycle Scheme vouchers all designed to encourage the use of more sustainable modes of transport.

- 10.10 A contribution of £15500 would be required towards the monitoring of the Travel Plans for the development. This contribution would enable the Local Planning Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.
- 10.11 In line with the incentives above, the provision of a car club and the allocation of 2 car parking spaces within the site to be provided and retained for use by the car club would also be required.

Extension of Controlled Parking Zone

- 10.12 In order to mitigate the impact of overspill parking, a contribution of £35000 is required in order to fund the extension of Controlled Parking Zones to the south of the site.

Traffic Management Order

- 10.13 The application would be required to provide £2000 funding towards Contributions towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits.

Monitoring of the Section 106 Agreement

- 10.14 The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements would be required. The Council would therefore require the payment of £2613 towards the costs of undertaking the work relating to securing the planning obligations recommended in line with the adopted SPD for Planning Obligations.

Community Infrastructure Levy

- 10.15 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined.
- 10.16 The CIL liability of the scheme is determined by the amount of new floorspace being provided, deducting both the social housing element and the office floorspace, both of which are exempt from CIL liability.

11.0 Flood Risk / SUDS

- 11.1 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”.
- 11.2 The application has been accompanied by a Foul Water Surface Water and Utilities Assessment produced by Fairview New Homes. The report identifies that that there is an existing surface water (600m dia) sewer located along Cricklewood Lane. The surface water connections could be made via an existing manhole, and via a new connection straight onto the existing surface water sewer. The diversion of a short length of 225mm diameter public surface water sewer in the vicinity of the development access, as identified on the Site Drainage Strategy Plan, may be required. If necessary this work could be completed under Section 185 of the Water Industries Act.
- 11.3 The site is generally within Flood Zone 1, with no significant surface water flood risk at the site. Nevertheless, following initial investigation, Thames Water have been unable to determine if the existing waste water infrastructure could accommodate the needs of the current application. Thames Water have therefore requested a 'Grampian Style' planning condition be attached to any permission imposed requiring the submission of a drainage strategy detailing any on and/or off site drainage works for approval. Accordingly, a condition would therefore be attached if permission were granted.

12.0 Contaminated Land

- 12.1 The application site has a historical commercial/industrial land use and as such the Council’s Environmental Health officers have requested a condition requiring intrusive site investigation works to be carried out prior to the commencement of development and subsequent mitigation should it be required. Such a condition would be attached if permission were granted.

13.0 Crime Prevention / Community Safety

- 13.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 13.2 Initial pre-application designs for the development incorporated a substantial overhang of the upper floors over the pedestrian footway to Cricklewood Lane. Following discussions with the Metropolitan Police and officers, the scheme was revised to its current iteration which has significantly reduced the extent of the overhang, reducing potential for anonymous loitering and resultant issues with community safety.

13.3 To this end, the Metropolitan Police were consulted on the application and had no objections to the application subject to a condition requiring compliance with Secured by Design guidelines. A Secured by Design condition is attached accordingly.

14.0 Transport / Highways

14.1 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.

Car Parking

14.2 The London Plan sets out maximum parking standards which are outlined in Table 1.4 below.

Table 1.5

	PTAL 0 to 1		PTAL 2 to 4		PTAL 5 to 6	
	150–200 hr/ha	Parking provision	150–250 hr/ha	Parking provision	200–350 hr/ha	Parking provision
Suburban						
3.8–4.6 hr/unit	35–55 u/ha	Up to 2 spaces per unit	35–65 u/ha	Up to 1.5 spaces per unit	45–90 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–65 u/ha		40–80 u/ha		55–115 u/ha	
2.7–3.0 hr/unit	50–75 u/ha		50–95 u/ha		70–130 u/ha	
Urban	150–250 hr/ha		200–450 hr/ha		200–700 hr/ha	
3.8–4.6 hr/unit	35–65 u/ha	Up to 1.5 spaces per unit	45–120 u/ha	Up to 1.5 spaces per unit	45–185 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–80 u/ha		55–145 u/ha		55–225 u/ha	
2.7–3.0 hr/unit	50–95 u/ha		70–170 u/ha		70–260 u/ha	
Central	150–300 hr/ha		300–650 hr/ha		650–1100 hr/ha	
3.8–4.6 hr/unit	35–80 u/ha	Up to 1.5 spaces per unit	65–170 u/ha	Up to one space per unit	140–290 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–100 u/ha		80–210 u/ha		175–355 u/ha	
2.7–3.0 hr/unit	50–110 u/hr		100–240 u/ha		215–405 u/ha	

14.3 Explanatory text provided in the parking addendum sets out that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.

14.4 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the

parking requirements for different types of units with the range of provision is 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

14.5 Based on the aforementioned parking standards the parking requirement for the proposed development is calculated as follows.

- 25 x 1b = a range of (0.0 - 1.0) = 00.00 – 025.00 parking spaces required
- 73 x 2b = a range of (1.0 - 1.5) = 73.00 – 109.50 parking spaces required
- 24 x 3b = a range of (1.0 - 1.5) = 24.00 – 036.00 parking spaces required

14.6 This equates to a range of parking provision of between 97 to 170.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies DM17.

14.7 The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) i.e. 1a or 1b for the site. As the PTAL rating for the site is 4 the parking provision is calculated as approximately 126 parking spaces which would need to be provided to meet the parking standards.

14.8 The development proposes to provide 82 parking spaces which would fall short of the requisite standard by 44 spaces. It is therefore likely that there would be overspill parking onto the surrounding streets. As part of the pre application discussions it was recommended for the applicant to carry out parking surveys in the vicinity of the development site. Subsequently, the applicant commissioned AECOM Transport Planning to prepare Transport Assessment to support the application. As part of the TA, parking surveys were undertaken of the surrounding streets to assess existing levels of parking stress.

14.9 The parking surveys were undertaken by an independent survey company on the dates of 30th April and 7th May 2015 to establish the off-site parking conditions in the local area and along Cricklewood Lane. The parking capacity was identified and the occupancy was recorded at hourly beats between 00:30-04:30 and 07:00-18:00 on both survey days.

14.10 In carrying out the surveys, a total capacity of 344 spaces were identified on all of the roads within the study area. It was also found that there is substantial on street capacity available during the night time when peak residential parking demand is likely to be present. To this end, maximum demand was identified to be 47% (162) between 00:30 and 04:30, with a latent capacity of 182 spaces.

14.11 Of the 344 spaces identified within the area surrounding the site 185 spaces were residents' bays which would not be accessible to new residents of the

development or their visitors, as they will be exempt from applying for permits for these spaces.

- 14.12 Further analysis was carried out of the utilisation of the available parking bays excluding these resident spaces. The total available parking capacity surrounding the site excluding the 185 resident's permit bay parking was therefore 159 parking spaces (344 – 185). The survey data identified a maximum demand of 49 spaces equivalent to a peak utilisation of 31% during the daytime.

Supplementary Parking Surveys

- 14.13 In addition to the initial surveys undertaken, further supplementary surveys were requested by the Council's Highway Officers for the area to the south of the site including Galsworthy Road, Westcroft Way, Marnham Avenue, Howard Close and Lichfield Road. These roads are not part of the Control Parking Zone and therefore could be affected by the overspill parking that may result from the proposed development.
- 14.14 Therefore, supplementary parking surveys were undertaken on Tuesday 12th January 2016, between the hours of 00:30-04:30 and 07:00-18:00 consistent with the times of the original surveys. The parking survey identified a total of 200 unrestricted spaces with a maximum parking demand of 89% (177) for the 200 spaces in the 10:00-11:00 and 11:00-12:00 time periods. The night surveys identified a maximum parking demand of 75% (149) for the 04:30-05:30 time period.
- 14.15 The supplementary surveys therefore indicated that the utilisation of the spaces within the unrestricted areas is higher than observed for the surveys within the vicinity of the site although additional capacity was available at all times during the surveys. As a minimum, 23 spaces were available during the day and 51 spaces were available at night. However, it is noted that the parking survey on roads in the closer proximity of the site have shown availability of greater number of spaces.
- 14.16 Following review of the Transport Assessment and surveys, LBB Transport officers consider that a contribution of £2,000 would be necessary to mitigate the likely adverse impact of the development on roads in the vicinity of the site within the CPZ by exempting the occupiers of the new development from purchasing permits.
- 14.17 The roads to the south of the development are outside of the existing CPZ but are within walking distance of the proposed development and there is a pedestrian footpath linking Cricklewood Lane and these roads. The current parking stress on these roads is approximately 80% to 89% during the day time and approximately 75% during the night time. It is therefore likely that due to lack of on-street parking controls these roads will be adversely affected by the overspill parking resulting from the proposed development. It is therefore considered that in order to ensure that the likely adverse impact on the pocket of roads just outside of the CPZ can be mitigated; a contribution of

£35,000 should be secured under S106 to extend the existing CPZ to cover these roads.

Cycle Parking

- 14.18 The development would provide 225 cycle spaces which is in line with London Plan standards. A condition would be attached requiring details of the storage and to secure the provision.

Vehicular Access

- 14.19 Vehicular access and egress from the site would be from Cricklewood Lane at the existing access point. The existing access will be upgraded to a conventional priority junction which would incorporate footways on both sides of the access road, which would then be integrated with the existing footways on Cricklewood Lane. Each of the other existing access points will be removed and the footway restored.
- 14.20 Any modification of the existing access arrangement will require the applicant to make an application to Highway Authority for a vehicular access under Section 184 or Section 278 of the Highways Act (1980) and the redundant crossovers will need to be reinstated at the applicant's expense.

Trip Generation

- 14.21 The PTAL Score for the proposed site using Transport for London model is calculated as 4 which is considered as a 'good' accessibility level. Bus routes 245, 260, 460, 189, 226 and C11 are within walking distance of the site. The nearest underground Station to the site is Willesden Green Underground Station which is approximately 1.5km from the site. The nearest station to the site is Cricklewood Rail Station, which is within a 3 minute walk along Cricklewood Lane. From Cricklewood Station, direct train services provide access to London St Pancras International within 12 minutes.
- 14.22 In order to establish the baseline for trip generation assessment, a site visit was conducted on Wednesday 9th September 2015 to observe the existing trip generation associated with the uses which are still present on the site. The survey identified that a total of 14 vehicles in the AM peak and 12 vehicles in the PM peak were observed to access the site. The results of the survey are set out in Table 1.6 below:

Table 1.6 – Existing Trip Generation

Peak	Arrivals	Departures	Total
AM (08.00-09.00)	8	6	14
PM (17.00-18.00)	5	7	12

14.22 The trip rates derived from the industry standard TRICS software predict the trips likely to be generated by the proposed residential development which is anticipated will generated 24 vehicular trips in the AM peak and 17 vehicular trips in the PM peak. The projected trip rates are set out fully in Table 1.7 below:

Table 1.7 – Projected Trip Generation

Peak	Arrivals	Departures	Total
AM (08.00-09.00)	6	18	24
PM (17.00-18.00)	10	7	17

14.23 In addition to the vehicular trips outlined above, the consultants have assumed that 3 vehicular arrivals and 3 departures would occur during the respective AM and PM peak hours, associated with each of the general commercial bays. The combined trip generation for the development including those associated with the commercial uses are set out in Table 1.8 below:

Table 1.8 – Net Vehicular Trip Generation (Including Commercial Trips)

Peak	Arrivals	Departures	Total
AM (08.00-09.00)	1	12	13
PM (17.00-18.00)	5	3	8

14.24 Based on the information included within the Transport Assessment and summarised above, the development is likely to generate an additional 13 vehicular trips in the AM peak hour and 8 additional vehicular trips in the PM peak hour. The Council’s Transport and Highways officers were of the view that this increase is acceptable.

Servicing Arrangements

14.25 The development proposes to accommodate refuse stores in purpose built enclosures within the footprint of the buildings, one near to the site entrance and several to the south east corner of the site. Collection from the stores to the south east of the site would require a refuse vehicle to enter the site.

14.26 Transport and Highways officers have outlined that the access road would need to be built to the Council’s adoptable standards and the applicant will be expected to sign a Waiver of liability and indemnity agreement. In addition, a full delivery and servicing management plan would be required by condition in order to ensure that the details are acceptable.

Travel Plans

- 14.27 A Travel Plan has been included as part of the Transport Assessment from AECOM. A final version of the document would be secured through the Section 106 Agreement along with a £15,000 monitoring fee. As part of the Travel Plan, a residential incentive fund of £300 per unit would be required in order to promote sustainable modes of transport (a sum totalling £36,600).

15.0 Conclusion

- 15.1 In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the loss of the community floorspace is acceptable given that the community use currently occupying the site is committed to relocation and has been offered the means to purchase another site. The existing employment floorspace is of a poor quality is considered that that the cost of existing employment floorspace is of a poor quality and the costs of refurbishment would be prohibitive. The affordable housing offer has been subject to an independent review by BNP Paribas who consider that the offer is reasonable and the maximum amount of affordable housing that can be viably delivered with the scheme.
- 15.2 The height of the building means that it is classified as a 'tall building' for the purposes of assessment and is outside of the areas identified as being appropriate for tall buildings within the Core Strategy. Nevertheless, it is considered that the proposed building is of a high architectural quality and provides a visual focal point which fits into the streetscene without resulting in any unacceptable harm to surrounding occupiers. On balance, it is also considered that the scheme does not otherwise result in significant harm to the residential amenity of the surrounding residential occupiers. The parking proposed with the scheme is below prescriptive Barnet standards however financial contributions have been secured to extend the surrounding CPZ's to ensure that no overspill parking would result in unacceptable impacts on the parking stress on surrounding streets.
- 15.3 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 in Appendix 1 of this report.

Appendix 1: Site Location Plan

- 1) This development must be commenced within three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority:

1503-201

1503-202

1503-203

1503-204

1503-205

1503-206

1503-207

1503-208

1503-460

1503-461

1503-462

1503-463

Daylight, Sunlight and Overshadowing Report (CHP Surveyors, 21st January 2016)

Transport Assessment (AECOM, January 2016)

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 and policy 1.1 of the London Plan.

- 3) Notwithstanding the details shown on the plans, hereby approved, no development (other than demolition, site clearance, ground works and development below DPC level) shall be undertaken unless and until:
 - (a) details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority; and
 - (b) a sample brick panel shall be constructed on site or a location to be agreed, inspected 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 policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 4) Notwithstanding the details shown on the plans, hereby approved, no development shall commence (other than demolition, site clearance ground works and development below DPC level) unless and until detailed bay studies at an appropriate scale (1:10, 1:20 or 1:50) showing details of the construction of the below features have been submitted and approved in writing by the Local Planning Authority:

- window reveals no less than 170mm
- residential core entrances
- brickwork banding details
- parapets, fascia and brick on edge details
- projecting and recessed balconies
- rainwater goods

The development shall be carried out and constructed in accordance with the detailed bay studies and schedules approved. For the avoidance of doubt, any features shown on these bay studies where they represent specific parts of the development shall be taken to represent all features of that type throughout the development unless otherwise stated.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 5) Prior to the 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. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 6) Notwithstanding the details submitted in the drawings hereby approved no phase of the development is to commence (other than demolition, ground works and site clearance) unless and until details of the levels of the proposed buildings, footpaths 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 any of the residential units 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 in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

- 7) Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing which specify:
- (a) the siting and design of all privacy screens that are to be installed as part of the development (including the terraces located to the rear of the first floor amenity areas of 'C' shaped Block); and
 - (b) a schedule of the parts of the development hereby permitted that are to be used for amenity purposes and those which are to be restricted access for maintenance only.

