

**MEETING**

**PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 25TH JUNE, 2018**

**AT 7.00 PM**

**VENUE**

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

**TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)**

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

Councillor Eva Greenspan  
Councillor Brian Gordon  
Councillor Mark Shooter

Councillor Stephen Sowerby  
Councillor Shimon Ryde  
Councillor Tim Roberts

Councillor Claire Farrier  
Councillor Kathy Levine  
Councillor Laurie Williams

**Substitute Members**

Councillor John Marshall  
Councillor Gill Sargeant

Councillor Gabriel Rozenberg  
Councillor Reema Patel

Councillor Alison Cornelius  
Councillor Arjun Mittra

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: Anita.Vukomanovic@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7034

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	West Hendon Regeneration Area (Phase 6), NW9 - 17/8150/RMA	11 - 54
7.	60 West Hendon Broadway - 17/6434/FUL	55 - 90
8.	West Hendon 5 - 17/8134/RMA	91 - 136
9.	Friern Court - 17/5615/FUL	137 - 164
10.	Burnt Oak Broadway - 17/6051/FUL	165 - 196
11.	The Croft - 17/2304/FUL	197 - 234
12.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee

28 March 2018

Members Present:-

AGENDA ITEM 1

Councillor Melvin Cohen (Chairman)

Councillor Eva Greenspan	Councillor Stephen Sowerby
Councillor Tim Roberts	Councillor Laurie Williams
Councillor Agnes Slocombe	Councillor Jim Tierney
Councillor John Marshal (Substitute)	Councillor Anne Hutton (Substitute)

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held **on 21 February 2018**, be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

Apologies for absence were received from:

1. Councillor Shooter who was substituted by Councillor Marshal
2. Councillor Farrier who was substituted by Councillor Hutton
3. Councillor Wendy Prentice

### 3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor John Marshal declared a disclosable pecuniary interest. He stated that he was an appointed Council representative on the Barnet Group and therefore he left the meeting room when the Committee considered all applications submitted by Barnet Homes. He did not take part in the consideration or voting process for the following items:

- 17-6827-FUL Prospect Ring
- 17-8140-FUL Stag House
- 18-0546-FUL Mayhill Road Garages

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

None.

### 5. ADDENDUM (IF APPLICABLE)

The Planning Committee noted the addendum to the report which had been circulated.

### 6. REFERRAL FROM CHIPPING BARNET AREA PLANNING COMMITTEE

The Planning Officer introduced the report and addendum to the report.

A representation in objection of the application was heard from Mrs Lydia Bowyer and a response from the applicant's agent.

Councillor Greenspan move that an additional condition be included that use of the garages only to be used as garages and for ancillary use, this was seconded by Councillor Stephen Sowerby. This was unanimously agreed by the Committee.

Following discussion, the Chairman moved that a vote be taken on the recommendation in the report in order to determine the application. The Chairman requested that the application be voted on which was recorded as follows

For the Officers recommendation to approve the application - 4

Against the Officers recommendation to approve the application - 5

Councillor Tim Roberts proposed that the item be refused due to a loss of amenity space. This was Seconded by Councillor Lurie Williams. This was put to the vote and recorded as follows

To refuse the application for the reason set out above - 5

Against refusal of the application for reason set out above - 4

**Resolved:**

That the Planning Committee refused the item, overturning the Officer's recommendation for the following reason(s)

- that the scheme provides a deficient level of amenity space.

**7. 17\_7610\_S73 VICTORIA PARK MARKET**

The Planning Officer introduced the report and addendum to the report.

A representation from application was heard from the applicant.

Following discussion of the item, the Chairman moved that a vote be taken in line with the recommendation contained in the report. The Committee considered the period or operation for use of the land.

**Resolved:**

That the Planning Committee unanimously agreed to **APPROVE** the Officer's report and addendum with the following additional recommendation:

New Condition - to be further varied to permit the start date of the market to 13 May 2018 for one year expiring on 12 May 2019.

**8. 17-6827-FUL PROSPECT RING**

Prior to the consideration of the item Councillor John Marshal left the room as he had declared a pecuniary interest.

The Planning Officer introduced the report and addendum to the report.

A representation in objection of the application was heard from Mrs Antonia Dietmann and a response from the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the report in order to determine the application.

For the Officers recommendation to approve the application – 6  
Against the Officers recommendation to approve the application – 1  
Abstention – 1

**Resolved:**

That the Planning Committee agreed to **APPROVED** the Officer's report and addendum.

**9. 17-8140-FUL STAG HOUSE**

Throughout the consideration and voting process Councillor John Marshal remained out of the meeting room as he had declared disclosable pecuniary interest.

The Planning Officer introduced the report and addendum to the report.

A representation in objection of the application was heard from Mrs Helen Byrne and a response from the applicant's agent. Mr Ramsangy spoke as a substitute member for registered speaker Mr Jean Christian Uranie who was unable to attend the meeting. Mr Ramsangy stated that notice of the meeting was provided at 16:30 on 27 March 2018 which he added was very late

Following discussion of the item, the Chairman moved to vote on the recommendation in the report and the addendum which were unanimously agreed.

**Resolved:**

That the Planning Committee unanimously agreed to **APPROVE** the Officer's report and addendum.

**10. 18-0546-FUL MAYHILL ROAD GARAGES**

Throughout the consideration and voting process Councillor John Marshal remained out of the meeting room as he had declared disclosable pecuniary interest.

The Planning Officer introduced the report and addendum to the report.

A representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the report and addendum which were unanimously agreed.

**Resolved:**

That the Planning Committee unanimously agreed to **APPROVE** the Officer's report and addendum

**11. 18-0633-FUL ST MICHAELS CATHOLIC**

The Planning Officer introduced the report and addendum to the report.

A representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the report which were unanimously agreed.

**Resolved:**

That the Planning Committee unanimously agreed to **APPROVE** the Officer's report.

**12. 180199FUL - RAF**

The Planning Officer introduced the report and addendum to the report.

A representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the report which were unanimously agreed.

**Resolved:**

That the Planning Committee unanimously agreed to **APPROVE** the Officer's report and addendum

**13. PHASE 4C, MILLBROOK PARK**

The Planning Officer introduced the report and addendum to the report.

A representation in objection of the application was heard from Dr Pendar Ostovar, Miss Allison Phillips and a response from the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the report which were unanimously agreed.

**Resolved:**

That the Planning Committee unanimously agreed to **APPROVED** the Officer's report.



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

None.

Before the meeting closed, the Chairman, Councillor Melvin Cohen noted that the meeting was the last one in the municipal year. He therefore thanked Officers for their hard work throughout the year. Councillor John Marshal gave thanks to the Chairman for the professional and efficient way he had Chaired the Committee during the year.

Finally, the Chairman, thanked all Members of the Committee. He also paid tribute to Councillor Jim Tierney as the meeting was his last planning meeting as he was to stand down as a Councillor, he thanked Councillor Tierney for his contribution to the Committee. Councillor John Marshal paid tribute to Councillor Maureen Braun Councillor Tierney stated that he had enjoyed his time as a Planning Committee Member, he gave thanks to Officers and Members.

The meeting finished at 21:20

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**LOCATION:** West Hendon Regeneration Area (Phase 6), NW9

**REFERENCE:** 17/8150/RMA                      **Received:** 22 Dec 2017

**WARD:** West Hendon                      **Accepted:** 22 Dec 2017

**APPLICANT:** Barrett Metropolitan LLP                      **Expiry:** 23 Mar 2018

**PROPOSAL:** Application for reserved matters (scale, layout, appearance, access and landscaping) and the construction of 516 residential units (442 market and 74 intermediate), including a gym, parking, and new landscaped public space for Phase 6 pursuant to conditions 5 and 6 following approval of hybrid planning application H/01054/13 dated 20/11/2013.

**APPLICATION SUMMARY**

The West Hendon Estate is designated as one of the Council’s Priority Housing Estates for Regeneration in its Local Plan (Core Strategy) Development Plan Document (2012). It forms part of Barnet’s Place Shaping Strategy and the Three Strands Approach (Protection, Enhancement and Growth) which seeks to guide regeneration in the Borough.

The redevelopment of the Estate (along with other similar housing estates within the Borough) has been a longstanding priority for the Council for many years. There is a recognised need for physical improvements to the Estate in order to tackle the poor quality built environment to deliver new housing and create a revived neighbourhood.

A hybrid planning application was granted in November 2013 under planning application H/01054/13 for the redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, replace the community space and create new open space and infrastructure.

The outline element of the hybrid planning permission approved a masterplan and a series of plans for the development which established perimeter the siting of the new buildings, landscaping, points of access and road layout. The detailed design of the buildings, landscaping, bridge and parking were ‘reserved’ for future consideration.

In respect of this, Barratt have submitted a reserved matters application for the scale, external appearance and landscaping for Phase 6 of the West Hendon regeneration. The Phase 6 site covers an area of 6.7 hectares and looks to provide 516 dwellings comprising of 442 market houses and 74 affordable housing, representing an affordable housing provision of 14%. This application will be the last Reserved Matters application submitted pursuant to the 2013 hybrid approval and will allow the delivery of the remaining works aside of the Silk Stream Bridge. The latter application will be presented to the Committee at a later date.

The reserve matters as per conditions 5 and 6 pertain to the detailed design, appearance,

access and landscaping of Phase 6 have been assessed and it is considered that the proposals will deliver a high quality, sustainable development. The vision of the masterplan as linked to all previous phases have been considered and employed across the Phase 6 buildings, landscaping and access. The development would result in a modern contemporary design whilst maintaining an acceptable quality in its materials. Clear consideration has been given to disability needs (10%) and car parking (at ratio 0.8). There is also a good standard of landscaping provided throughout.

Officers do not consider that there are any significant issues with regards to the proposal or impact to existing properties.

## **RECOMMENDATION**

**Recommendation 1:** Approve Subject to conditions.

**Recommendation 2:** It is RESOLVED that the Committee grants delegated authority to the Head of Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **ASSESSMENT**

### **1. SITE AND SURROUNDINGS**

The wider application site is situated southwest of the Borough within the West Hendon Ward which borders the neighbouring Borough of Brent. No part of the current application site falls within or is close to a conservation area. There are also no listed buildings on site. However, the nearby Cool Oak Lane Bridge is Grade II Listed. The application site also incorporates some parts of the Broadway High Road Town Centre area. The site benefits from a Public Transport Accessibility Level (PTAL) rating of between 2(Poor) - 3 (Moderate). Although the surrounding area contains a mix of land uses and built forms, it can be characterised as predominantly residential in nature with the Hendon Railway Station located approximately 300 metres to the east of the site.

The original West Hendon Estate was completed in the late 1960s and comprised 597 residential units. However overtime it has become delapidated in its appearance and characterised by a number of issues primarily driven by the estate's design, layout and construction, which resulted in problems such as crime and anti-social behavior. The estate was also poorly managed with no sense of design orientation and illegible public and private spaces. The 2013 West Hendon Estate planning permission looks to regenerate the area and respond to these issues.

In 2004 the London Plan identified the West Hendon area as an Opportunity Area with the potential to provide a minimum of 10,000 new homes. A planning framework for this was

subsequently prepared by the London Borough of Barnet in partnership with the Mayor. This was later adopted by the Council as Supplementary Planning Guidance (SPG) in April of that year and also formally adopted by the Mayor as part of the Opportunity Area Planning Framework in December 2005.

The redevelopment of the Estate (along with other similar housing estates within the Borough) has been a longstanding priority for the Council for many years and has been designated as one of the Council's Priority Housing Estates for Regeneration within its Local Plan (2012). In particular, it states at policy CS3 that the area is projected to provide 1540 new homes. It also forms part of Barnet Council's Place Shaping Strategy which seeks to guide regeneration in the Borough. Therefore there is a recognised need for physical improvements to the Estate in order to tackle the poor quality built environment and current areas of isolation. The regeneration would also deliver new housing to address the housing demand within the Borough. However funding constraints required the Council to seek external partners and in 2011 Barratt Metropolitan LLP (BMLLP) entered into discussions with London Borough of Barnet to help deliver the regeneration of the estate and community facilities.

The current Reserve Matters application specially relates to Phase 6 of the West Hendon Estate planning permission H/01054/13, approved in October 2013, which gave permission for:

*Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.*

The development will be delivered through six phases with the projected completion date of 2028.

Phase 6 of the development site relates to Buildings D1-D8 and is 6.3 Hectares in size. The estate is bound by the Silk Stream to the north, Cool Oak Lane to the south, Edgware Road (The Broadway-A5) to the east and the Welsh Harp to the west, which is also known as the Brent Reservoir.

The Brent Reservoir is a Site of Specific Scientific Interest (SSSI). It is particularly recognised for its significance with respect to the breeding and wintering of the bird population. This includes the great crested grebe, pochard, tufted duck and the common tern. The site is also

designated as a Local Nature Reserve (LNR) and a Site of Metropolitan Importance for Nature Conservation (SMINC). It has also been designated by Brent Council as an area for recreational use and wildlife conservation.