Before the buildings hereby approved are occupied 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 neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

- 8) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance ground works and development below DPC level) shall be commenced until details are submitted to and approved in writing by the Local Planning Authority which specify the details of boundary treatments to be installed within 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 prior to the first occupation of any residential unit 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 polices DM01 and DM02 of the Barnet Local Plan.

- 9) Notwithstanding the details shown on the plans submitted hereby approved, 10% of the residential units provided shall be easily adaptable for wheelchair use or to Wheelchair Accessible standards. A plan showing the location and layout of such units shall be submitted to and approved in writing by the Local Planning Authority prior to any development (other than demolition, site clearance and ground works) being commenced. The wheelchair units shall thereafter be constructed as such.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

- 10) Prior to the commencement of any development (including demolition, site clearance and ground works), a Demolition and Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

- viii. 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 11) Prior to the first occupation of the development the parking shown on drawing No. 1503-200 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 12) Prior to the first occupation of the development, Disabled Parking spaces shall be provided in accordance with drawing No. 1503-200, submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 13) Prior to the first occupation of the development, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. the allocation of car parking spaces;
- iii. on-site parking controls and charges;
- iv. the enforcement of unauthorised parking; and
- v. disabled parking spaces.

Reason: The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

- 14) Prior to the first occupation of the development, hereby approved, full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 20% passive parking spaces with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 15) Prior to the first occupation of the relevant block the cycle spaces shown drawing no 1503-200 for that block shall be provided in accordance with London Plan cycle parking standards and shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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.

- 16) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance ground works and development below DPC level) shall be commenced until details of the refuse and recycling collection arrangements have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling strategy shall thereafter be implemented in accordance with the approved strategy.

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.

- 17) Prior to the occupation of the development if refuse vehicles are expected to enter the site to facilitate refuse collection then a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to

and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private access roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18) Prior to the first occupation of the development, hereby approved, a full Delivery and Servicing Plan (DSP) encompassing both the residential and commercial elements of the scheme shall be submitted to and approved by the Local Planning Authority. Deliveries and servicing shall thereafter be carried out solely in accordance with the approved details.

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) Before the development is occupied details of improvement works identified in Pedestrian Environment Review System (PERS) Audit on public highway shall be submitted to the Local Planning Authority for approval. The improvements identified in the PERS audit shall be carried out at the applicant's expense.

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.

- 20) a) An air quality assessment report, written in accordance with the relevant current guidance, for the CHP plant shall be submitted to and approved by the Local Planning Authority prior to the commencement of development (including demolition, site clearance ground works and development below DPC level). It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development (including demolition, site clearance ground works and development below DPC level).

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

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013).

- 21) a) Prior to the commencement of development ((including demolition, site clearance and ground works) details of mitigation measures to show how the development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 21) Prior to the commencement of development (other than demolition, site clearance ground works and development below DPC level) a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and outlines measures to be implemented to address its findings, shall be submitted to and approved in

writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 20) Prior to the commencement of the development (other than demolition, site clearance ground works and development below DPC level) details of all extraction and ventilation equipment to be installed as part of the development 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. The development shall be implemented in accordance with details approved under this condition before the first occupation of the development 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 DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September

2012) and 7.15 of the London Plan 2011.

- 23) Prior to the commencement of the development (other than demolition, site clearance ground works and development below DPC level)), a report shall be undertaken by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation, extraction and heating plant for the residential units, 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 first occupation of the development and retained as such thereafter.

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

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

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

- 25) a) Prior to the first occupation of the commercial units, hereby approved, a report by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation, extraction and heating plant for the commercial units, and mitigation measures for the development to reduce these noise impacts to acceptable levels, 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.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

- 26) No development (other than demolition, site clearance and development below DPC level) shall take place until a strategy setting out how the development could enable future connection to any District Heating Network has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan policies 5.2 and 5.6.

- 27) Part 1

Prior to the commencement of development (including demolition, site clearance and ground works) other than for investigative work:

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.

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.

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

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 prior to the commencement of development (including demolition, site clearance and ground works).

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 28) No development (including demolition, site clearance and ground works) shall take place until a drainage strategy detailing all on and off site drainage works including Sustainable Urban Drainage Systems, such as permeable paving, attenuation measures and rainwater harvesting) to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure, to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

- 29) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) 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.

- 30) No development (other than demolition, site clearance ground works and development below DPC level) shall take place until 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:

- the position of any existing trees and hedges to be retained or removed;
- 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;
- 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;
- existing site contours and any proposed alterations to these such as earth mounding;
- details of all proposed hard landscape, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site.

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 DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

- 31) All work comprised in the approved scheme of hard and soft landscaping be shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

- 32) Any trees, hedges 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 neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

- 33) Notwithstanding the details shown on the plans otherwise hereby approved:
- a) Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space of the development 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 prior to the first occupation of the development and the play space shall thereafter be permanently retained.

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 3.6 of the London Plan.

- 34) Prior to the first occupation of the development, hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be permanently maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

- 35) Prior to the first occupation of the development a scheme for the provision of communal/centralised satellite/cable and television reception equipment to be installed within the development (including any external or rooftop installations required) has been submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be permanently retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the townscape and character of the area, so that it accords with policies CS5 and DM01 Barnet Local Plan.

- 36) 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 express 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 townscape and 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.

- 37) The opening hours of the commercial units, hereby approved, shall be restricted to the following unless otherwise approved in writing by the Local Planning Authority:

- Monday to Saturday (8am-10pm)
- Sundays and Bank Holidays (10am-6pm)

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

- 38) The commercial units, hereby approved, shall be used for use class B1(a) and no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 39) The development authorised by this permission shall not begin until the local planning authority has approved in writing a relocation strategy pertaining to the community use (Use Class D1) currently occupying the site. The occupation of the development for either residential or commercial purposes shall not begin until the community use (Use Class D1) has been reprovided in line with the relocation strategy, in accordance with the Local Planning Authority's approval and has been certified in writing as acceptable by the Local Planning Authority.

Reason: To ensure that no community floorspace is lost and to ensure that it is reprovided in accordance with Policy DM13 of the Barnet Local Plan, Development Management Policies – Development Plan Document (September 2012).

Appendix 3: Informatives

- 1) In accordance with paragraphs 186 and 187 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. 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) If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team at London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 3) The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty kerbed access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic & Development Section – Traffic and Development Section, London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4) Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 5) The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6) The report submitted to the LPA should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance - Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007); 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. 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.
- 7) 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 details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.
- 8) 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.

9) 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 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 – Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy

Guidance (2014).

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

Noise Levels – For information

Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
5. Distance away from noise sensitive premises and the nature of these premises e.g.: offices, housing flats or storage.

10) Thames Water Comments:

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

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.

LOCATION: Land at Pavilion Way, Burnt Oak, Edgware, HA8 9YA

REFERENCE: 16/2155/FUL

AGENDA ITEM 15

WARD: Burnt Oak

Accepted: 08.04.2016

Expiry: 03.06.2016

APPLICANT: Ms Liz Fitzgerald of Vincent Gorbing

PROPOSAL: Installation of an additional temporary (for a period of up to three years) school modular building (use class D1) of 183 sqm (gross internal area) for up to 60 pupils (to provide facilities for up to 120 pupils across the entire site) and associated facilities and works including parking for cycles and scooters.

RECOMMENDATION

That the Assistant Director – Development Management and Building Control approve the planning application reference 16/2155/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director – Development Management and Building Control:

1. Time Limit for Implementation

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. Time Limit for Consent

This permission shall be for a limited period only expiring on the 23/05/19. By that date the use hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed from the site and the land reinstated in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the consent granted accords with the permission sought and considered and to protect the amenities of the area.

3. Approved Plans

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

- 16098 TP(00)100 Rev P2 Site Location Plan
- HED.1154.212 Rev A Existing Layout Plan
- L160026-101 Rev D Plan Layout & Elevations
- HED.1154.200 Rev B Landscape Layout Plan
- HED.1154.211 Rev A Sections
- HED.1154.201 Rev B Boundary Treatment
- HED.1154.213 Existing Block Plan
- HED.1154.214 Proposed Block Plan

- 15/044/101 Rev B Vehicle Access and Car Park
- 15/044/102 Rev B Service Vehicles and Drop-Off
- 15/044/103 Rev B Vehicle Access – Refuse Collection
- 15063-BT5 Tree Protection Plan
- Arboricultural Impact Appraisal and Method Statement (received: 05/04/16)
- Transport Statement (Odyssey Markides) (received: 05/04/16)
- Design and Access Statement (Scott Brownrigg) (received: 05/04/16)

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 in the Barnet Local Plan and London Plan.

4. Materials

The external surfaces of the buildings, means of enclosure, hard surfaced areas and other structures which form part of this consent shall be implemented in full accordance with the details specified in the submitted Design and Access Statement (p.29) before the development is occupied or brought into use.

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 2012 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5. Hours of Construction

No construction work in relation to the development hereby approved 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 policies DM01 and DM04 of the Barnet Local Plan.

6. Construction Management Plan

Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved plan. The Demolition and Construction Management Plan submitted shall include, but not be limited to, the following information:

- Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- site preparation and construction stages of the development;
- details of provisions to be made for the recycling of materials.
- the provision on site of a storage and delivery area for any plant, site facilities, waste and materials.

- 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;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- noise mitigation measures for all plant and processors;
- details of contractors compound and car parking arrangements;
- details of interim car parking management arrangements for the duration of construction; and
- details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety a sustainable waste management in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

7. Tree Protective Fencing

Before the development hereby permitted is commenced temporary fencing shall be erected around existing trees at the site which are to be retained in accordance with the submitted Arboricultural Impact Appraisal and Method Statement (dated: 14/03/16) and plan no 15063-BTS (tree protection plan). The details shall conform with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. This fencing shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

8. Tree Works – Detailed Specification

No tree felling or pruning of trees on the site shall be carried out in relation to the development hereby approved until a detailed tree felling and pruning specification has been submitted to and approved in writing by the Local Planning Authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

9. Parking

Before the development hereby permitted is occupied or brought into use the parking spaces and parking facilities shown on approved plan numbers:

- 15/044/101 Rev B Vehicle Access and Car Park
- 15/044/102 Rev B Service Vehicles and Drop-Off
- 15/044/103 Rev B Vehicle Access – Refuse Collection

shall be provided at the site. These parking spaces and parking facilities shall remain in place for the duration of this permission and shall not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety is not prejudiced in accordance with Barnet Local Plan Policies CS9 and DM17.

10. Cycle Parking

Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the 10 cycle spaces and 2 scooter stands shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting cycling as a mode of transport in accordance with policies CS9 and DM17 of the Barnet Local Plan and policy 6.13 of the London Plan.

11. School Travel Plan

Prior to the first occupation of the development hereby approved a School Travel Plan (STP) that meets the most recent Transport for London School Travel Plan criteria shall be submitted to and approved in writing by the Local Planning Authority. The submitted STP shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport. The School Travel Plan shall include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The development shall be occupied and managed in accordance with the STP approved under this condition. Monitoring of the approved STP shall be completed in line with Transport for London's 'standardised approach to monitoring' with consultation completed with pupils and their families, staff, Governors and other stakeholders within 6 months of the occupation of the development and an annual 'hands up' survey with staff and pupils completed within 3 months of occupation of the development and annually thereafter. The STP shall be reviewed annually and the updated document submitted to the Local Planning Authority for their approval annually. Following the annual STP reviews the STP shall be revised to incorporate any comments made by the Local Planning Authority within 6 weeks of these being provided.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies CS9 and DM17 of the Barnet Local Plan.

12. Refuse Storage and Collection

Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the:

- 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
- shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details in perpetuity.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policy DM01 of the Barnet Local Plan.

13. Hours of Use

The development hereby permitted shall only be occupied or in use by pupils and visiting members of the public between the hours of 7.30am and 6.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday and between the hours of 9.00am and 6.00pm on a Saturday, Sunday or Bank Holiday or in accordance with other times previously specified in and agreed by the Local Planning Authority as part of the Community Use Agreement submitted under condition 14 of this consent.

Reason: To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

14. Community Use Agreement

Prior to occupation of the school hereby permitted a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the community facilities provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-school users and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason: To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

15. Delivery and Servicing Plan

Before the development hereby permitted is occupied a full Delivery and Servicing Plan (DSP) providing details of the delivery and servicing arrangements for the school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in full accordance with the DSP as approved in perpetuity.

Reason: In the interest of highway safety in accordance with policies CS9 and DM17 of the Barnet Local Plan.

16. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 7, Classes M and N to schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order) no extensions or alterations to the development hereby permitted shall be carried out without express planning permission first being obtained.

Reason: To enable the local planning authority to retain control over the development in the interests of controlling the intensity of the use and safeguarding the amenities of the locality in accordance with policy DM01 of the Barnet Local Plan.

17. Noise from Site Plant

The level of noise emitted from any air conditioning or any other plant installed on the site in connection with the development 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 from the air conditioning or plant 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 policy DM04 of the Barnet Local Plan and policy 7.15 of the London Plan.

18. Breeding Bird and Bat Protection

The site clearance works and construction works associated with the implementation of the development hereby approved shall be carried out in full accordance with the nesting and breeding bird and bat protection measures identified on pages 12 and 13 of the Phase I Report (version Final V5) by Ecology and Habitat Management Ltd submitted as part of this application.

Reason: To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

19. Biodiversity Enhancement

Prior to the occupation of the development hereby approved details comprising a scheme of measures to enhance and promote biodiversity at the site as

proposed shall be submitted to the Local Planning Authority and approved in writing. The approved scheme of biodiversity enhancement and promotion measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

20. Details of Ramps

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, before this development is occupied full details of the ramps to be installed to provide access to the proposed school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the occupation of the development.

Reason: To ensure that the development is accessible for all members of the community and to comply with policy 7.2 of the London Plan and policy DM01 of the Barnet Local Plan.

21. Total Number of Pupils

At no time shall the total number of pupils in the temporary modular building hereby approved exceed 60 (to provide facilities for up to 120 pupils across the entire site).

Reason: To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.

Informatives

It is recommended that the following informatives be included on the decision notice in respect of this application:

1. The applicant is advised that any alteration to the public highway (if necessary) will require prior consent of the local highways authority. The costs of any associated works to the public highway, including any fees or costs associated with a legal agreement, will be borne by the applicant. The applicant may also be required to enter into a Section 184 or 278 Agreement under the Highways Act 1980 for proposed works on the public highway. An estimate for this work may be obtained from the Re Traffic and Development Team, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP.
2. Please be advised that Deansbrook Road is part of a Traffic Sensitive Route

from 8.00am to 9.30am and 4.30pm to 6.30pm Monday to Friday.

3. Before commencing construction works adjacent to the public highways, the applicant must obtain any necessary Highways Licenses. These can be sought by calling 0208 359 2000.
4. All works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in legislation covering the protection of certain species and habitats, including the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the any such legislation may result in a criminal prosecution.
5. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.
6. With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

The London Plan

The London Plan (March 2015) is the development plan in terms of strategic planning policy. The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: The Multi Functional Network of Green and Open Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.16 (Protection and Enhancement of Social Infrastructure); 3.18 (Education Facilities); and 3.19 (Sports Facilities)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4A (Electricity and Gas Supply); 5.6 (Decentralised Energy in Development Proposals); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Lifetime Neighbourhoods); 7.2 (An Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy. The relevant documents comprise the Core Strategy and the Development Management Policies documents (both adopted in September 2012). The Local Plan development plan policies of most relevance to the determination of this application are:

Barnet 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)

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 and integrated community facilities and uses)

CS11 (Improving health and well being 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)

Barnet 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)
- DM13 (Community and education uses)
- DM15 (Green belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction Supplementary Planning Document (2013)

Strategic Supplementary Planning Documents and Guidance:

- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (2007)
- All London Green Grid (2012)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Sustainable Design and Construction (2014)
- Accessible London: Achieving an Inclusive Environment (2014)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This document was published in March 2012 and it is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

Relevant Planning History

Reference: 15/07713/FUL

Address: 1 Pavilion Way, Edgware, HA8 9YA

Decision: Resolution to grant subject to a S106 agreement (Planning Committee: 31/03/16).

Description: The construction of two new linked two-storey buildings to provide a 2 form entry primary school (Use Class D1), the retention and refurbishment of the existing pavilion building on the site and associated works, including the formation of new and amended vehicular and pedestrian access from Pavilion Way, the carrying out of associated hard and soft landscape works including to boundary treatments, the provision of refuse and recycling storage facilities, the formation of a new

synthetic turf pitch, the erection of new floodlighting and the provision of car parking, drop off and cycle parking facilities.

Reference: 15/02616/FUL

Address: 1 Pavilion Way, Edgware, HA8 9YA

Decision: Approved subject to conditions

Decision Date: 26.06.2015

Description: Installation of a temporary (for a period of up to three years) school modular building (use class D1) of 230 sqm (GEA) for up to 60 pupils and associated facilities and works including the formation of new tarmac pedestrian access and bin store area; repair works to surface treatment of existing parking and hard court area; laying of artificial grass surface to part of hard court for informal play; the provision of refuse and recycling storage facilities; use of existing vehicular access and the provision of parking for 16 cars, cycles and scooters; repairs to existing fencing; erection of new fencing; and the making of various alterations to the hard and soft landscaping of the site.

Former LTE Sportsground, Deansbrook Road, Edgware:

W01591A 'Residential development at 85 habitable rooms per acre (209 h.r.h) on 7.90 acres (3.21 hectares) and use of 3.30 acres (1.34 hectares) as sports field with changing rooms and car parking (outline); and including full details of 2, three-storey blocks of bedsits and flats, and 10, two-storey houses as show premises, together with car parking and landscaping' Granted subject to conditions (1986).

Consultation and Views Expressed

Public Consultation

A total of 663 local properties and other bodies were consulted on the application by letter and email in April 2016. The application was also advertised on site and in the local press at that time. Responses to the comments received are provided in the relevant section of the committee report.

Number of Responses from Residents

0 responses objecting to the proposal was received.

Consultation Responses from Elected Members

Mr Andrew Dismore AM:

Has **objected** to the application as a resident and elected member and **requested to speak at planning committee.**

The objections raised by Mr Dismore can be summarised as follows:

- The proposed additional places are beyond a child's walking distance from both these growth areas. The proposed school is therefore in the wrong location for the expected population growth. It would make more sense for this school to be provided on land in the regeneration scheme for Grahame Park, the developments in Colindale or in West Hendon.

- The proposed school would increase congestion around the immediate site and wider area.
- 'Drop off' traffic will lead to Pavilion Way being blocked, as the road is a narrow one with no space for stopping traffic without holding up traffic flows.
- The approved pick up/drop off arrangements are woefully inadequate but they wont be provided for up to 3 years anyway. This additional traffic will also add to congestion for vehicles existing Pavilion Way at peak times, which is already difficult, as described above.
- The current applications will add to the problem as they are in advance for up to 3 years before the additional parking and the drop off area are provided.
- There will be gridlock and confrontation in Pavilion Way as people try to get to work going out of Pavilion Way on the narrow carriageway, as parents drop children off coming in the other direction blocking the outgoing traffic. there is no nearby room for vehicles to turn, either.
- The application is therefore in breach of this element of Barnet's Core Strategy.
- The additional traffic will increase road safety issues on the local road network.
- Pavilion Way does not have a footpath on the west side of the road, the side bordering the site, but only on the eastern side. Children will need to cross the road to access the school on what is a partially blind corner for traffic travelling north on Pavilion Way and are thus at increased risk.
- There is inadequate parking spaces on the road near the school already and this expansion 3 years in advance of the full scheme will make things far worse.
- There is already pressure on road space parking and Pavilion Way will not be able to cope with additional school parking without detrimental impact on existing residents.

Response: The comments made by Mr Dismore are responded to in the relevant sections of the report below.

Consultation Responses from Statutory Consultees and Other Bodies

Sport England:

Have responded to the consultation and **objected** to the application. Sport England has provided the following comments:

“Given the lapse in time since the site was last used as playing field (more than five years) Sport England would not be a statutory consultee under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184).

Notwithstanding that, the last know use of the site was playing field and therefore, were Sport England to be consulted, it would assess any development against

paragraph 74 of the National Planning Policy Framework. The local planning authority would be required to do likewise.

In doing so, the application would be treated as a loss of playing field irrespective of when it was last used. This approach has been tested at appeal where PINS held that para 74 was not time limited. The appeal (ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirements of replace this playing field under the provisions of Para 74. In that case, it was held that:

“...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...”

“There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.”

“There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use.”

In light of the above, it might be worth considering first submitting an “Application for a Lawful Development Certificate for an Existing use” to establish a ‘nil use. or the site of you consider that the former use has since been abandoned. If a nil use were established through this process, Sport England would accept that position. However in the absence of that, it is likely that Sport England would conclude that the development is contrary to para 74 of the NPPF.” (Sport England 10th April 2015)”

No Application for a Lawful Development Certificate for an Existing Use has been submitted and Sport England has assessed the application against the requirements of paragraph 74 of NPPF.

Is the Site Surplus to Requirement?

Paragraph 74(i) of NPPF requires:

“An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements”

The applicant has submitted a document entitled ‘Open Space and Sports Provision Assessment’ but this does not contain the necessary information and analysis that clearly shows the site is required to meet an identified existing or predicted future need arising from the local community. Instead reference is made to the out of date Open Space Assessment (2009). The Assessment is considered out of date and no

longer robust, as required by paragraph 73 of NPPF, because it is more than 5 years old and the baseline data has not been updated during that time. Without an up to date assessment of need it is impossible to say what the current demand and supply of pitches and outdoor sport is. I am aware the Council began work on a Playing Pitch Strategy 6 months ago but I am not aware of its status. The applicant is advised to liaise with the Council to see if the site has been included as a disused site and if an assessment has been undertaken to determine whether the site is required to be brought back into use to meet an identified need or if it has been identified as one that can be developed for other non-pitch sport uses.

If there is no evidence the site is surplus to requirements then paragraph 74(ii) or 74(iii) should be applied.

Does the proposal include provision to replace the playing field?

Paragraph 74(ii) of NPPF requires:

“The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”

The application does not provide a proposal to replace the quantity of playing field (6,319sqm) and the quality (senior football pitch and 3 tennis courts). The proposal results in the overall loss of 3,454sqm of playing field which is almost half of the total site area.

The proposal involves enlarging the 3 tennis courts to form a floodlit Multi Use Games Area (60m x 40m) with a tarmac surface, refurbishment of the existing pavilion and creation of a small grass football pitch (30.5m x 15.25m). Neither the MUGA nor the football pitch are standard sizes and cannot be used for formal sport. It is acknowledged that there may be the opportunity for some informal training use. Although the willingness to allow community use of both the MUGA and pavilion is welcomed this is not sufficient to mitigate the loss of the playing field, especially given there is no evidence the site is surplus to requirements. The MUGA may meet the PE curriculum requirements of the school but there is no evidence any consultation has been carried out with local sports teams, the Council’s Sports Development Team or the national governing bodies of sport to ensure the replacement sports facilities are the right type, size and surface to meet demand in the area.

Does the proposal provide sports facility the benefits of which outweigh the loss of playing field?

Paragraph 74(iii) of NPPF requires:

“The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

Given the proposal is primarily for a school with some replacement sports facilities this exception does not apply because the development is not for an alternative sports and recreation provision.

Conclusion

Given our previous advice set out above, Sport England considers that the application conflicts with Sport England's Objective 1(Protect) and the requirements of paragraph 74 of NPPF.

In light of the above and the lack of evidence of any exceptional circumstances Sport England objects to the application.

Response: A response to the comments made by Sport England is provided in the report below.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent that is granted.

Historic England (Archaeology):

Have responded and have not raised any objections to the application or requested that conditions are placed on any consent granted. Historic England conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Internal Consultation Responses

Traffic and Development Team:

The Traffic and Development Team response is set out in greater detail in the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

Education and Skills Service:

Education and Skills Service support the provision of education premises on Pavilion Way to enable the Watling Park Academy to continue to educate Barnet pupils. They confirm the school operates in an area of significant pupil demand and helps the council to meet its statutory duty to provide sufficient school places.

Environmental Health Service:

The Environmental Health Service have requested further information to confirm whether the temporary school would be connected to a generator or the national grid. The applicant has confirmed it will connect to existing services. In other respects they have confirmed that subject to the imposition of suitable conditions relating to noise matters they raise no objection to the development.

Description of Proposed Development

Installation of an additional temporary (for a period of up to three years) school modular building (use class D1) of 183 sqm (gross internal area) for up to 60 pupils (to provide facilities for up to 120 pupils across the entire site) and associated facilities and works including parking for cycles and scooters.

The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

The key elements of the proposed works include the:

- Installation of modular buildings providing 183 square metres of floorspace for the proposed school
- Provision of facilities for bicycles and scooters

A plan showing the layout of the proposed development is provided at Appendix 1 of this report.

The modular school building would be located on the central part of the site and accessed by either a ramp or steps. It would be located at 90 degrees to the existing temporary school. The school building would be a single storey structure that is rectangular in plan. The approximate maximum dimensions of this building would be 18m long, 10m wide and 3.1m in height.

Description of Site and Surrounding Area

The application site comprises a broadly rectangular area of land, covering approximately 0.34 hectares in size, situated on the west side of Pavilion Way in the Burnt Oak Ward. The site currently includes a mixture of surfaces, including a fenced all weather playing surface, a parking area (hardstanding), hard surfaced access routes and soft landscaped areas.

The use of the site is discussed in detail in subsequent sections of this report. The lawful use of the land is considered to be as a playing field (primarily an all weather playing surface) with ancillary facilities (for example parking). A grassed playing field adjoining the site to the north and a changing pavilion building adjoining the site to the south-east do not form part of the land to which this application relates.

It is understood that the playing field facilities at this site, and the facilities at adjoining sites (the grassed playing field and pavilion building), were delivered as part of a wider consent which included new dwellings on land adjoining Deansbrook Road.

A group of trees adjoining the site directly to the south-west are covered by a Group Tree Preservation Order (reference TRE/HE/51). Land to the east of the site (east of Hutton Row and Compton Close) has been designated a Conservation Area. Historic England (Greater London Archaeological Advisory Service) has confirmed that the site does not fall within an archaeological priority area.

Referral to Secretary of State

The Town and Country Planning (Consultation) (England) Direction 2009 sets out when a Local Planning Authority in England is required to consult the Secretary of State before granting planning permission for certain types of development.

The Direction applies to any application for planning permission which:

- (a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development; and
- (b) is received by a planning authority on or after 20 April 2009.

Paragraph 7 of the Order states that for the purposes of the Direction, “playing field development” means development of a description where –

- (a) the land (or any part of the land) which is the subject of the application –
 - (i) is land of a local authority; or
 - (ii) is currently used by an educational institution as a playing field; or
 - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and
- (b) the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
 - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
 - (ii) that the proposed development would result in such a deficiency; or
 - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

Assessment

Sport England has provided comments on the application and confirmed that they formally object to the development proposed (for the reasons detailed in previous sections of this report). In their response Sport England have also confirmed that they are not a statutory consultee to this application under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (the Order).

The land to which the application relates is presently owned by the Local Authority. However, it is considered that the application does not fall within the remit of Paragraph 7(b) of the Town and Country Planning (Consultation) (England) Direction 2009. This is because Sport England has not responded to a consultation on the application made specifically pursuant to a request under the Town and Country Planning (Development Management Procedure) (England) Order. Instead they have responded to the consultation on the application in the way that any party who considers that they have an interest in any application might do.

Therefore while Sport England object to the proposal, and the Local Planning Authority has taken careful account of their comments, the current application is not required to be referred to the Department for Communities and Local Government to

enable the Secretary of State to decide whether or not they wish to call the application in for determination.

2. PLANNING APPRAISAL

Principle of the proposed development

As previous sections of this report have identified the application site comprises of an existing temporary school (accommodating up to 60 pupils) granted planning permission in 2015 (15/02616/FUL), where the loss of the existing sports pitch was carefully considered and, on balance, deemed to be acceptable. Bearing this in mind the principle of an additional school building on the existing area of hardstanding is considered acceptable in principle subject to compliance with other relevant local and national policies (addressed below).

Design and character matters

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

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The previous permission for a temporary school granted permission in 2015 (**15/02616/FUL**) has now been fully implemented as have all associated works including car park and playground area. The additional temporary building associated with the current application would be located on the existing area of hardstanding and would be of similar dimensions to the existing temporary building on site. In terms of materials, both the existing and proposed buildings would be of a similar palette thus preserving the character of the area.

The application is found to deliver an appropriate design solution in all regards which, subject to the conditions recommended, is found to be acceptable and compliant with development plan policies as they relate to design and character matters. Landscaping matters are addressed elsewhere in this report.

Impacts on amenities of neighbouring and surrounding occupiers and users

Local Plan policies, such as policies DM01 and DM13, seek broadly to create quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design and the appropriate management of new development. For the reasons set out below the development is found to be compliant with the objectives of these policies, subject to the imposition of the conditions recommended.

Privacy, Outlook, Daylight and Sunlight

Policy DM01 of the Local Plan states that developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The site is bounded to the west by trees and a rail line, to the north by open space, to the east by trees and Pavilion Way and to the south by the access route into Wicket Court. To the south-east the site adjoins a changing pavilion building. In terms of its siting the main school building proposed is positioned in the central part of the site. Play areas would be located to the north and west of the main building and the parking area for the school would be positioned to the south of the main building.