Details relating to all proceedings Phases have previously been submitted and approved by the Planning Committee

## **2. PROPOSAL**

The application seeks Reserved Matters approval pursuant to Phase 6 of the original permission (H/01054/13) for the development of 516 residential units (442 market and 74 intermediate including Blocks D1-4 and Block D5-8), landscaping, a gym of 420sqm and parking. In particular, conditions 5, 6 and 7 of the original 2013 permission detail what is required. These conditions read as follows:

### *Condition 5*

*Reserved matters pursuant to this permission shall be made in accordance with the following plans and documentation:*

- a. *Development Specification Rev A*
- b. *Design Guidelines Rev A*
- c. *Parameter plans:*
  - *Parameter Plan Buildings to be Demolished 716\_00\_07\_002 Revision P2*
  - *Parameter Plan Development Area 716\_00\_07\_003 Revision P2*
  - *Parameter Plan Building Heights 716\_00\_07\_004 Revision P2*
  - *Parameter Plan Open Space 716\_00\_07\_005 Revision P2*
  - *Parameter Plan Ground Floor Frontage Uses 716\_00\_07\_006 Revision P2*
  - *Parameter Plan Typical Above Ground Frontage Uses 716\_00\_07\_007 Revision P2*
  - *Parameter Plan Car Park 716\_00\_07\_008 Revision P2*
  - *Parameter Plan Strategic Phasing 716\_00\_07\_009 Revision P2*
  - *Parameter Plan Vehicular and Pedestrian Circulation 716\_00\_07\_010 Rev 02 Revision P2*
  - *Parameter Plan Silk Stream Bridge Alignment 716\_00\_07\_011 Revision P2*
  - *Parameter Plan Silk Stream Bridge Levels 716\_00\_07\_012 Revision P2*
  - *Parameter Plan Cool Oak Lane Bridge 716\_00\_07\_013 Revision P2*

*Each reserved matters submission should include a statement of compliance against each of the Parameter Plans, the individual sections of the Design Guidelines and the Development Specification. The development shall be implemented in accordance with such details as approved. No variations to the parameter plans shall take place save where the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved and as assessed in the Environmental Statement or the application is accompanied by environmental information the scope of which has previously been agreed with the Local Planning Authority to assess the likely significant effects of the development having regard to the proposed variation.*

*Reason: For the avoidance of doubt and to ensure that the development accords with the Outline Planning Permission*

**Condition 6**

*No development shall take place within a phase of the outline permission until reserved matters for that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.*

*Reason: To ensure that the development is carried out in an appropriate sequence in accordance with the range and scale of impacts measured and assessed in the Environmental Statement.*

**Condition 7**

*No variations to the Strategic Phasing Plan (reference 716\_00\_07\_009 Rev P2) shall take place save where the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved and as assessed in the Environmental Statement or the application is accompanied by environmental information the scope of which has previously been agreed by the Local Planning Authority to assess the likely significant effects of the development having regard to the proposed variation.*

*Reason: To ensure that the development is carried out in an appropriate sequence in accordance with the range and scale of impacts measured and assessed in the Environmental Statement.*

In addition to the above, the wording of the Decision Notice also requires that a number of separate conditions and details are also dealt with at the same times as the Reserve Matters application. These conditions are:

- Conditions 22, 23, 39, 43, 44 – (Submitted under application 17/8160/CON)
- Conditions 24, 25, 36, 50 – (Submitted under application 17/8162/CON)
- Condition 51 – (Submitted under application 18/0025/CON)

For the avoidance of doubt, it should be noted that all the above conditions have been discharged.

The Phase 6 development would also deliver the following residential Blocks:  
D1-D3, D4, D5 and D6-D8.

In light of the above, the reserve matters application will focus on the following areas:

- Parameter plans including scale, layout and appearance
- Design
- Viability Assessment
- Landscaping
- Access

### **3. RELEVANT SITE HISTORY**

**18/1444/NMA:** Non-material amendments to planning permission reference H/01054/13 dated 20/11/2013 for the Hybrid planning application for the demolition and redevelopment of the West Hendon Estate. Amendments include changes to ground floor plan including relocation of parking spaces and creation of additional landscaping/amenity provision. – **Approved, 28/03/2018.**

**18/0025/CON:** Submission of details of condition 51 (Design Review Panel Report) pursuant to planning permission H/01054/13 dated 20/11/13. – **Approved, 19/3/2018.**

**17/8162/CON:** Submission of details of conditions 24 (Drainage Strategy) 25 (Flood Risk Assessment) 36 (Site Waste Management Plan) 50 (Estate Management Plan) pursuant to planning permission H/01054/13 dated 20/11/13. – **Approved, 11/4/2018.**

**17/8160/CON:** Submission of details of conditions 22 (Landscape Management Plan) 23 (Non-Native Plants Survey) 39 (Ecological Management Plan) 43 (Tree Survey) 44 (Bird Boxes) pursuant to planning permission H/01054/13 dated 20/11/13. – **Approved, 11/4/2018.**

**17/8150/RMA:** Application for reserved matters (scale, layout, appearance, access and landscaping) and the construction of 516 residential units (442 market and 74 intermediate), including parking and new landscaped public space for Phase 6 pursuant to condition 5 following approval of hybrid planning application H/01054/13 dated 20/11/2013. – **Pending Consideration.**

**17/8134/RMA:** Application for reserved matters (scale, layout, appearance, access landscaping, planting, and access) and the construction of 216 residential units (118 market, 97 intermediate and 1 social rented unit), including parking and new landscaped public space for Phase 5 (Block A, B, C and G) pursuant to condition 5 following approval of hybrid planning application H/01054/13 dated 20/11/2013. – **Pending Consideration.**

**17/4918/NMA:** Non-material amendments to planning permission reference 14/07964/RMA dated 01/05/2015 for Reserved Matters relating to Scale, Layout, Appearance, Landscaping, Access and Parking, pertaining to Blocks F1, F2, F3, F4, G4, H3, H4 forming Part of Phase 3b and 3c of the West Hendon Estate Regeneration comprising 298 Residential Units (181 Market Value Units and 117 Affordable Units) Commercial Floorspace totalling 1,245m<sup>2</sup> (Use Class A and B1) and 18m<sup>2</sup> SSSI Warden Accommodation pursuant to condition 3 of Hybrid Planning Approval H/01054/13 dated 20th November 2013. – **Approved, 30/08/2017.**

**17/0017/RMA:** Application for Approval of Reserved Matters relating Layout, Scale, Appearance, Access and Landscaping, pertaining to Buildings H, J, K and M, forming Phase 4 of the West Hendon Estate Regeneration Scheme involving demolition of Existing Buildings (33-125 Tyrrel Way, 11-72 Warner Close and the Car Park between Tyrell Way and Warner Close) and the construction of 611 Residential Units (418 Market Value Units and 193 Affordable Units) including Basement Car Parking, Major Highways Works and New Landscaped Public Space pursuant to planning permission H/01054/13 dated 20/11/2013. – **Approved, 18/06/2017.**