The single storey school building proposed would be located approximately 25m from the nearest residential property and it is considered that the design, size, layout and siting of the proposed school building and associated spaces are such that they would not have an unacceptable impact in terms of outlook, privacy, light and overshadowing at the uses surrounding the site, including the adjacent residential properties. The application is therefore considered to be acceptable and compliant with development plan policy in these respects.

Noise Impacts

Development plan policies state that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

It is anticipated that a level of noise would be generated from the development during the hours of use of the school. However, noise from children generated during the day is expected from primary schools and in this instance it is not considered to be such that it would be detrimental to the amenities of surrounding occupiers and users (subject to the imposition of the conditions recommended) or would justify a refusal of planning permission.

A condition has been recommended limiting the hours of use of the new facility. This would ensure that their use is kept within reasonable hours. A condition has also

been included in those recommended to ensure that any noise from plant installed on the site is kept within acceptable parameters. Subject to the imposition of the conditions recommended Environmental Health officers have confirmed that they do not object to the proposal.

A condition requiring the submission of a Construction Management Plan has been included in those recommended. This would ensure that the construction of the development did not have an unacceptable impact on the amenities neighbouring properties in terms of noise matters (and in other regards).

Lighting Impacts

Local Plan Policy DM04 states that lighting proposals for developments should not have a demonstrably harmful impact on residential amenity. In this instance no new lighting has been proposed as part of the development sought.

Creating inclusive environments for all members of the community

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents provided with the application identify a number of ways in which the design of the proposed development has been influenced by the desire to make it accessible for all members of the community. This includes the provision of features such as suitably ramped accesses to and from the new school building, the inclusion of two disabled standard parking spaces and the delivery of appropriate routes into and through the site. Generally the design of the development would be undertaken with reference to Part M of the Building Regulations.

Conditions have been recommended to ensure that the development provides appropriate facilities for all members of the community in variety of regards, for example the provision of two disabled standard parking spaces. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

Trees, landscaping and biodiversity matters

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.

- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

There are a number of trees on and adjacent to the site and since the submission of the original application documents an Arboricultural Impact Appraisal and Method Statement, prepared by Barrell Tree Consultancy, has been provided to the Local Planning Authority in respect of the scheme.

The proposed temporary school would be situated on an existing area of hardstanding granted permission on the previous planning application (**15/02616/FUL**). As a result there is unlikely to be any harmful impact to the health of nearby trees.

Biodiversity

Policy DM16 of the Barnet Local Plan states that when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity. Planning authorities are obliged (by the Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the relevant information on the presence of protected species at a site before they make a decision on an application for planning permission.

An Extended Phase 1 Habitat Survey of the application site was carried out by Ecology and Habitat Management Limited and a report identifying the results of this has been submitted with the application. The report sets out the following conclusions and recommendations:

- The woodland areas at the northern and western boundaries should be retained
- A survey for nesting birds should be undertaken prior to any works being undertaken in the breeding season. If nesting birds are found on site, further action will be required.
- If protected species are encountered works should be temporarily halted and an ecologist consulted.
- Install bird boxes around the site. Sparrow terraced nest boxes should be included

The conditions recommended would ensure that the biodiversity protection, mitigation and enhancement measures identified in the report would be delivered.

Natural England has responded to the consultation and they have not raised any objections to the proposal.

As discussed above the replacement school would be placed on an existing area of hardstanding previously granted and therefore no ecological or wildlife issues are thought to be an issue.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with policy on biodiversity and nature conservation matters.

Noise and air quality impacts

Air Quality Impacts

The borough has been designated an Air Quality Management Area (AQMA). This relates to exceedences of the annual mean nitrogen dioxide objective, however, it does not mean that the objective is exceeded across the entire borough. Local Plan policy DM04 requires that development proposals ensure they are not contributing to poor air quality. It also identifies that where there is a localised source of air pollution buildings should be designed and sited to reduce exposure to air pollutants. Proposals should include air quality assessments where appropriate. An air quality assessment, prepared by Redmore Environmental, has been submitted with the application.

The air quality assessment submitted has been evaluated by officers in the Council's Environmental Health Service. Officers conclude that the proposal would have a negligible impact on local air quality. It is also found that in this location the school itself would not be expected to be exposed to poor air quality. In light of these findings the proposal is deemed to be acceptable and compliant with the objectives of development plan policy in these respects.

Noise Impacts

Local Plan policy DM04 identifies that proposals to locate noise sensitive developments (such as schools) in areas with existing high levels of noise will not normally be permitted. The application is accompanied by a noise report prepared by Acoustic Consultants Ltd. Officers in the Council's Environmental Health Service have assessed the submission, including this report. It is found that the development would not be subject to unacceptable levels of noise impacts from the surrounding area.

Environmental Health officers did however raise a query regarding the excessive noise previously raised from the generator during construction works. In response, the applicant has confirmed the new electricity supply will connect to existing services and therefore unlikely to cause a disturbance (Para 4.8 of the submitted Construction Management Plan).

The proposal is therefore considered to be acceptable and compliant with the objectives of planning policy in this regard. Matters relating to the noise impacts arising from this development have been assessed earlier in this report.

Transport, parking and highways matters

Policy Context

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, take a comprehensive approach to tackling the school run, ensure that development is matched to capacity, deliver high quality transport systems in regeneration areas and town centres, seek more environmentally friendly transport networks 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.

Proposals with the potential for significant transport implications will be expected to be in locations which are, or will be made, accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. The occupiers of new schemes are also required to develop, implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Policy DM13 (Community and education uses) specifically identifies that new education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres, and should ensure that they do not result in significant adverse impacts on the free flow of traffic and road safety.

Existing Conditions

The previous temporary school application granted approval for 16 car parking spaces (including 2 disabled spaces) which are existing on site.

The Proposal

- Additional cycle and scooter parking
- No additional car parking spaces will be provided

On-Site Parking

The revised transport statement confirms that the existing 16 car parking spaces on site are considered satisfactory to serve the additional increase in staff and pupils of the new temporary school. The car parking drop off and pick up facilities proposed are considered to be acceptable and sufficient to meet the car parking demands generated by this proposal.

The plans also include an additional 10 cycle parking spaces located near the entrance of the existing school classroom and in front of the playground to the south of the main school site. This quantum of cycle parking is in accordance with the London Plan cycle parking standards and is found to be acceptable.

Conditions have been recommended to ensure that the car and cycle parking facilities proposed are implemented prior to the school being brought into use. Subject to these the proposal is considered to be acceptable and compliant with the objectives of development plan policies in terms of the parking facilities proposed.

Trip Generation, Highway and Pedestrian Safety and Accessibility

The proposed development is predicted to generate an additional 18 vehicular (car) trips associated with parents and pupils. 3 staff vehicular trips are predicted to occur as a result of the development during this period. The vehicular trip generation arising from the application is considered unlikely to have a detrimental impact on the highway network. The application is therefore found to be acceptable and policy compliant in this regard.

The development is expected to generate an additional 8 public transport (rail and bus) trips during the peak period. When viewed in the context of the current public transport facilities available in the vicinity of the site it is not considered that the proposal would have a material impact on public transport services. The application is therefore found to be acceptable in this regard. It is also concluded that the site is sufficiently accessible by public transport, walking and cycling to meet the objectives of development plan policy in this regard.

It is considered that the design and layout of the development proposed are such that it would provide suitable access arrangements for pedestrians and vehicles and that it would not raise any specific concerns from a highway and pedestrian safety perspective, subject to the conditions recommended. The application is therefore found to be acceptable and compliant with the objectives of development plan policy in these regards.

Delivery and Servicing Management

Servicing is proposed to take place on-site within the car parking area accessed from Pavilion Way. All deliveries are to be scheduled outside school start and end times to minimise conflict with pedestrians and with peak pick-up and drop-off activity. Refuse and recycling collection activity for the temporary school will take place from Pavilion Way. It is understood that the arrangements have been agreed with the Council's Waste Collection service.

The conditions recommended include a requirement for the operation of the site in accordance with a Servicing and Delivery Plan that has previously been agreed with the Local Planning Authority. Subject to this condition the proposal is found to be acceptable in this regard.

Construction Vehicles

The conditions recommended include requirements for the submission and implementation of a Construction Management Plan, in order to ensure that potential construction logistical issues and highways impacts are adequately addressed. Subject to this the proposal is found to be acceptable in this regard.

School Travel Plan

In accordance with the requirements of planning policies an appropriate School Travel Plan will need to be provided and implemented in respect of the development

to encourage shifts to more sustainable modes of transport. A condition securing this has therefore been recommended. Subject to the imposition of this condition the application is found to be acceptable and compliant with the objectives of development plan policies in this regard.

Transport, Parking and Highways Conclusions

The Council Traffic and Development Team have assessed the application and found the proposed development to be acceptable and compliant with the objectives of planning policy on transport, parking and highway matters, subject to the controls in place under the conditions recommended.

Sustainable design and construction matters

London Plan policies state that applications should demonstrate that sustainable design standards are integral to a proposal, including its construction and operation, and that they are considered from the beginning of the design process. Barnet Local Plan policy DM01 states that developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation.

The documents submitted with the application identify a number of ways in which the proposal would be constructed and operated in a sustainable way. These are discussed in more detail in the various relevant sections of this report, but include elements such as the creation of new education facilities for the community, the retention of trees, the provision of appropriate recycling storage equipment and the installation of facilities for cyclists.

It is acknowledged that as the scheme is for a temporary consent to deliver a facility which is relatively small in scale (the building would deliver 180m² of floorspace) the application does not propose the inclusion of certain sustainable design features (for example on-site renewable energy equipment) which would be expected for a larger permanent development. The approach proposed is found to be acceptable and reasonable for the permission that is sought in this instance. It is considered that the details provided in the submission are acceptable and policy compliant in respect of sustainable design and construction matters and that, taken in the round, the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters.

Archaeological matters

The application is accompanied by a desk based Archaeological Assessment (prepared by AOC Archaeology). Historic England Archaeology has responded to the consultation on the application and, having reviewed the submitted assessment, they have not raised any objection to the proposal or request that any pre or post application determination archaeological assessment or evaluation of the site is carried out. Officers support this position and find the proposal acceptable in terms of archaeological matters.

3. EQUALITIES AND DIVERSITY ISSUES

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

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

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

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

The development proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the proposal, as controlled by the conditions recommended, would ensure that in several regards the development constructed would exceed the minimum requirements of such legislation. An example of this is the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report). With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

It is acknowledged that the scheme would result in the loss of playing field and open space. However, due to the poor state of the existing site it is considered that the school proposed under this application would represent a community facility which goes further towards meeting equality and diversity objectives than the current facilities on the land achieve. In this regard the development proposed would have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either

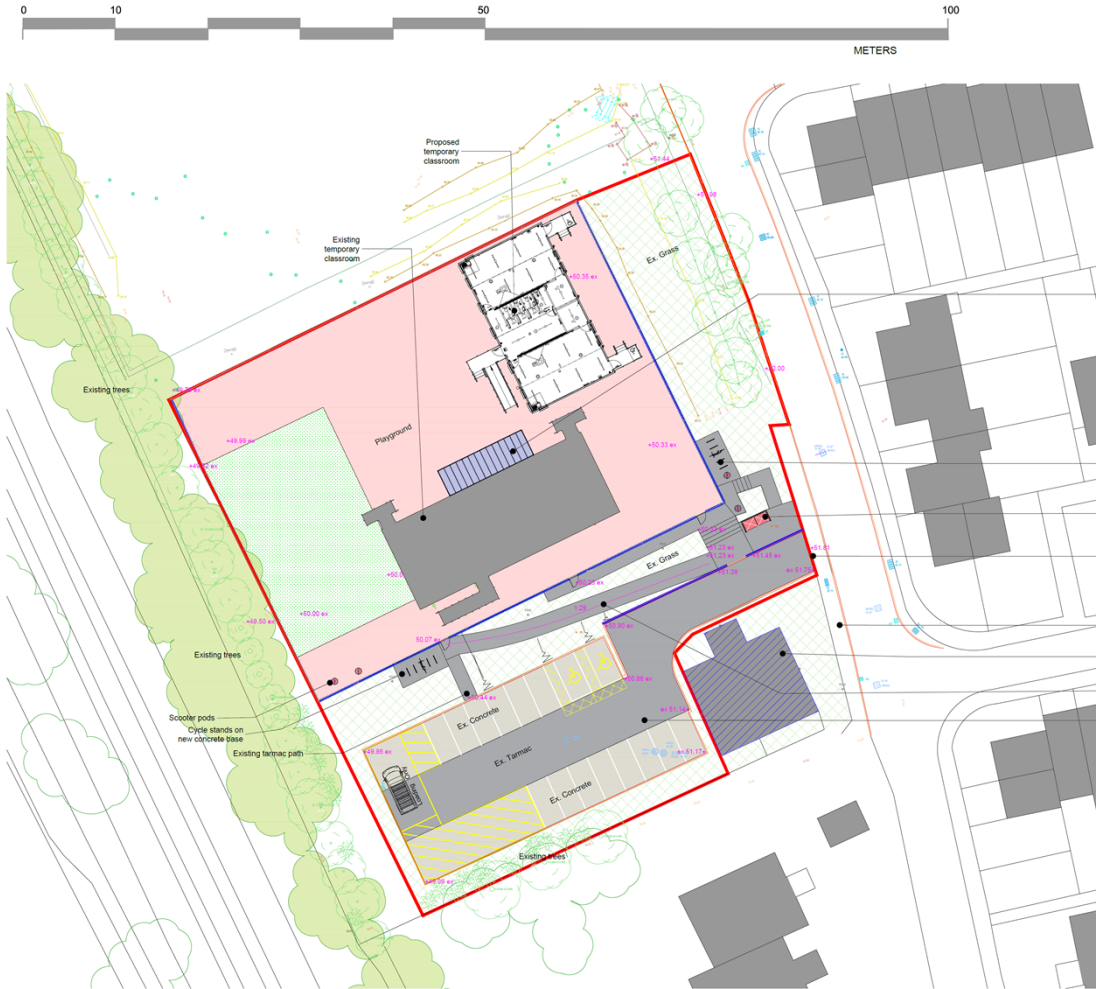
Barnet Council's Equalities Policy or the commitments set in Barnet's Equality Scheme and support the council in meeting its statutory equality responsibilities.

4. CONCLUSION

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 Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material planning considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in detail in the previous sections of this report Officers conclude that the proposed development generally and taken overall accords with the relevant development plan policies and planning guidance, except as they relate to the protection of open space, playing fields and sporting facilities. In respect of the protection of open space playing fields and sporting facilities, it is considered that the proposed development would provide substantial planning benefits, in particular the delivery of school places for which there is an identified local need, and that, on balance, given the particular circumstances of the development these are sufficient to outweigh the schemes conflict with development plan policy and any harm caused in this respect. As such it is considered that there are material planning considerations which justify the recommendation to grant planning permission in this instance. The application is therefore recommend for APPROVAL subject to conditions, as set out in the Recommendations section at the beginning of this report.

APPENDIX 1: PROPOSED SITE LAYOUT PLAN



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LOCATION: Land at Pavilion Way, Burnt Oak, Edgware, HA8 9YA

REFERENCE: 16/2156/S73

AGENDA ITEM 16

WARD: Burnt Oak

Accepted: 11.04.2016

Expiry: 03.06.2016

APPLICANT: Ms Liz Fitzgerald of Vincent Gorbing

PROPOSAL: Removal of Condition 22 (number of pupils) on the planning permission with Barnet reference 15/02616/FUL for "Installation of a temporary (for a period of up to three years) school modular building (use class D1) of 230 sqm (GEA) for up to 60 pupils and associated facilities and works including the formation of new tarmac pedestrian access and bin store area; repair works to surface treatment of existing parking and hard court area; laying of artificial grass surface to part of hard court for informal play; the provision of refuse and recycling storage facilities; use of existing vehicular access and the provision of parking for 16 cars, cycles and scooters; repairs to existing fencing; erection of new fencing; and the making of various alterations to the hard and soft landscaping of the site" (dated 25/06/2015) to facilitate further classroom accommodation and an associated pupil year group.

RECOMMENDATION

That the Assistant Director – Development Management and Building Control approve the planning application reference 16/2156/S73 under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director – Development Management and Building Control:

1. Time Limit for Implementation

This development must be begun within three years from the date of the original permission (15/02616/FUL) dated 26/06/15.

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

2. Time Limit for Consent

This permission shall be for a limited period only expiring on the 26/06/18. By that date the use hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed from the site and the land reinstated in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the consent granted accords with the permission sought and considered and to protect the amenities of the area.

3. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: TP(00)100 (Revision P2); TP(00)101 (Revision P2); TP(00)102 (Revision P2); L150104-101 (Revision C); HED.1154.200; HED.1154.201; HED.1154.210; email from Scott Brownrigg – Planning sent 8th June 2015 at 16:51; and Phase I Report (version Final V5) by Ecology and Habitat Management Ltd.

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 in the Barnet Local Plan and London Plan.

4. Materials

The external surfaces of the buildings, means of enclosure, hard surfaced areas and other structures which form part of this consent shall be implemented in full accordance with the details specified in the email from Scott Brownrigg – Planning sent 8th June 2015 at 16:51 before the development is occupied or brought into use.

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 2012 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5. Hours of Construction

No construction work in relation to the development hereby approved 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 policies DM01 and DM04 of the Barnet Local Plan.

6. Construction Management Plan

Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved plan. The Demolition and Construction Management Plan submitted shall include, but not be limited to, the following information:

- Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- site preparation and construction stages of the development;
- details of provisions to be made for the recycling of materials.
- the provision on site of a storage and delivery area for any plant, site facilities, waste and materials.

- 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;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- noise mitigation measures for all plant and processors;
- details of contractors compound and car parking arrangements;
- details of interim car parking management arrangements for the duration of construction; and
- details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety a sustainable waste management in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

7. Tree Protective Fencing

Before the development hereby permitted is commenced temporary fencing shall be erected around existing trees at the site which are to be retained in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details shall conform with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. This fencing shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

8. Tree Works – Detailed Specification

No tree felling or pruning of trees on the site shall be carried out in relation to the development hereby approved until a detailed tree felling and pruning specification has been submitted to and approved in writing by the Local Planning Authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

9. Parking

Before the development hereby permitted is occupied or brought into use the parking spaces and parking facilities shown on approved plan numbers TP(00)102 (Revision P2) and HED.1154.200 shall be provided at the site.

These parking spaces and parking facilities shall remain in place for the duration of this permission and shall not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that the free flow of traffic and highway and pedestrian safety is not prejudiced in accordance with Barnet Local Plan Policies CS9 and DM17.

10. Cycle Parking

Facilities for the parking of cycles (not less than 12 cycles) and scooters shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing prior to the development hereby permitted being brought into use.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with policies CS9 and DM17 of the Barnet Local Plan and policy 6.13 of the London Plan.

11. School Travel Plan

Prior to the first occupation of the development hereby approved a School Travel Plan (STP) that meets the most recent Transport for London School Travel Plan criteria shall be submitted to and approved in writing by the Local Planning Authority. The submitted STP shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport. The School Travel Plan shall include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The development shall be occupied and managed in accordance with the STP approved under this condition. Monitoring of the approved STP shall be completed in line with Transport for London's 'standardised approach to monitoring' with consultation completed with pupils and their families, staff, Governors and other stakeholders within 6 months of the occupation of the development and an annual 'hands up' survey with staff and pupils completed within 3 months of occupation of the development and annually thereafter. The STP shall be reviewed annually and the updated document submitted to the Local Planning Authority for their approval annually. Following the annual STP reviews the STP shall be revised to incorporate any comments made by the Local Planning Authority within 6 weeks of these being provided.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies CS9 and DM17 of the Barnet Local Plan.

12. Refuse Storage and Collection

Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the:

- 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

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details in perpetuity.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policy DM01 of the Barnet Local Plan.

13. Hours of Use

The development hereby permitted shall only be occupied or in use by pupils and visiting members of the public between the hours of 7.30am and 6.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday and between the hours of 9.00am and 6.00pm on a Saturday, Sunday or Bank Holiday or in accordance with other times previously specified in and agreed by the Local Planning Authority as part of the Community Use Agreement submitted under condition 14 of this consent.

Reason:

To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

14. Community Use Agreement

Prior to occupation of the school hereby permitted a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the community facilities provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-school users and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason:

To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

15. Delivery and Servicing Plan

Before the development hereby permitted is occupied a full Delivery and Servicing Plan (DSP) providing details of the delivery and servicing arrangements for the school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in full accordance with the DSP as approved in perpetuity.

Reason:

In the interest of highway safety in accordance with policies CS9 and DM17 of the Barnet Local Plan.

16. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 7, Classes M and N to schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order) no extensions or alterations to the development hereby permitted shall be carried out without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over the development in the interests of controlling the intensity of the use and safeguarding the amenities of the locality in accordance with policy DM01 of the Barnet Local Plan.

17. Noise from Site Plant

The level of noise emitted from any air conditioning or any other plant installed on the site in connection with the development 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 from the air conditioning or plant 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 policy DM04 of the Barnet Local Plan and policy 7.15 of the London Plan.

18. Breeding Bird and Bat Protection

The site clearance works and construction works associated with the implementation of the development hereby approved shall be carried out in full accordance with the nesting and breeding bird and bat protection measures identified on pages 12 and 13 of the Phase I Report (version Final V5) by Ecology and Habitat Management Ltd submitted as part of this application.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

19. Biodiversity Enhancement

Prior to the occupation of the development hereby approved details comprising a scheme of measures to enhance and promote biodiversity at the site as proposed shall be submitted to the Local Planning Authority and approved in writing. The approved scheme of biodiversity enhancement and promotion measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance

with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

20. Details of Ramps

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, before this development is occupied full details of the ramps to be installed to provide access to the proposed school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy 7.2 of the London Plan and policy DM01 of the Barnet Local Plan.

21. Landscaping

Prior to the occupation of the development hereby approved a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details submitted shall include, but not be limited to, the planting of not less than 1 new tree. All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the first occupation of any part of the building or completion of the construction of the development, whichever is sooner. Any existing tree or hedge shown to be retained or trees or hedges to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within three 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 neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

22. Total Number of Pupils

At no time shall the number of pupils in the school hereby approved exceed 60 (to provide facilities for up to 120 pupils across the entire site).

Reason:

To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.

Informatives

It is recommended that the following informatives be included on the decision notice in respect of this application:

1. The applicant is advised that any alteration to the public highway (if necessary) will require prior consent of the local highways authority. The costs of any associated works to the public highway, including any fees or costs

associated with a legal agreement, will be borne by the applicant. The applicant may also be required to enter into a Section 184 or 278 Agreement under the Highways Act 1980 for proposed works on the public highway. An estimate for this work may be obtained from the Re Traffic and Development Team, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP.

2. Please be advised that Deansbrook Road is part of a Traffic Sensitive Route from 8.00am to 9.30am and 4.30pm to 6.30pm Monday to Friday.
3. Before commencing construction works adjacent to the public highways, the applicant must obtain any necessary Highways Licenses. These can be sought by calling 0208 359 2000.
4. All works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in legislation covering the protection of certain species and habitats, including the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the any such legislation may result in a criminal prosecution.
5. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.
6. With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

The London Plan

The London Plan (March 2015) is the development plan in terms of strategic planning policy. The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: The Multi Functional Network of Green and Open Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.16 (Protection and Enhancement of Social Infrastructure); 3.18 (Education Facilities); and 3.19 (Sports Facilities)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4A (Electricity and Gas Supply); 5.6 (Decentralised Energy in Development Proposals); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Lifetime Neighbourhoods); 7.2 (An Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy. The relevant documents comprise the Core Strategy and the Development Management Policies documents (both adopted in September 2012). The Local Plan development plan policies of most relevance to the determination of this application are:

Barnet 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)

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 and integrated community facilities and uses)
CS11 (Improving health and well being 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)

Barnet 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)
DM13 (Community and education uses)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction Supplementary Planning Document (2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (2004)
Planning for Equality and Diversity in London (2007)
All London Green Grid (2012)
Shaping Neighbourhoods: Play and Informal Recreation (2012)
Sustainable Design and Construction (2014)
Accessible London: Achieving an Inclusive Environment (2014)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This document was published in March 2012 and it is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

Relevant Planning History

Reference: 15/07713/FUL

Address: 1 Pavilion Way, Edgware, HA8 9YA

Decision: Resolution to grant subject to a S106 agreement (planning committee: 31/03/16).

Description: The construction of two new linked two-storey buildings to provide a 2 form entry primary school (Use Class D1), the retention and refurbishment of the existing pavilion building on the site and associated works, including the formation of new and amended vehicular and pedestrian access from Pavilion Way, the carrying out of associated hard and soft landscape works including to boundary treatments, the provision of refuse and recycling storage facilities, the formation of a new synthetic turf pitch, the erection of new floodlighting and the provision of car parking, drop off and cycle parking facilities .

Reference: 15/02616/FUL

Address: 1 Pavilion Way, Edgware, HA8 9YA

Decision: Approved subject to conditions

Decision Date: 26.06.2015

Description: Installation of a temporary (for a period of up to three years) school modular building (use class D1) of 230 sqm (GEA) for up to 60 pupils and associated facilities and works including the formation of new tarmac pedestrian access and bin store area; repair works to surface treatment of existing parking and hard court area; laying of artificial grass surface to part of hard court for informal play; the provision of refuse and recycling storage facilities; use of existing vehicular access and the provision of parking for 16 cars, cycles and scooters; repairs to existing fencing; erection of new fencing; and the making of various alterations to the hard and soft landscaping of the site.

Former LTE Sportsground, Deansbrook Road, Edgware:

W01591A 'Residential development at 85 habitable rooms per acre (209 h.r.h) on 7.90 acres (3.21 hectares) and use of 3.30 acres (1.34 hectares) as sports field with changing rooms and car parking (outline); and including full details of 2, three-storey blocks of bedsits and flats, and 10, two-storey houses as show premises, together with car parking and landscaping' Granted subject to conditions (1986).

Consultation and Views Expressed

Public Consultation

A total of 219 local properties and other bodies were consulted on the application by letter and email in April 2016. The application was also advertised on site and in the local press at that time. Responses to the comments received are provided in the relevant section of the committee report.

Number of Responses from Residents

0 responses objecting to the proposal was received.

Consultation Responses from Elected Members

Mr Andrew Dismore AM:

Has **objected** to the application as a resident and elected member and **requested to speak at planning committee.**

The objections raised by Mr Dismore can be summarised as follows:

- The proposed additional places are beyond a child's walking distance from both these growth areas. The proposed school is therefore in the wrong location for the expected population growth. It would make more sense for this school to be provided on land in the regeneration scheme for Grahame Park, the developments in Colindale or in West Hendon.
- The proposed school would increase congestion around the immediate site and wider area.
- 'Drop off' traffic will lead to Pavilion Way being blocked, as the road is a narrow one with no space for stopping traffic without holding up traffic flows.
- The approved pick up/drop off arrangements are woefully inadequate but they won't be provided for up to 3 years anyway. This additional traffic will also add to congestion for vehicles existing on Pavilion Way at peak times, which is already difficult, as described above.
- The current applications will add to the problem as they are in advance for up to 3 years before the additional parking and the drop off area are provided.
- There will be gridlock and confrontation in Pavilion Way as people try to get to work going out of Pavilion Way on the narrow carriageway, as parents drop children off coming in the other direction blocking the outgoing traffic. There is no nearby room for vehicles to turn, either.
- The application is therefore in breach of this element of Barnet's Core Strategy.
- The additional traffic will increase road safety issues on the local road network.
- Pavilion Way does not have a footpath on the west side of the road, the side bordering the site, but only on the eastern side. Children will need to cross the road to access the school on what is a partially blind corner for traffic travelling north on Pavilion Way and are thus at increased risk.
- There is inadequate parking spaces on the road near the school already and this expansion 3 years in advance of the full scheme will make things far worse.
- There is already pressure on road space parking and Pavilion Way will not be able to cope with additional school parking without detrimental impact on existing residents.

Consultation Responses from Statutory Consultees and Other Bodies

Sport England:

No comment, as not a statutory consultee.

Natural England:

No comments received

Historic England (Archaeology):

No comments received

Description of Proposed Development

Removal of Condition 22 (number of pupils) on the planning permission with Barnet reference 15/02616/FUL for "Installation of a temporary (for a period of up to three years) school modular building (use class D1) of 230 sqm (GEA) for up to 60 pupils and associated facilities and works including the formation of new tarmac pedestrian access and bin store area; repair works to surface treatment of existing parking and hard court area; laying of artificial grass surface to part of hard court for informal play; the provision of refuse and recycling storage facilities; use of existing vehicular access and the provision of parking for 16 cars, cycles and scooters; repairs to existing fencing; erection of new fencing; and the making of various alterations to the hard and soft landscaping of the site" (dated 25/06/2015) to facilitate further classroom accommodation and an associated pupil year group.

Description of Site and Surrounding Area

The application site comprises a broadly rectangular area of land, covering approximately 0.34 hectares in size, situated on the west side of Pavilion Way in the Burnt Oak Ward. The site currently includes a mixture of surfaces, including a fenced all weather playing surface, a parking area (hardstanding), hard surfaced access routes and soft landscaped areas.

Prior to consent for the temporary school building the lawful use of the land is considered to have been a playing field (primarily an all weather playing surface) with ancillary facilities (for example parking). A grassed playing field adjoining the site to the north and a changing pavilion building adjoining the site to the south-east do not form part of the land to which this application relates.

It is understood that the playing field facilities at this site, and the facilities at adjoining sites (the grassed playing field and pavilion building), were delivered as part of a wider consent which included new dwellings on land adjoining Deansbrook Road.

A group of trees adjoining the site directly to the south-west are covered by a Group Tree Preservation Order (reference TRE/HE/51). Land to the east of the site (east of Hutton Row and Compton Close) has been designated a Conservation Area. Historic England (Greater London Archaeological Advisory Service) has confirmed that the site does not fall within an archaeological priority area.

Referral to Secretary of State

The Town and Country Planning (Consultation) (England) Direction 2009 sets out when a Local Planning Authority in England is required to consult the Secretary of State before granting planning permission for certain types of development.