**15/07186/NMA:** Non-material minor amendments to planning permission reference H/01054/13 dated 20/11/13 for 'Hybrid planning application for the demolition and



redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.' Amendments include change to ground floor plans, main elevation treatment to front entrance to Block E2. – **Approved 15/12/2015.**

**14/07964/RMA:** Application for Approval of Reserved Matters relating to Scale, Layout, Appearance, Landscaping, Access and Parking, pertaining to Blocks F1, F2, F3, F4, G4, H3, H4 forming Part of Phase 3B and 3C of the West Hendon Estate Regeneration comprising 298 Residential Units (181 Market Value Units and 117 Affordable Units), Commercial Floorspace totaling 1,245m<sup>2</sup> (Use Class A and B1) and 18m<sup>2</sup> SSSI Warden Accommodation pursuant to condition 3 of Hybrid Planning Approval H/01054/13 dated 20 November 2013. – **Approved, 08/04/2015.**

**H/03991/14:** Variation to Section 106 agreement pursuant to planning permission H/01054/13 dated 20/11/13 for: "Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.". Variation to respond to amendment of proposed sub-phasing. – **Approved, 02/08/2017.**

**H/00028/14:** Non-material minor amendment to planning permission reference H/01054/13 dated 20/11/13 for: "Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class

floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works". Amendments relates to timescale for Condition 50, 'Estate Management Plan' of planning permission H/01054/13. – **Approved, 03/01/2014.**

**H/01054/13:** Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement. – **Approved, 20/11/2013.**

**H/00814/13:** Retention of refurbished lower level of car park following demolition of upper level including the erection of 4no. lighting columns. – **Approved, 12/11/2014.**

**H/04768/11:** Non-material minor amendment to planning permission H/03145/10 dated 20/12/10 for 'Temporary (four years) erection of a compound containing single storey buildings for use as marketing suite and site office buildings. Five car parking spaces for use with the marketing suite, and associated landscaping.' Amendments to include revised landscape scheme. – **Approved, 29/02/2012**

**H/03145/10:** Temporary (four years) erection of a compound containing single storey buildings for use as marketing suite and site office buildings. Five car parking spaces for use with the marketing suite, and associated landscaping. – **Approved, 12/12/2010.**

**H/04103/08:** Reserved matters application seeking approval for landscaping, siting, design and external appearance in relation to Phase 2A of the redevelopment of West Hendon Estate, comprising 186 residential units (161 flats in block 'L' and 20 flats and 5 terraced houses in block 'M') pursuant to Condition 3 of outline planning permission W13937/04 for the redevelopment of the site approved 1 July 2008. – **Approved, 24/12/2008.**

**W13937/04:** Redevelopment of site including the demolition of all existing buildings and construction of 2171 new residential units, approximately 10,000sqm of non-residential floorspace for retail (Class A1), office (Class A2), food and drink (Class A3), business (Class B1) and social/community and leisure (Classes D1 and D2) uses and provision of associated public and private open space, landscaping, car parking, access arrangements and highway/pedestrian improvements. – **Approved, 02/07/2008.**

**Preapplication:**

Barrett Metropolitan LLP have engaged in pre-application discussions with LBB through an open dialogue of meetings including the following:

- 18<sup>th</sup> March 2018 – Linked Conditions
- 9<sup>th</sup> January 2018 – Design Discussions
- 20<sup>th</sup> November 2017 – Design
- 11<sup>th</sup> October 2017 – Design and Progress Presentation

#### **4. PUBLIC CONSULTATIONS AND VIEWS EXPRESSED**

The application was advertised via a Site Notice displayed at the site for a period of 21 days between 18<sup>th</sup> January 2018 to 8<sup>th</sup> February 2018. A press notice was also issued on 18<sup>th</sup> January 2018.

The application was also publicised via direct neighbour letters to 1104 neighbouring properties. No neighbour comment has been received.

#### **5. STATUTORY AND INTERNAL BODIES**

- **Natural England:** No objection.
- **Environment Agency:** No objection to proposal.
- **Thames Water:** No comment.
- **Barnet Council's Street Lighting Team:** No objections subject to conditions.
- **Barnet Council's Waste and Refuse Officer:** No objection.
- **Barnet Council's Highways Officer:** No objection, details acceptable.
- **Barnet Council's Arboricultural Officer:** The proposed planting and landscaping details are acceptable.
- **Barnet Council's Ecology Officer:** No comment
- **Barnet Council's Flood/Drainage Officer:** No objection.

#### **6. KEY PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. 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.

Officers have considered the development proposals very carefully against the relevant policy criteria and 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 therefore considered to comply with the requirements of the development plan.

#### *6.1 National Planning Policy Framework (2012)*

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 advocates for a presumption in favour of sustainable development to be applied to all developments. It 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”. This applies unless any adverse impacts of a development would “significantly and demonstrably” outweigh the benefits. The relevant Chapter are as follows:

- 2. Ensuring the vitality of town centres
- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 9. Protecting Green Belt land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

#### *6.2 The Mayor's London Plan (2016)*

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

- Policy 1.1 - Delivering the Strategic Vision and Objectives for London
- Policy 2.6 - Outer London: Vision and Strategy
- Policy 2.7 - Outer London: Economy
- Policy 2.8 - Outer London: Transport
- Policy 2.14 - Areas for Regeneration
- Policy 2.15 - Town Centres
- Policy 2.18 - Green Infrastructure: The Network of Open and Green Spaces
- Policy 3.1 - Ensuring Equal Life Chances for All
- Policy 3.2 - Improving Health and Addressing Health Inequalities
- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and Young People's Play and Informal Recreation Facilities);
- Policy 3.7 - Large residential developments
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 3.10 - Definition of Affordable Housing
- Policy 3.11 - Affordable Housing Targets
- Policy 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 - Affordable Housing Thresholds
- Policy 3.15 - Co-ordination of Housing Development and Investment
- Policy 3.16 - Protection and Enhancement of Social Infrastructure
- Policy 3.18 - Education Facilities
- Policy 3.19 - Sports Facilities
- Policy 4.1 - Developing London's Economy
- Policy 4.2 -Offices
- Policy 4.3 - Mixed Use Development and Offices
- Policy 4.4 - Managing Industrial Land and Premises
- Policy 4.6 - Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision
- Policy 4.10 - Support New and Emerging Economic Sectors
- Policy 4.12 - Improving Opportunities for All
- Policy 5.1 - Climate Change Mitigation
- Policy 5.2 - Minimising Carbon Dioxide Emissions
- Policy 5.3 - Sustainable Design and Construction
- Policy 5.5 - Decentralised Energy Networks
- Policy 5.6 - Decentralised Energy in Development Proposals
- Policy 5.7 - Renewable Energy
- Policy 5.8 - Innovative Energy Technologies
- Policy 5.10 - Urban Greening
- Policy 5.12 - Flood Risk Management
- Policy 5.13 - Sustainable Drainage
- Policy 5.14 - Water Quality and Wastewater Infrastructure
- Policy 5.15 - Water Use and Supplies