The Direction applies to any application for planning permission which:

- (a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development; and
- (b) is received by a planning authority on or after 20 April 2009.

Paragraph 7 of the Order states that for the purposes of the Direction, “playing field development” means development of a description where –

- (a) the land (or any part of the land) which is the subject of the application –
 - (i) is land of a local authority; or
 - (ii) is currently used by an educational institution as a playing field; or
 - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and

- (b) the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
 - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
 - (ii) that the proposed development would result in such a deficiency; or
 - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

Assessment

The current application is not required to be referred to the Department for Communities and Local Government to enable the Secretary of State to decide whether or not they wish to call the application in for determination.

2. PLANNING APPRAISAL

The current application seeks to remove Condition 22 from planning permission 15/02616FUL. The condition states:

“At no time shall the number of pupils in the school hereby approved exceed 60.
Reason: To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.”

The application itself sought permission for one modular building comprising two classrooms and toilet facilities. The accommodation was suited to accommodate up to 60 pupils, with no separate space for dining or scope for expansion of the pupil numbers. A separate application (16/2155/FUL) for an additional modular building to accommodate an additional 60 pupils is considered elsewhere in this agenda.

The removal of the condition is considered appropriate together with its replacement with an additional condition with the following wording to ensure the total number of pupils on site do not exceed 120 pupils:

“At no time shall the number of pupils in the school hereby approved exceed 60 (to provide facilities for up to 120 pupils across the entire site).

Reason: To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.”

All relevant planning matters in relation to the provision of the temporary school building itself were assessed in the original application.

3. Comments on objections received

The current application aims to confirm the total number of pupils on site and proposes no other changes. The objections received relate to issues which are not the subject of this application and have been addressed in the previous officer’s report (15/02616/FUL). The planning considerations arising from the additional 60 pupils are addressed in application 16/2155/FUL elsewhere in this agenda.

4. EQUALITIES AND DIVERSITY ISSUES

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

- “(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- “(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- “(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*”

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

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

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

The development proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building

Regulations. In addition to this the proposal, as controlled by the conditions recommended, would ensure that in several regards the development constructed would exceed the minimum requirements of such legislation. An example of this is the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report). With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

It is acknowledged that the scheme would result in the loss of playing field and open space. However, due to the poor state of the existing site it is considered that the school proposed under this application would represent a community facility which goes further towards meeting equality and diversity objectives than the current facilities on the land achieve. In this regard the development proposed would have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in Barnet's Equality Scheme and support the council in meeting its statutory equality responsibilities.

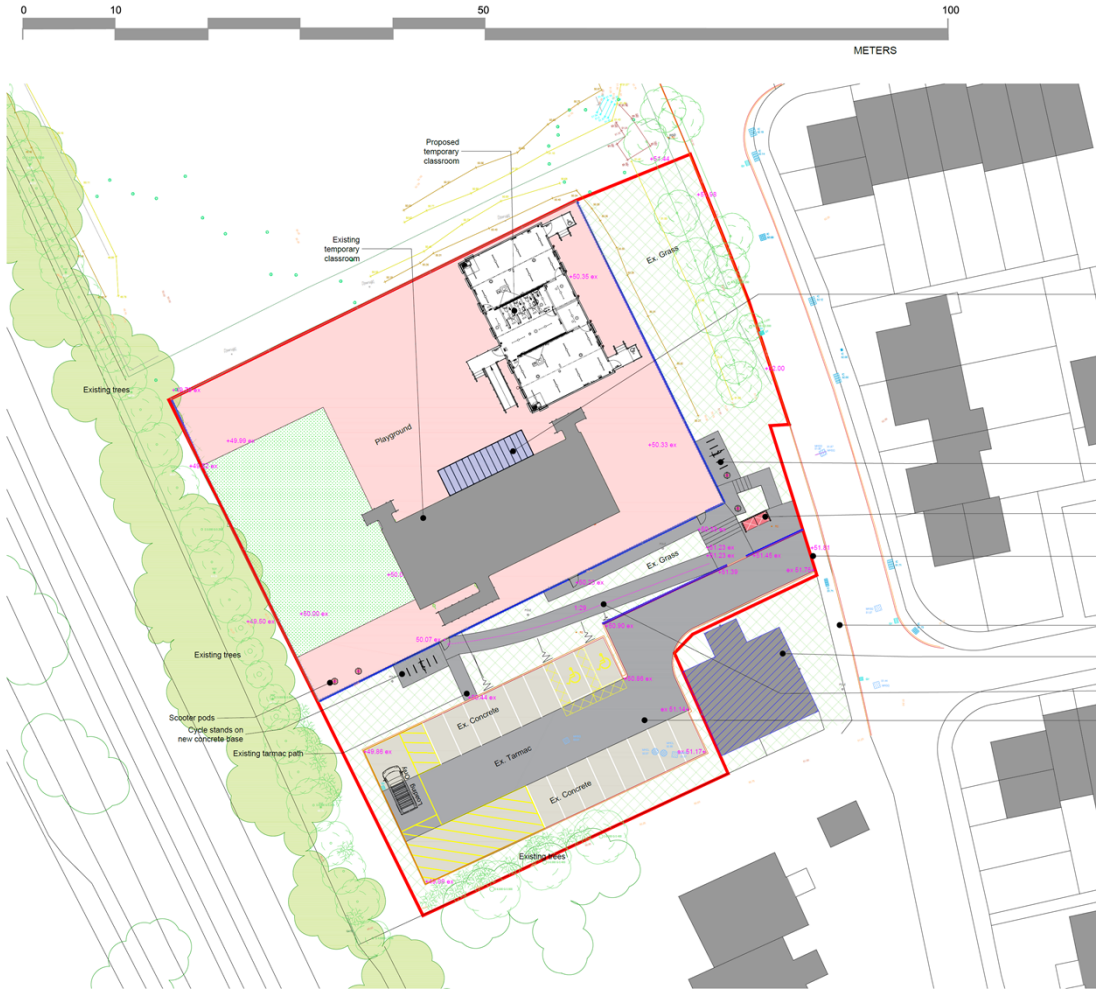
5. CONCLUSION

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 Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material planning considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

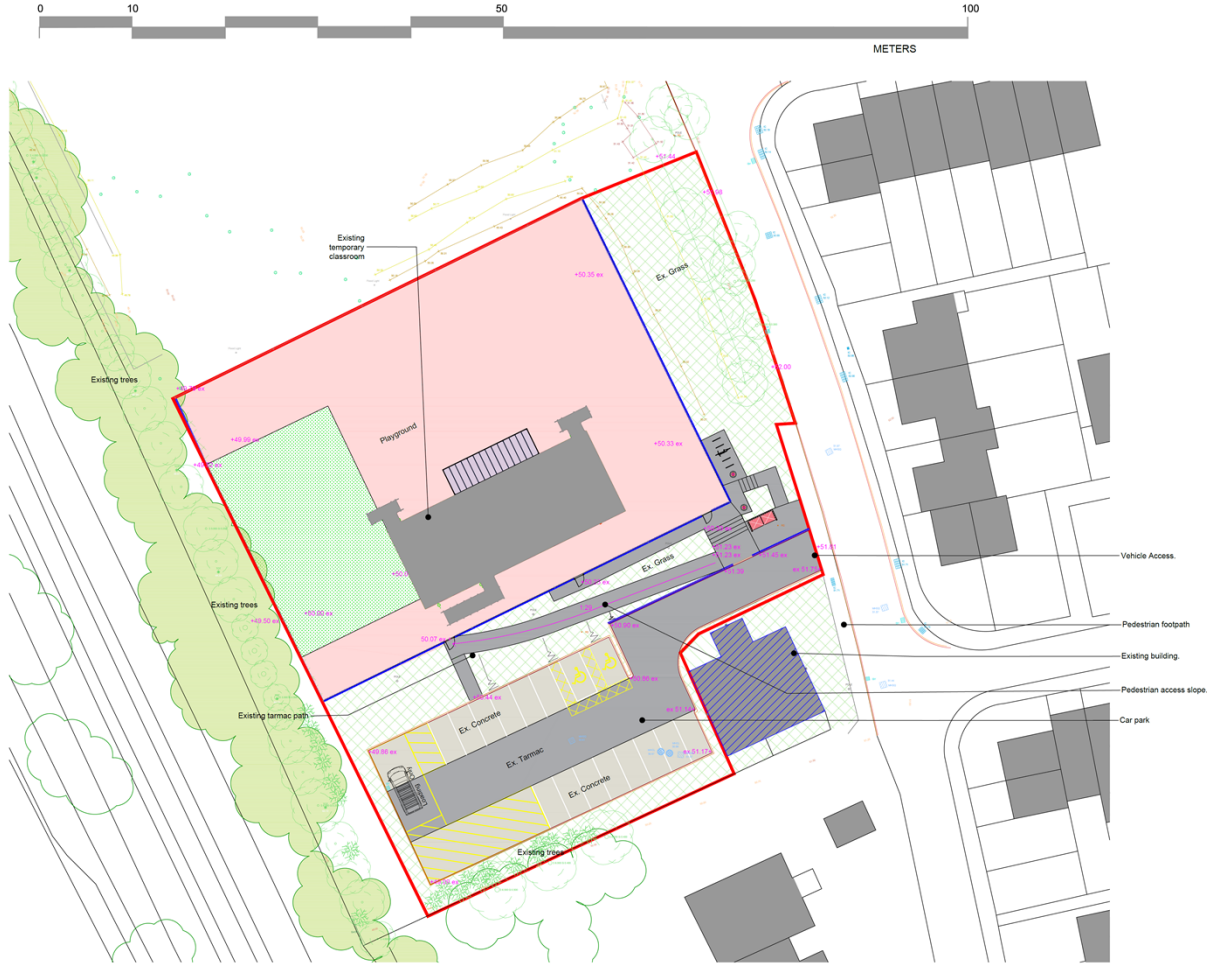
In relation to this particular application, it is concerned solely with the overall number of pupils to be accommodated across the site, as an amendment to condition 22. All relevant planning matters in relation to the provision of the temporary school building were assessed in the original application.

In respect of the protection of open space playing fields and sporting facilities, it is considered that the proposed development would provide substantial planning benefits, in particular the delivery of school places for which there is an identified local need, and that, on balance, given the particular circumstances of the development these are sufficient to outweigh the schemes conflict with development plan policy and any harm caused in this respect. As such it is considered that there are material planning considerations which justify the recommendation to grant planning permission in this instance. The application is therefore recommend for APPROVAL subject to conditions, as set out in the Recommendations section at the beginning of this report.

APENDIX 1: PROPOSED SITE LAYOUT PLAN



APPENDIX 2: SITE LOCATION PLAN



Location Ashmole Academy Cecil Road London N14 5RJ

Reference: 16/1258/FUL

Received: 26th February 2016

Accepted: 24th March 2016

Ward: Brunswick Park

Expiry 19th May 2016

Applicant: Ashmole Academy Temp School

Proposal: The erection of 2no temporary single storey administration blocks comprising offices, staffroom and WC, 1no temporary single storey educational block comprising two classrooms, lobby, WC and storeroom with improved access from Summit Way, canopy to provide covered play area, hard standing including car parking and the erection of boundary fence to provide 2 form entry primary school until 30th September 2017

AGENDA ITEM 17

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 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 of seeking to secure the following:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

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

(c) Travel Plans

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. A full School Travel Plan shall be entered into. The travel plan shall include the following contributions:

(d) Keep Clear Road Markings

Contribution of £10,000 for the provision of a Keep Clear Road Markings

(e) Travel Plan Monitoring

- A contribution of £5,000 (index linked) towards the monitoring of the Travel Plans for the development.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

0 That upon completion of the agreement specified in Recommendation 1, the Director - Development Management and Building Control approve the planning application reference 15/01113/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Development Management and Building Control

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

6APFS105/P/050.010 Rev A

6APFS105/P/050.005

6APFS105/P/050.007

Statement of community Involvement

Ecology Report

Transport Assessment

Travel Plan

Noise Report

Planning Statement Received 11 May 2016

Email from agent confirm hedge will be retained - 11 May 2016

Arboricultural Report

2 This permission shall be for a limited period only expiring on the 30th September 2017. By the 30th September 2017 the use hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed from the site and the land reinstated in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure that the consent granted accords with the permission sought and considered and to protect the amenities of the area.

3 The external surfaces of the buildings, means of enclosure, hard surfaced areas and other structures which form part of this consent shall be implemented in full accordance with the details specified in the submission before the development is occupied or brought into use and retained thereof.

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 2012 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

4 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown on Drawing No. 6APFS/P/050.010 Rev. A submitted with the planning application. The parking spaces shall be used only as agreed including for drop-off and pick-up and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

5 Facilities for the parking of cycles (not less than 12 cycles) and scooters shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing prior to the development hereby permitted being brought into use.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with policies CS9 and DM17 of the Barnet Local Plan and policy 6.13 of the London Plan.

6 Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the:

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

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details in perpetuity.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policy DM01 of the Barnet Local Plan.

7 The development hereby permitted shall only be occupied or in use by pupils and visiting members of the public between the hours of 7.30am and 6.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday and between the hours of 9.00am and 6.00pm on a Saturday, Sunday or Bank Holiday.

Reason:

To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

8 Before the development hereby permitted is occupied a full Delivery and Servicing Plan (DSP) providing details of the delivery and servicing arrangements for the school

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in full accordance with the DSP as approved in perpetuity.

Reason:

In the interest of highway safety in accordance with policies CS9 and DM17 of the Barnet Local Plan.

9 Notwithstanding the provisions of Part 7, Classes M and N to schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order) no extensions or alterations to the development hereby permitted shall be carried out without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over the development in the interests of controlling the intensity of the use and safeguarding the amenities of the locality in accordance with policy DM01 of the Barnet Local Plan.

10 The level of noise emitted from any air conditioning or any other plant installed on the site in connection with the development 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 from the air conditioning or plant 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 policy DM04 of the Barnet Local Plan and policy 7.15 of the London Plan.

11 The site clearance works and construction works associated with the implementation of the development hereby approved shall be carried out in full accordance with the nesting and breeding bird and bat protection measures identified in the Ecology Report submitted as part of this application.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

12 a) Prior to occupation all extraction and ventilation equipment to be installed as part of the development 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 in accordance with details approved under this condition before first occupation 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 DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

13 At no time shall the total number of pupils in the school hereby approved exceed 60.

Reason:

To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.

14 Prior to the first occupation of the development hereby approved a School Travel Plan (STP) that meets the most recent Transport for London School Travel Plan criteria shall be submitted to and approved in writing by the Local Planning Authority. The submitted STP shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport. The School Travel Plan shall include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The development shall be occupied and managed in accordance with the STP approved under this condition. Monitoring of the approved STP shall be completed in line with Transport for London's 'standardised approach to monitoring' with consultation completed with pupils and their families, staff, Governors and other stakeholders within 6 months of the occupation of the development and an annual 'hands up' survey with staff and pupils completed within 3 months of occupation of the development and annually thereafter.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies CS9 and DM17 of the Barnet Local Plan.

15 Before the development hereby permitted is commenced temporary fencing shall be erected around existing trees at the site which are to be retained in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details shall conform with BS 5837:2012 Trees in relation to design, demolition and construction Recommendations. This fencing shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

16 No construction work in relation to the development hereby approved 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 policies DM01 and DM04 of the Barnet Local Plan.

17 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet requirements of a Full School Travel Plan, monitoring thereof and a financial contribution for a pedestrian crossing. The proposal would therefore not address the impacts of the development, contrary to policy DM17 of the Barnet Development Management Policies (2012) and Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

1 In accordance with paragraphs 186 and 187 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(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 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 4 The applicant is advised that any alteration to the public highway (if necessary) will require prior consent of the local highways authority. The costs of any associated works to the public highway, including any fees or costs associated with a legal agreement, will be borne by the applicant. The applicant may also be required to enter into a Section 184 or 278 Agreement under the Highways Act 1980 for

proposed works on the public highway. An estimate for this work may be obtained from the Re Traffic and Development Team, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP

- 5 Before commencing construction works adjacent to the public highways, the applicant must obtain any necessary Highways Licenses. These can be sought by calling 0208 359 2000.
- 6 All works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in legislation covering the protection of certain species and habitats, including the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the any such legislation may result in a criminal prosecution.
- 7 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.
- 8 With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 9 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

Officer's Assessment

The application site comprises (1418sqm) a L' shaped plot which is located within the south west corner of the larger Ashmole Secondary School site (11.2HA). The site itself is occupied by an area of playing field which does not form part of any sports pitch. The immediate area is made up of a mix of predominantly residential uses. To the northwest of the site one can find the rear gardens of semi-detached properties located on Arlington Road. To the south of the site lies Summit Way, whilst the north and north east of the site is bound by the playing fields of Ashmole Secondary School. The site will be accessed of Summit Way, via an existing unused access.

2. Site History

Reference: N00665AF/02

Address: Ashmole Academy, Cecil Road, London, N14 5RJ

Decision: Approved following legal agreement

Decision Date: 5 August 2002

Description: Redevelopment to provide new Ashmole School with associated playing fields, car parking and hard and soft landscaping.

Reference: N00665AR/03

Address: Ashmole Academy, Cecil Road, London, N14 5RJ

Decision: Approved subject to conditions

Decision Date: 22 July 2003

Description: Erection of brick built electricity sub-station adjacent to the garage for plot 48.

3. Proposal

The application seeks planning permission for a temporary school of 12 months.

The key elements of the proposed works include the:

- Installation of modular buildings providing 368 square metres of floorspace for the proposed school, including two classrooms, a group room, admin room, Head Teachers office, staff room and wash centre
- Formation of new tarmac for vehicle and pedestrian access ((accessed from the sites existing vehicular access point on Summit Way).
- Formation of parking for 9 cars, 1 disabled bay and 12 cycles
- Provision of refuse and recycling storage facilities.
- Additional tarmacked play area - 438sqm

Within the proposed application site, the main (modular) school building would be located in the south northern of the site. Play areas would be located to the south west of the main building and the parking area for the school would be positioned to the south of the main building and accessed via Summit Way. The main school building would be a single storey structure that is rectangular in plan. The approximate maximum dimensions of this building would be 16m long, 9.4m wide and 3.6m in height. The new school will be located 10m from the north western boundary, 9m from the north eastern boundary and circa 49m from the south western boundary with Summit Way. The approximate maximum dimensions of the admin block would be 21m long, 3m wide and 3.6m in height. This block will be located 24m from the north western boundary, 1.5m from the north eastern boundary and circa 45m from the south western boundary with Summit Way.

The proposed site is partially positioned on the edge existing football pitch - encroachment into this pitch is no more than 90sqm. The applicants advise that the ground is the subject

of poor drainage. As such, the football pitch is frequently moved to ensure the best part of the ground is used. As a result of the new school the football pitch will be moved to the south east allowing that pitch to continue full use.

The school will accommodate 60 pupils and 10 full time teachers.

A plan showing the layout of the proposed development is provided at Appendix 1 of this report.

4. Public Consultation

Public Consultation

A total of 518 local properties and other bodies were consulted on the application by letter and email on 23 March 2016. The application was also advertised on site and in the local press at that time. Responses to the comments received are provided in the relevant section of the committee report.

Number of Responses from Residents

125 responses and a petition signed by 200 residents objecting to the proposal were received. 2 responses supporting the proposal were received. 1 Representation was received.

Objections

The comments made in the objection received to the application can be summarised as follows:

- The proposal would exacerbate the existing traffic and parking problems on Summit Way and in the wider area. The Ashmole School run is already an issue for the area and the proposed new access to another school will aggravate this.
- The proposed 'Keep Clear Zone' is inadequate
- The Automatic Traffic Count (ATC) survey is flawed owing to the recorder being placed circa 32m from the junction with Arlington Road as such highway and pedestrian safety is an issue
- Residents reversing from the garage located at No 79 Arlington are at risk of harming small children.
- Commercial vehicles park on Summit Way. The new school will displace these vehicles to other parts of Summit Way
- The junction between Arlington and Summit Way has been subjected to a number of accidents. In recent years these accidents have been damage related and not personal injury. Increased traffic volume will result in personal injury incidents.
- Summit Way and Arlington Road will become a loop to provide access route to both schools.
- The proposal will have a detrimental impact on the character of Summit Way and Mandeville Road.
- Parking details noted in the Transport Assessment is misleading
- The disused gate off Summit Way has never been used to access the existing school
- No detail on the permanent school has been provided.
- Unrealistic assumptions that pupils will walk to school
- Owing to the 90 degree bend on Summit Way, the development is likely to result in accidents.
- Servicing of Summit Way is likely to result in highway and pedestrian concerns
- The drop off, pick up strategy proposed will not prevent people from parking on street during pick up and drop off times.
- Users of the school will not car share
- Construction related traffic and parking would cause severe disruptions

- No need for a school within the area
- The new school will create noise and disturbance to neighbouring residents
- Insufficient public transport within the area. This will encourage parents to drive.
- The loss of hedgerow will result in a loss of habitat for birds
- Residents of Mandeville should be consulted.
- The proposed location was bombed during WW2 we have serious concerns about the safety of the children and local residents if this land is disturbed.
- There has been no meaningful consultation with local residents
- Loss of a tree (T1)
- Works undertaken for construction will trespass.
- Pollution will arise from the use of the new access
- The proposed fence is inappropriate

Support

- There is a need for school places
- Ashmole School is reputable educational facility and a new primary school will be an additional asset
- The new school will be successful

Representation

- Details of the permanent school should be made available.

Date of Site Notice: 7 April 2016

Response from Consultees

Highways:

The application is recommended for approval on highway grounds in conjunction with a Travel Plan, subject to conditions and contributions towards the monitoring of the School Travel Plan, and the proposed pedestrian and highway safety improvements.

Transport for London:

The rear of the site is adjacent to Chase Side which forms part of the Strategic Road Network which TfL are the traffic authority for. The main vehicular access for the site is located on Summit way.

Cycle and car parking is provided at London Plan standards which is welcomed. Moreover, TfL welcome the inclusion of after school and breakfast clubs to stagger arrival and departure from the site. given the above, TfL do not expect the proposals to have any site specific impact on the traffic conditions in the area.

Highway England:

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the M25.

Having examined the application, no objections to the proposal is offerered

Sport England:

The proposed development will result in a loss of playing field land that is capable of forming part of a pitch.

Sport England would be less likely to object if the impact on the playing field was reduced. For example, the primary school buildings could be located adjacent to the existing school buildings at the other end of the playing field. For example, at the opposite end of the playing field there is an area of car parking that could be removed and possibly some

single storey buildings that could be removed and included in a revised design for the Primary School which could further reduce the impact on the playing field?

There are also a number of areas of trees on the site. Can any of these be removed to provide replacement playing field area for that which will be lost?

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

Natural England:

No comment

Metropolitan Police:

No objection

Greater London Authority:

The GLA do not wish to comment on this proposal

Trees:

The application is recommended for approval subject to a condition requiring the works to be carried out in accordance with the submitted arb report.

Environment Health

No objection subject to conditions protecting neighbouring amenities from noise caused by deliveries and waste collection.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance (NPPF)

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Para 72 states that, "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

They should:

- * give great weight to the need to create, expand or alter schools; and
- * work with schools promoters to identify and resolve key planning issues before applications are submitted."

Para 73 goes on to identify that planning authorities should only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area

Para 74 states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- * an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- * the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- * the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

The Mayor's London Plan July 2015

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 25-35 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies:

CS NPPF (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)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being 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)

DM13 (Community and education uses)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction Supplementary Planning Document (2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (2004)

Planning for Equality and Diversity in London (2007)

All London Green Grid (2012)

Shaping Neighbourhoods: Play and Informal Recreation (2012)

Sustainable Design and Construction (2014)

Accessible London: Achieving an Inclusive Environment (2014)

5.2 Assessment of proposals

Principle of Development

As previous sections of this report have identified the application site is that of Ashmole School and associated playing fields, the lawful use of which is considered to be as a School. Ashmole School currently accommodates 1500 secondary school students. The proposal seeks planning permission for a temporary primary school. This is seen to be the first of a two phase strategy to eventually realise permanent primary school on the site. The details of the permanent school will form the subject of a subsequent planning application. At the time of writing this report, the Council had not received a planning application for the permanent school.

The proposed development however will be located on a part of a playing field that is not capable of accommodating a playing field use by reason of drainage. The thrust of national, regional and local planning policy is to resist the loss of open space and playing fields unless it can be demonstrated that they are surplus to requirements or equivalent or better provision can be made within the area. In this instance the clear and strong protection given by planning policies to playing fields, sporting facilities and open space needs to be considered carefully alongside the significant support given by national planning guidance to the provision of new state funded schools. These matters are therefore explored further below.

Principle of additional school

The Department for Communities and Local Government has published two documents which are of significance in the determination of planning applications for educational facilities such as this:

- Policy Statement - Planning for Schools Development (August 2011)
- National Planning Policy Framework (March 2012)

Each of these documents gives strong support to the provision of new, state funded educational facilities and they go as far as creating a presumption in favour of educational development.

The National Planning Policy Framework states at section 72 that:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- * give great weight to the need to create, expand or alter schools; and
- * work with schools promoters to identify and resolve key planning issues before applications are submitted."

It goes on to identify that planning authorities should:

only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area

The policy statement 'Planning Schools Development' should be given weight in the making of planning decisions on relevant applications (such as this). It states that:

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state funded schools

It then identifies that:

'There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework'.

It is clear that national policy is strongly in favour of providing state funded schools, and this is a material consideration in the determination of this planning application.

In principle Barnet's Local Plan policies are generally supportive of new school development proposals. The Council as the Local Education Authority (LEA) has a statutory duty to provide primary and secondary school places for children aged from 5 to 16 years. In order to meet the educational needs of Barnet's growing population the Council will seek to ensure that there is an adequate provision of education facilities in the borough and supports proposals for education facilities which will help meet an identified need.

Barnet Core Strategy policy CS10 identifies that the Council will work with its partners to ensure that schools and facilities for older and younger people are provided for Barnet's communities. It also promotes the role of schools as community hubs. The policy goes on to state that in addressing educational needs in Barnet the Council will support proposals for parent promoted or free schools that:

- Conform with Department for Education guidance on becoming a new school; and
- Meet parental demand for school places; and
- Provide educational facilities that conform with basic school requirements as set out in relevant Department for Education guidance.

Policy DM13 of the Barnet Development Management Policies document identifies that new education and community uses:

- Should be located where they are accessible by public transport, walking and cycling, preferably in town centres.
- Should ensure that there are no significant impacts on the free flow of traffic and road safety.
- Will be expected to protect the amenity of residential properties.

This policy also states that the loss of community or educational uses will only be acceptable in exceptional circumstances where:

- * New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- * There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

The Council's Education and Skills Service have confirmed their support for the application. They have also identified that the school is needed specifically to meet demand for school places in the local area and that children have already been registered to attend the school. At the time of writing this report it is understood that 52 local pupils have accepted a place at the school the subject of this application and that a further 8 pupils have been offered a place at the school and are yet to respond to this offer (all subject to the outcome of this application). The school has a waiting list of 33 local pupils. All of these potential pupils meet the requirement of living within a 2 mile safe walking distance of the site and many are closer.

It is recognised that concerns have been expressed that a new school would be more appropriately situated in one of the Council's growth areas to meet the demand for school places being generated. However, on the basis of the above information it is accepted that there is a clear local need for the places this school would provide.

The submission confirms that the facilities provided by the school have been developed through engagement with representatives of the Education Funding Agency and that the new school would meet the requirements of the Department for Education Building Bulletin 103 Area Guidelines for mainstream Schools.

It is concluded that there is a clear local need for the places which this school would deliver and that, having considered the relevant elements of planning policy and guidance, the principle of developing the site for an educational use is acceptable and compliant with development plan policies, subject to the need for careful consideration of the proposal against planning policies on the protection of open space, sporting facilities and playing fields. This matter is therefore evaluated below.

Matters relating to the acceptability of the school in respect of accessibility, impacts on the flow of traffic and road safety, the protection of the amenity of residential properties, biodiversity impacts and design and character matters are addressed in detail in subsequent sections of this report. However, the proposal is considered to be acceptable and compliant with policies in all these regards.

The schemes impact on playing fields, sporting facilities and open space
Paragraph 74 of the National Planning Policy Framework (NPPF) states that:

Impact on Open Space/Playing Fields

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- * an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- * the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- * the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

The Sport England document 'A Sporting Future for the Playing Fields of England' (1996) provides further guidance on development relating to playing fields.

London Plan policy 3.19 states that proposals which result in a net loss of sports and recreation facilities, including playing fields, should be resisted. Policy 7.18 states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.

Policy CS7 (Enhancing and protecting Barnet's open spaces) of the Barnet Core Strategy identifies that the council will:

- * Meet increased demand for access to open space and opportunities for physical activity by tacking deficiencies and under provision.
- * Secure additional on-site open space or other open space improvements in the identified growth areas.
- * Improve access to open spaces particularly in areas of public open space deficiency.
- * Securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space.

Policy DM15 of the Barnet Development Management Policies Document states that open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- (i) The development proposal is a small scale ancillary use which supports the use of the open space; or
- (ii) Equivalent or better quality open space provision can be made.

Any exception to this will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

If approved the proposal would result in the change of the site from a playing field to an educational use which includes a new school building. The scheme would not provide equivalent or better provision of open space, sports facilities or playing field in terms of quantity and quality. The development would therefore result in a net loss of open space and playing field. The application is not accompanied by an assessment which shows that the open space, playing field and sporting facilities on the land are surplus to requirements and it is recognised that the site is located circa 550m Brunswick Park. The development must therefore be considered on this basis. In light of these factors it is found that the proposal is contrary to national guidance and development plan policies on the protection and loss of open space, playing fields and sporting facilities.

Having acknowledged this position it needs to be evaluated if there are material planning considerations which would outweigh the harm caused by the schemes conflict with planning policies on open space, playing fields and sporting facilities. As the previous section of this report explores the provision of new school places for which there is an identified local need is a very important material planning consideration and significant weight is placed on this by Officers.