- Policy 5.16 - Waste Net Self-Sufficiency
- Policy 5.17 - Waste Capacity
- Policy 5.18 - Construction, Excavation and Demolition Waste
- Policy 5.19 - Hazardous Waste
- Policy 5.21 - Contaminated Land
- Policy 6.1 - Strategic Approach
- Policy 6.2 - Promoting Public Transport Capacity and Safeguarding Land for Transport
- Policy 6.3 - Assessing Effects of Development on Transport Capacity
- Policy 6.4 - Enhancing London's Transport Connectivity
- Policy 6.7 - Better Streets and Surface Transport
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.11 - Smoothing Traffic Flow and Tackling Congestion
- Policy 6.12 - Road Network Capacity
- Policy 6.13 - Parking
- Policy 7.1 - Building London's Neighbourhoods and Communities
- Policy 7.2 - Inclusive Environment
- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- Policy 7.6 - Architecture
- Policy 7.7 - Location and Design of Tall and Large Buildings
- Policy 7.14 - Improving Air Quality
- Policy 7.15 - Reducing and Managing Noise
- Policy 7.16 - Green Belt
- Policy 7.17 - Metropolitan Open Land
- Policy 7.18 - Protecting Open Space and Addressing Deficiency
- Policy 7.19 - Biodiversity and Access to Nature
- Policy 7.21 - Trees and Woodlands
- Policy 7.30 - London's Canals and Other Rivers and Waterspaces
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy

*Draft Replacement London Plan (2017)*

*The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.*

*Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications will continue to be determined in accordance with the 2016 London Plan.*

**6.3 Barnet London Borough 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 policies are most relevance to the determination of this application are set out below.

#### 6.3.1 *Core Strategy (Adopted 2012):*

- Policy CS NPPF - National Planning Policy Framework–Presumption in favour of sustainable development
- Policy CS1 - Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach
- Policy CS3 - Distribution of Growth In Meeting Housing Aspirations
- Policy CS4 - Providing Quality Homes and Housing Choice in Barnet
- Policy CS5 - Protecting and enhancing Barnet's character to create high quality places
- Policy CS6 - Promoting Barnet's Town Centres
- Policy CS7 - Enhancing and Protecting Barnet's Open Spaces
- Policy CS8 - Promoting a Strong and Prosperous Barnet
- Policy CS9 - Providing safe, effective and efficient travel
- Policy CS10 - Enabling inclusive integrated community facilities and uses
- Policy CS11 - Improving health and wellbeing in Barnet
- Policy CS12 - Making Barnet a Safer Place.
- Policy CS13 - Ensuring the efficient use of natural resources
- Policy CS14 - Dealing with our waste
- Policy CS15 - Delivering the Core Strategy

#### 6.3.2 *Development Management Policies (Adopted 2012):*

- Policy DM01 - Protecting Barnet's character and amenity
- Policy DM02 - Development standards
- Policy DM03 - Accessibility and Inclusive Design
- Policy DM04 - Environmental considerations for development
- Policy DM05 - Tall Buildings
- Policy DM06 - Barnet's Heritage and Conservation
- Policy DM07 - Protecting Housing in Barnet
- Policy DM08 - Ensuring a Variety of Sizes of New Homes to Meet Housing Need.
- Policy DM09 - Specialist Housing – Houses in Multiple Occupation, Student Accommodation and Housing Choice for Older People
- Policy DM10 - Affordable Housing Contributions
- Policy DM11 - Development Principles for Barnet's Town Centres
- Policy DM13 - Community and education uses
- Policy DM14 - New and Existing Employment Space
- Policy DM15 - Green Belt and open spaces
- Policy DM16 - Biodiversity
- Policy DM17 - Travel impact and parking standards

#### 6.4 *Supplementary Planning Documents and Guidance*

The Council and the Greater London Authority in association with the Mayor of London have produced a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how

sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new developments within Barnet meets sufficiently high environmental and design standards. The below provides a list of policies relevant to the scheme.

*Barnet Council:*

- *Accessible London: Achieving an Inclusive Environment (April 2004)*  
The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.
- *Planning for Equality and Diversity in London (October 2007)*  
This guidance sets out some of the overarching principles that should guide planning for equality in the London context
- *Planning Obligations (April 2013)*  
The Planning Obligations SPD focuses on when Planning Obligations will be required and the relationship with CIL. It sets the requirements for different scales of development as well as the procedural process for delivering a legal agreement.
- *Residential Design Guidance (October 2016)*  
This provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hard-standings and Vehicular Crossovers). Thereby providing a more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character, providing a local reference point that is in keeping with national guidance on good design.
- *Sustainable Design and Construction (May 2016)*  
The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development. In terms of waste, the preferred standard seeks to provide facilities to recycle or compost at 60% of waste by 2015. The SPG also states that the siting of recycling facilities should follow consideration of vehicular access to the site and potential (noise) impacts on amenity.

*Greater London Authority*

- *All London Green Grid (March 2012)*  
This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, it aims to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.
- *Affordable Housing & Viability (August 2017)*  
The Mayor's long-term aim is for half of all new homes to be affordable. The SPD offers



an ambitious and practical first step to raise the amount of affordable housing coming through the planning system ahead of the new London Plan in 2019. It will also ensure that development appraisals are robustly and consistently scrutinized as well as speeding up the planning process for those schemes which are delivering more affordable homes.

- *Housing (March 2016)*  
This provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals.
- *The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)*  
The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.
- Streets Manual TFL(March 2007)  
Manual for Streets (MfS) supersedes Design Bulletin 32 and its companion guide Places, Streets and Movement, which are now withdrawn in England and Wales. It complements Planning Policy Statement 3: Housing and Planning Policy Wales. MfS comprises technical guidance and does not set out any new policy or legal requirements.
- Sustainable Design and Construction (April 2014)  
This document provides practical guidance on sustainable technologies and practices such as urban greening, pollution control, decentralised energy, how to offset carbon dioxide where the targets set out in the London Plan are not met and basements policy and developments.
- Technical Housing Standards (March 2015)  
This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

## **7. PLANNING CONSIDERATIONS**

The main areas for consideration are:

- Principle of Development
- Principle Reserved Matters Details
- Design (scale, layout, appearance)
- Affordable Housing and Viability
- Impact on Neighbouring Amenity
- Landscaping
- Access

- Refuse and Recycling Storage

### **7.1 Principle of Development**

The principle of constructing 516 residential dwellings (442 market and 74 intermediate) for Phase 6 and the provision of landscaping and parking was established by the hybrid/outline planning permission in 2013.

At present, the following dates have been provided for the construction of the site:

- Phase 3a: 2014-2016
- Phase 3b: 2016-2019
- Phase 3c: 2017-2018
- Phase 4: 2019-2023
- Phase 5: 2022-2024
- Phase 6: 2023-2027

### **7.2 Principle Reserved Matters Details**

The reserved matters currently under consideration are as per conditions 5 and 6 of the hybrid planning permission and relates to details of access, layout, scale, landscaping and appearance as below:

**Scale** – the height, width and length of each building proposed in relation to its surroundings.

**Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

**Appearance** – the visual impression of the detailed elements and aspects of the building or composition of buildings both its intrinsic architectural or aesthetic merit and value.

**Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures. For example, through planting of trees or hedges or screening by fences or walls.

**Access** – This relates to internal room layouts, primary and secondary routes around the site in compliance with the outline parameter plan as well as disabled access.

The 'outline' element of the hybrid planning permission provided for a number of parameter plans which established a series of clear principles and guidelines to help shape the future of the development. These plans also help drive the direction of the development and set a fix quantum of works, while determining the maximum and minimum controls in relation to the built forms, land uses, height levels and access arrangements. Any assessment of subsequent phases shall be informed by these plans. As such, the key parameter plans relevance to the consideration of this application are as follows:

*Parameter Plan Buildings to be Demolished 716\_00\_07\_002 Revision P2:* This established the number of existing onsite buildings to be demolished to make way for the new development.

*Parameter Plan Development Area 716\_00\_07\_003 Revision P2:* This plan defines the extent and outline of the private space occupied by the buildings and their associated front and rear gardens. It also prescribes the maximum developable area per zone (the maximum Gross

Internal Area). Outside of these defined zones is space belonging to the public realm comprising of roads, footpaths and public open spaces.

*Parameter Plan Building Heights 716\_00\_07\_004 Revision P2:* This plan establishes the minimum and maximum building heights from ground level and sets limits for future ground levels within the site. It also controls all possible building storey numbers.

*Parameter Plan Open Space 716\_00\_07\_005 Revision P2:* Establishes the location and extent of public open spaces and associated shared surfaces together with any tree planting strategies, neighbourhood play areas, Doorstep play areas and bridge links.

*Parameter Plan Ground Floor Frontage Uses 716\_00\_07\_006 Revision P2:* This plan establishes the locations of the shop frontages, schools and building frontages.

*Parameter Plan Typical Above Ground Frontage Uses 716\_00\_07\_007 Revision P2:* This plan establishes the general building frontages that would be largely visible above ground.

*Parameter Plan Car Park 716\_00\_07\_008 Revision P2:* This plan provided an outline illustration as to the likely position of any underground, ground level and carpark zone and associated entrance as part of the development.

*Parameter Plan Strategic Phasing 716\_00\_07\_009 Revision P2:* This plan defines the phasing strategy for the redevelopment. As the redevelopment of the estate involves re-housing existing tenants the phase boundaries have been informed by land availability, maintaining access and the likely requirements of each phase.

*Parameter Plan Vehicular and Pedestrian Circulation 716\_00\_07\_010 Rev 02 Revision P2:* This establishes the movement strategy for the site and the locations of primary and secondary access points to the site for vehicles, cycles and pedestrians including connections to the surrounding network as well as identifying street hierarchy, bus routes and possible locations for bus stops.

These plans are read in conjunction with the Design Guidelines and other supporting documents originally submitted as part of the primary application, which expand upon the details in the parameter plans. Collectively these establish a series of development principles that will be used to guide the detailed design of future phases to ensure the overall resulting development is in accordance with the outline elements of the hybrid permission.

Details submitted as part of the Reserve Matters application for Phase 6 demonstrates that the application broadly accords with the agreed parameters of the outline consent with the exception of some minor differences. These differences are discussed in the below sections.

*Summary of Blocks against general parameters*

<b>Block</b>	<b>Details</b>
Block D	<ul style="list-style-type: none"> <li>- D1-D2 shifting slightly North West by 1002.5mm.</li> <li>- Internal building line for D3 shifting 2402.5mm.</li> <li>- D4 extends slightly over the development area parameter. This is centrally due to the positioning of the balconies.</li> <li>- Building D3 podium footprint moved 825mm.</li> </ul>

	<ul style="list-style-type: none"> <li>- D4, D8 building height below minimum parameter height.</li> <li>- No residential uses proposed at ground floor D4.</li> <li>- New primary pedestrian link proposed to the at Block D3 and D4</li> <li>- No communal rooftop terrace to Block D4 and D5.</li> <li>- Car park entrance relocated.</li> <li>- No windows to core staircases D2, D3 and D4.</li> </ul>

*Deviations from parameter plans and master plan.*

While the majority of the development complies with the parameter plans and design guidance of the Master Plan, there are some minor deviations. Some relatively minor and some more significant.

Deviations from Plans:

- A very slight shift in the building line of Block D (1-4) and its associated car park. This was required in order to rationalise the development.
- The following buildings are below the minimum parameter heights detailed under plan 716\_00\_07\_004 (Rev. P2): Block D (4 and 8). In all cases, the heights proposed have been informed by the site context and its relationship to those existing housing surrounding it. Further design discussions are provided below.
- No residential use or frontage proposed at the ground floor of building G4.
- No residential frontage at lower ground floor level of Blocks D4 and D5.
- Car park entrance at Block D as detailed within plan 008(Rev A), has been relocated further within the site between Block E and D3/D4.

Deviation from Design Guidance:

- The previous design required all window brick details to be at 1.5 bricks, these have now been revised to 1 brick depth.
- No windows to stairs and circulation areas.
- The proposed communal roof terrace at Block D4 and D5 is withdrawn.

Deviation from Highways works:

- A new pedestrian link is proposed to create direct access from the estate to the Welsh Harp. This design improvement would allow for better connectivity to all the Welsh Harp.
- The Triangular Square between Block D and E previously identified for level parking will now be used as an additional children's play area for 5-11 year olds. The parking lost at this area will be relocated elsewhere on the site.