While it is accepted that the application is in conflict with national guidance and development plan policies on the protection of open space, playing fields and sporting facilities, in this instance there are considered to be factors which, to some extent, limit the actual harm caused by this conflict with policy.

The quantum of space required for the new school is not a significant amount and it must be noted that the school is temporary only. At present this corner of the larger playing field area has a limited contribution to an formalised sports pitch.

This application has only sought consent for a temporary period of up to one year (Ending September 2017). Following the expiration of this period, with the conditions recommended, the site would be re-instated in accordance with details that had previously been agreed with the Local Planning Authority. As such this application would not preclude the future use of the site as open space with playing fields or sporting facilities. It is also considered relevant and material that the development proposed in this application would not prevent the use of the adjacent area to the east of the site as a running track, open space, playing field or sporting facilities.

Conclusions on the principle of the proposed development

Having evaluated the relevant development plan policies and material planning considerations in this case officers conclude that on balance, the small temporary school that will revert to the land to its original state outweighs the harm of a temporary loss of this limited area of playing field.

Design and character matters

The main school building proposed is a single storey flat roofed structure located in the south west corner of the site on a proposed hard surfaced area (see plan in Appendix 1). Play areas would be located to the north and north east of the main building, the parking area for the school would be positioned to the south west of the main building and the development would utilise the existing vehicular access to the site. The flat roofed nature of the proposed blocks appears to respect the forms in situ of the main secondary school. Officers consider this to be an acceptable and policy compliant approach to designing and laying out the site given the planning constraints. It is not considered that the scheme would result in any unacceptable visual impacts.

The proposal would repair and refurbish several elements of the site, including laying a new hardsurface and fencing. It is considered that these works would represent a positive contribution to the character and appearance of the area. Tree matters are considered more fully in subsequent sections of this report. However, the proposals would retain a group of trees located along the site's eastern edge. This is considered beneficial for the natural screening of the site that it would achieve for dwellings to the east of the site.

It is acknowledged that the modular structure proposed for the main school building is fairly functional in form and design. This is found to be of an appropriate scale in relation to neighbouring buildings and, subject to the conditions recommended, is also considered to be of a sufficient design quality for the circumstances of the site and scheme. It is found that the new school building would be provided with an adequate setting and the hard and soft landscaping proposed is considered to be acceptable and compliant with the objectives of planning policies more widely (subject to the imposition of the conditions recommended). The refuse and recycling facilities proposed are also considered to be acceptable subject to the conditions recommended.

Parking, access and highway safety matters are addressed more fully in subsequent sections of this report. However, the design approach is found to be acceptable in all these respects.

The application is found to deliver an appropriate design solution in all regards which, subject to the conditions recommended, is found to be acceptable and compliant with development plan policies as they relate to design and character matters.

Impacts on amenities of neighbouring and surrounding occupiers and users

Policy DM01 of the Local Plan states that developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The site is bounded to the north west by a chain link fence which abuts residential gardens (Nos 61- 79 Cecil Road), to the north and east by a sports field, to the west by Summit Way. In terms of its siting the main school building proposed is positioned in the South East corner of the wider Ashmole School site. Play areas would be located to the north east of the proposed main building and the parking area for the school would be positioned to the south of the main building.

The single storey school building proposed would be located in excess of 25m from the nearest residential property and it is considered that the design, size, layout and siting of the proposed school building and associated spaces are such that they would not have an unacceptable impact in terms of outlook, privacy, light and overshadowing at the uses surrounding the site, including the adjacent residential properties. The application is therefore considered to be acceptable and compliant with development plan policy in these respects.

Noise Impacts

Local Plan policy DM04 identifies that proposals to locate noise sensitive developments (such as schools) in areas with existing high levels of noise will not normally be permitted. Officers in the Council's Environmental Health Service have assessed the submission, including this report.

It is anticipated that a level of noise would be generated from the development during the hours of use of the school. However the site is already in use as a school and the portion of the site in question is already a playing field as such noise of this nature already exists. In this instance it is therefore not considered to be such that it would be detrimental to the amenities of surrounding occupiers and users (subject to the imposition of the conditions recommended) and would not justify a refusal of planning permission.

A condition has been recommended limiting the hours of use of the new facility. This would ensure that their use is kept within reasonable hours. A condition has also been included to ensure that any noise from plant installed on the site is kept within acceptable parameters. Subject to the imposition of the conditions recommended Environmental Health officers have confirmed that they do not object to the proposal.

A condition requiring the submission of a Construction Management Plan has been included in those recommended. This would ensure that the construction of the development did not have an unacceptable impact on the amenities neighbouring properties in terms of noise.

Lighting Impacts

Local Plan Policy DM04 states that lighting proposals for developments should not have a demonstrably harmful impact on residential amenity. In this instance no new lighting has been proposed as part of the development sought.

Trees, landscaping and biodiversity matters

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

There are a number of trees on and adjacent to the site and since the submission of the original application documents an Arboricultural Impact Appraisal and Method Statement have been provided to the Local Planning Authority in respect of the scheme.

The development proposed would not result in the loss of any trees. The 'Tree Constraints Plan' indicates that the proposed scheme is likely to result in encroachment within the RPA of T1 (oak). The planned hard surfacing of the section of access road leading from Summit Way to the proposed tarmac car parking area will cover approximately 14% of the RPA of this tree. This is within the limits, as detailed in BS5837:2012, of the recommended maximum of 20% of the total RPA; where the hard surfacing is to be installed on previously unmade ground (i.e. where there is no existing hard surfacing, pre-development).

It is recommended that any such RPA coverage is mitigated for by the use of special construction techniques designed to lessen the impact of the resultant ground compaction. Details of the recommended construction specifications for this section of vehicular and pedestrian access can be found within the Arboricultural Method Statement.

More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces and provides an appropriate setting for the buildings proposed.

It is noted that objection has been raised with the loss of the hedge fronting Summit Way. For the avoidance of doubt the application seeks to retain this hedge.

Ecology

An Ecology report accompanied this application and concluded that the site was of limited value to wildlife. The amenity grassland contained only a small range of species, with forbs scarce throughout the sward, although the scattered trees did provide habitat for nesting birds.

There were no signs of protected species on the site.

No objections raised in terms of Ecology.

Transport, parking and highways matters

Policy Context

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, take a comprehensive approach to tackling the school run, ensure that development is matched to capacity, deliver high quality transport systems in regeneration areas and town centres, seek more environmentally friendly transport networks 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.

Proposals with the potential for significant transport implications will be expected to be in locations which are, or will be made, accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. The occupiers of new schemes are also required to develop, implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Policy DM13 (Community and education uses) specifically identifies that new education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres, and should ensure that they do not result in significant adverse impacts on the free flow of traffic and road safety.

Existing Conditions

The Public Transport Accessibility Level for the site using Transport for London model is calculated as 1a at the Summit Way entrance and 3 for the remainder of the site. This would be considered a poor to moderate accessibility level. The assessment has been made on the basis that this area benefits from a poor PTAL rating. Bus routes 184, 121, 125, 298, 299, 382, W6, W9, and school buses 616, 628/688, 692/699 and night bus 91 are within walking distance of the site. There are existing double yellow lines on the Summit Way junction with Arlington Road which will also serve to prevent people parking on the corners of the junction.

The Proposal

Key highway, access and parking related elements of the proposal comprise:

- 'School Keep Clear' markings are provided in the vicinity of the existing Summit Way access of the site
- The inclusion of 9 of the on-site parking spaces and 1 disabled standard parking space.
- The provision of 12 cycle parking spaces and scooter parking facilities on the site.
- Vehicle and pedestrian access to the school will be provided from the existing disused access on Summit Way. The formation of the pedestrian access from Summit Way will be

segregated from the vehicular access (in the interests of safety). This route also leads to the cycle parking facilities proposed.

A dropping off and collection strategy is also proposed from Summit Way. It is estimated that 28 Vehicle trips associated with pupil pick-up/drop-off will be required (1 vehicle every 2 minutes across the morning and afternoon hour period). To provide a robust assessment the number of vehicles arriving over a 30 minute period (i.e. 14 vehicles) has been added to the surveyed parking demand. The conclusion of which reveals indicates that the additional car trips could increase parking demand in the morning peak from 55% to 63% and in the afternoon peak from 65% to 73%. Even with a peak demand of 73% there would still be 72 vacant spaces remaining. The parking demand remains below 90% in both periods, which is the level at which parking stress is generally considered to occur. It is therefore considered that Summit Way, and the surrounding roads, could accommodate the additional pick-up and drop-off activity generated by the proposed school

The existing secondary school students are allowed on site from 8am (though some may arrive earlier from time to time), until 6pm (and leave later at school events).

On-Site facilities

12 cycle parking spaces are proposed. This quantum of cycle parking is in accordance with the London Plan cycle parking standards and is found to be acceptable.

Conditions have been recommended to ensure that the car and cycle parking facilities proposed are implemented prior to the school being brought into use. Subject to these the proposal is considered to be acceptable and compliant with the objectives of development plan policies in terms of the parking facilities proposed.

Trip Generation, Highway and Pedestrian Safety and Accessibility

The proposed development is predicted to generate approximately 28 vehicular vehicle pick-ups and drop-offs associated with parents and pupils in the Peak Period (08:00-09:00 and 15:10-16:40). In addition to this number an additional 6 staff arrivals are predicted. Staff will arrive before or after pick and drop off peak times. Therefore, staff trips are unlikely to coincide with pupil trips and will spread the total vehicle demand.

Further, breakfast clubs and after-school activities will spread out pupil pick-up/drop off activity ensuring pupils travelling by car do not all arrive and depart at the same time.

The 28 dropping off and departure trips to the site are expected to occur between 8:00 - 9:00 in the morning and 15:10-16:40 in the afternoon. In the morning approximately 14 trips between 8:00 and 8:30 and 14 trips between 8:30 and 9:00 will be made. The pick-up will be more staggered, owing to afterschool activities. Pick-up times for reception children are 3:15pm. After school clubs are expected to take place for up to an hour after school (until 4:15pm). It is therefore considered reasonable to assume that half of pupils (14 vehicle trips) will be picked up at 3:15pm (with parents arriving from 3:10pm) and half will be picked up at 4:15pm (with parents arriving from 4:10pm)

The submitted parking survey has demonstrated adequate parking for staff and parents that miss their drop slots and require a waiting area. It is also pertinent to note that the staggered drop off- pick-up approach will be monitored. If the approach is found to be unsound it will amended accordingly. Monitoring fees will be secured by a Legal agreement. A site drop off/collection Strategy and review will form a part of the legal agreement.

The afternoon traffic generation would not coincide with the PM peak (17:00-18:00), and therefore not result in additional impact.

Given 83% of students live within walking distance (500m as defined by the Institution of Highways and Transportation), public transport trips (rail and bus) during the peak period is unlikely to increase drastically. When viewed in the context of the current public transport facilities available in the vicinity of the site it is not considered that the proposal would have a material impact on public transport services. The application is therefore found to be acceptable in this regard. It is also concluded that the site is sufficiently accessible by public transport, walking and cycling to meet the objectives of development plan policy in this regard.

It is considered that the design and layout of the development proposed are such that it would provide suitable access arrangements for pedestrians and vehicles and that it would not raise any specific concerns from a highway and pedestrian safety perspective, subject to the conditions recommended. The application is therefore found to be acceptable and compliant with the objectives of development plan policy in these regards.

Delivery and Servicing Management

It is proposed that servicing takes place off-street via the Summit Way access. The nature of the temporary school and its operations are such that deliveries are likely to be infrequent and undertaken by small to medium sized vehicles (e.g. transit vans). In the event the occasional delivery is made by a larger vehicle such as 7.5t box van, servicing would take place on-street on Summit Way.

Servicing activity would be managed to mitigate any potential impacts on the highway, with any deliveries scheduled to avoid school opening and closing times where possible.

A designated area for refuse storage is provided within the site. The applicant has commented that subject to agreement with the Council, it is anticipated that refuse collection will take place on-street, with bins transferred by school staff prior to collection.

Construction Vehicles

The conditions recommended include requirements for the submission and implementation of a Construction Management Plan, in order to ensure that potential construction logistical issues and highways impacts are adequately addressed. Subject to this the proposal is found to be acceptable in this regard.

School Travel Plan

In accordance with the requirements of planning policies an appropriate School Travel Plan will need to be provided and implemented in respect of the development to encourage shifts to more sustainable modes of transport. A condition securing this has therefore been recommended. Details of which will be secured by a Legal Agreement.

Sustainable design and construction matters

London Plan policies state that applications should demonstrate that sustainable design standards are integral to a proposal, including its construction and operation, and that they are considered from the beginning of the design process. Barnet Local Plan policy DM01 states that developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation.

The documents submitted with the application identify a number of ways in which the proposal would be constructed and operated in a sustainable way. These are discussed in

more detail in the various relevant sections of this report, but include elements such as the creation of new education facilities for the community, the retention of trees, the provision of appropriate recycling storage equipment and the installation of facilities for cyclists.

The approach proposed is found to be acceptable and reasonable for the permission that is sought in this instance. It is considered that the details provided in the submission are acceptable and policy compliant in respect of sustainable design and construction matters and that, taken in the round, the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters.

RESPONSE TO CONSULTATION

All other matter have been addressed above.

Objectors Response

It is noted that comments have been received that this application is a precursor to a proposal for a larger development on a wider site, which includes adjoining land, and that this application should be considered and evaluated on this basis. While these points are fully acknowledged officers take the view that this application must be considered on the basis applied for in light of all relevant material planning considerations. Any subsequent applications for this site, or a wider site, would need to be considered in light of the material planning considerations at that time. It would not be appropriate or reasonable to require this application to evaluate a different proposal which may or may not come forward in due course for a development.

Mandeville Road falls outside the consultation area but residents have been consulted in the interest of good planning practice.

Matters relating to the safety of children on the school are not covered by the Town and Country Planning Act. Further as the school is fully functioning as a school, the site is unlikely to result in harm to children.

The proposal will not result in a loss of trees or hedges

Residents have a raised concern that the Automatic Traffic Count (ATC) survey is flawed. The Highway Engineer is satisfied the survey has been carried out correctly.

Matters relating to highway and pedestrian safety have been discussed above

Tresspass over private property is a civil dispute and not a matter that can be addressed by the planning process.

All other matters have been raised above

6. EQUALITIES AND DIVERSITY ISSUES

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

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

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

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

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

The development proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the proposal, as controlled by the conditions recommended, would ensure that in several regards the development constructed would exceed the minimum requirements of such legislation. An example of this is the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report) and the inclusion of ramps. With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in Barnet's Equality Scheme and support the council in meeting its statutory equality responsibilities.

7. CONCLUSION

Whilst the proposal would result in the temporary loss of limited and restricted area of the larger playing field, the development will also result in a much needed school. The impacts on highways and neighbouring amenity are noted to be at an acceptable level. Balancing these considerations, the proposed development is considered to be acceptable. The application is therefore recommend for APPROVAL subject to conditions and a Legal Agreement as set out in the Recommendations section at the beginning of this report.