Under condition 5 of the original permission detailed above, deviations to the parameter plans and design guidance could be acceptable where *"...the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved and as assessed in the Environmental Statement or the application is accompanied by environmental information the scope of which has previously been agreed with the Local Planning Authority to assess"*

Officers have assessed the above proposed deviations and do not consider that they would

give rise to any additional or new environmental effects, or significantly harm the spirit of the original Master Plan. In terms of the overall design principles, the deviations detailed above would also respect the original core considerations.

### **7.3 Design (scale, layout, appearance)**

The National Planning Policy Framework (published 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.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. 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 massing. They should also contribute to a positive relationship between the urban structure, natural landscape features, underlying landform and topography of an area. It should also be human in scale, ensuring buildings create a positive relationship with street level activity. A complementary relationship should be employed between new buildings and those existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area. Lastly, new developments should be informed by the surrounding historic environment. An architectural design criteria is set out at Policy 7.6.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

#### **Scale**

As detailed above, the original parameter plans controlled the maximum height and building footprint for the scheme. Particular attention has been given to the need to create interest through architecturally active frontages and a variety of building heights, volumes, materials and facades. When completed, the development would result in an attractive skyline and give the development an architectural character of its own. The scale of the development also enforces strong building edges.

Block D has two parts and includes buildings D1-D8. The Block has varying building heights of between 4-28 stories. The Block faces onto the Welsh Harp at its southwest elevation and other residential properties at all other elevations. The building massing fully utilised the plot to provide a mix of uses, although it does fall short of some of the parameter plan heights.

### *Materials*

Details submitted with the application demonstrate that the material pallet for Phase 6 has been informed by that agreed in the 2013 masterplan. Materials are complementing across plots and provide enough variation on site to relate to the architecture of buildings and proposed landscape. The bricks for this element of the development will be Pink Beige and Light Sand. However this will be formally agreed at a later date. Any brick will nevertheless be informed by general pallet for the development. The materials have also been informed from the analysis of existing context and applied where appropriate. As a result, the use of the material pallet allows for sufficient variation which avoids unnecessary repetition throughout the new development.

### *Housing Mix*

Development Plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address the housing needs in Barnet (See policy DM08). The Council's Local Plan documents identify 3 and 4 bedroom units as being of the highest priority types of market housing for the Borough. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8. The table below provides a breakdown of the proposed units:

*Table 1: Block Unit Breakdown*

<b>Block</b>	<b>Apartments</b>	<b>Private</b>	<b>Affordable</b>	<b>Wheelchair accessible</b>	<b>Total</b>
<b>D1</b>	Apart 1B 2P		12		
	Apart 2B 4P		6		
	Apart 3B P5		3		
	Apart 3B P5 Duplex	3	3		
	Total				27
<b>D2</b>	Apart 1B 2P	17			
	Apart 2B 3P	9			
	Apart 2B 4P	5			
	Apart 3B P5 Duplex	5			
	Total				36
<b>D3</b>	Apart 1B 2P	16			
	Apart 2B 3P	12			
	Apart 2B 4P	3			
	Apart 3B P5	4			
	Apart 3B P5 Duplex	7			
Total				42	
<b>D4</b>	Apart 1B 2P	91			
	Apart 2B 3P	69			
	Apart 3B P5	8			
	Total				168
<b>D5</b>	Apart 1B 2P	49			
	Apart 2B 4P	80			

	Total				129
<b>D6</b>	Apart 1B 2P	36			
	Apart 2B 3P	6			
	Apart 3B P5	1			
	Apart 3B P5 Duplex	4			
	Total				47
<b>D7</b>	Apart 1B 2P	6			
	Apart 2B 3P	6			
	Apart 3B P5 Duplex	1			
	Total				17
<b>D8</b>	Apart 1B 2P		20		
	Apart 2B 3P		17		
	Apart 3B P5		8		
	Apart 3B P5 Duplex		5		
	Total	442	74	57	
					516

Under the hybrid permission an indicative housing mix was agreed to be formalised under subsequent Reserve Matters applications.

The housing mix should be informed by the housing needs within the Borough identified by the Council. The Council has identified a lack of larger housing units of 3 or more bedrooms. These are often required to meet demand for family units within the Borough and therefore, their introduction is actively encouraged. Family units can also be defined as any unit that can house 3 or more persons, as defined by the London Plan. Based on this definition, the proposal would allow for 61% new family units of which 13% would represent 3 bedrooms or more. Therefore the proposed housing mix is welcomed as it would provide help address the demand for family units within the Borough.

#### *Density*

Policy 3.4 of the London Plan states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output within the relevant density range shown in Table 3.2.

The site of the current Phase measures 2.6 hectares and has a PTAL rating of between 2-3. Based on Table 3.2, the site is of an “urban” character. This has been defined as an area “*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.*”

The Mayor’s Housing SPG, at paragraph 1.3.12, further states that the density ranges should be “*used as a guide and not an absolute rule, so as to also take proper account of other objectives*”. It does not preclude developments with a density above the suggested ranges, but requires that they “*must be tested rigorously*” (para.1.3.14). This will include an examination of factors relating to different aspect of “*liveability*” of a proposal (dwelling mix, design and quality of accommodation), access to services, impact on neighbours,

management of communal areas and a scheme's contribution to 'place shaping'. The impact of massing, scale and character in relation to nearby uses will be particularly important.

The SPG also considers the opportunities and constraints with regards to density on small sites (para.1.3.39). Responding to existing streetscape, massing and design of the surrounding built environment should be given special attention – where existing density is high, for example, higher density can be justified. Paragraph 1.3.40 notes that small sites require little land for internal infrastructure, and as such, it is appropriate for density to reflect this.

Based on the London Plan calculation, the phase would have a density of 82 units per hectare. This falls within what is acceptable within the London Plan density matrix.

#### *Internal space Standards for future Occupiers*

Policy 3.5 of the London Plan states that new residential units should provide the highest quality internal environments for their future residents and should have minimum floor areas in accordance with the Government's technical housing standards set out in Table 3.3. It recognises that a genuine choice of homes should be provided in terms of both tenure and size. Detailed residential standards are also contained within the Mayor's London Housing SPG.

Details submitted with the application shows that all the proposed units would provide generous unit and bedroom sizes in compliance with the required London Plan as detailed under Policy 3.5 and the National Technical Housing Standards. They would also achieve the minimum ceiling height of 2.5 metres required.

#### *Access/Disabled Units*

Policy 3.8 of the London Plan further states that 10% of new residencies within a development should be wheelchair accessible or easily adaptable for residents who are wheelchair users. Provision should also be made for affordable family housing, wheelchair accessible housing and ensure all new housing meets parts M4 (2) and (3) of the Building Regulations as follows:

##### *Part M4(2)*

- 90% of the dwellings shall be designed to be Category 2 'Accessible and adaptable'

##### *Part M4(3)*

- 10% of the dwellings shall be designed to be Category 3 'Wheelchair user dwellings'

Details submitted with the application demonstrate that there will be a total of 57 wheelchair units. This would result in a 11% wheelchair provision for Phase 6. However the overall development would meet the required 10% wheelchair unit requirement. The types of disabled units are also welcome as the application provides for a good choice as demonstrated by the below summary table.

Wheelchair Accessible Units

Unit	Type	No.
D1	1b2p	3 SO
	2b4p	3 SO



D2	1b2p	2P
	2b3p	5P
D3	1b2p	6P
	2b3p	8P
	2b4p	3P
	3b5p	1P
D4	-	-
D5	2b3p	13
D6	1b2p	6P
	3b5p	1P
D7	2b3p	4P
D8	3b5p	2 SO
Total		57

In addition, all residential units have been built to meet Lifetime Homes standards.

#### *Sunlight and Daylight to Proposed Units*

The application is accompanied by a Daylight, Sunlight and Overshadowing Analysis report prepared by Point Surveyors which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and the proposed units based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.

Daylight has been assessed in terms of Vertical Sky Component (VSC) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The BRE Guidelines provide numerical guidelines, however these are not mandatory and should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value.*

*(Skylight); or*

*The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.*

It should be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable.

Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period; and In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*

The applicant's submitted assessment states that all relevant habitable rooms would be able to meet the minimum test to an acceptable degree. Where it fails, these rooms are often those underneath balconies. The report states at points 5.4- 5.7 that:

*When considering the proposed density of the development, the results show that a very good level of daylight should be achieved to Block B1, Blocks D5-D8 and Block G with 91-100% of rooms achieving a good level of daylight using the secondary ADF test, and 96-97% of rooms achieving an adequate level of daylight distribution.*

*The results to Blocks A1, C1-5 and D1-D4 show a slightly lower percentage of rooms meeting the suggested ADF and NSL criteria than Block B1, Blocks D5-D8 and Block G. However, the levels achieved are still considered good for the proposed density. The rooms that do not meet the suggested ADF criteria are typically those below balconies which restrict the daylight that can be enjoyed in the room. The lower number of rooms meeting the ADF criteria is therefore not considered to be principally because of the size and location of the other proposed blocks in the near vicinity, but because of the desired internal configuration and the trade-off required between providing private balconies and good levels of daylight within a room.*

*The percentage of rooms achieving a good level of sunlight is lower than the percentage of rooms achieving a good level of daylight, but this is because all rooms, regardless of their orientation, have been assessed. Those rooms that face within 90° of north, because of their orientation, or those behind balconies, will receive lower levels of sunlight regardless of any design. The percentages achieved are considered good for the proposed density of the development.*

*When looking at the rooms which have at least 1 window orientated within 90 degrees of due south, the level of compliance improves showing that at least 62% of all rooms orientated within 90 degrees of due south will strictly meet the BRE guidelines and 99% will be able to receive some sunlight.*

More detailed calculations are provided within Appendix 1 of this report.

Considering the above, the overall development would provide a good quality of accommodation to future occupants in terms of daylight and sunlight.

#### *Outdoor amenity and gym*

The London Housing SPG provides further guidance in relation to the provision of dual aspect units and private amenity space. Housing SPG standard 4.10.1 states that 5m<sup>2</sup> of private

amenity space should be provided for each one bedroom unit, with a further 1m<sup>2</sup> provided for each additional occupant. Standard 4.10.3 states that the minimum length and depth of areas of private amenity space should be 1.5m and that developments should avoid single aspect units which are north facing, have three or more bedrooms, or are exposed to a particularly poor external noise environment.

Barnet's Sustainable Design and Construction SPD sets the minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to provide 5sqm of usable outdoor communal or private amenity space per habitable room proposed and houses considerably more as detailed in Table 2.3 below of SPD Adapted from the Sustainable Design and Construction SPD and are as per the London Plan requirements. 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.

Table 2.3: Outdoor Amenity Space Requirements	Development Scale
<b>For Flats:</b> <ul style="list-style-type: none"> <li>• 5 m<sup>2</sup> of space per habitable room.</li> </ul>	Minor, Major and Large scale
<b>For Houses:</b> <ul style="list-style-type: none"> <li>• 40 m<sup>2</sup> of space for up to four habitable rooms</li> <li>• 55 m<sup>2</sup> of space for up to five habitable rooms</li> <li>• 70 m<sup>2</sup> of space for up to six habitable rooms</li> <li>• 85 m<sup>2</sup> of space for up to seven or more habitable rooms</li> </ul>	Minor, Major and Large scale

Details submitted with the application demonstrate that all proposed housing units would provide at least 5sqm or more of private outdoor amenity space by way of terraces and balconies. In addition, there are several internal courtyards within the Blocks D, a school square, good sized play areas, York Park and triangular spaces at the edge of the Phase 6 development, which amounts to a total of 830 square metres of outdoor amenity space. This is significantly in excess of what is required. Detailed specifications for the spaces also demonstrate that they would be of a high quality.

In light of this, the development would meet the required London Plan and Barnet Council quota for open in line with policy.

#### *Gym*

Internal amenity is also being provided by way of a relatively small gym at the ground floor level of building D4. The proposed gym will be 421sqm. Details of who will be provided with access to the gym and how the gym will be managed has not been provided at this stage. As such, it will be secured via condition.

#### **7.4 Affordable Housing and Viability**

Policies 3.8 to 3.13 of the London Plan relate to affordable housing. Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of this Plan. In order to give impetus to a strong and diverse

intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.

Policy 3.12 of the London Plan further seeks the maximum reasonable amount of affordable housing when negotiating on individual housing schemes but states that the objective is to encourage rather than restrain residential development.

Policy CS4 of Barnet's Core Strategy states that the Council will seek 40% affordable on all sites capable of accommodating ten or more dwellings. In doing so, the Council will be seeking a 60/40 mix with 60% social renting and 40% intermediate. This is applicable to the current application site.

The current Phase would result in a 17% (74 units) affordable housing mix with 1x intermediated rented property at Block B (unit B.08). However when considered against the wider site, the total affordable housing units would be 28.6% with the resulting mix of 43% social rented and 57% intermediate/shared equity. This is in keeping with policy CS4.

Site wide tenure is as follows:

Tenure	No. Units
Private	1428
Affordable Rent	219
Intermediate	353
Total	2000

The proposed mix has been assessment independently by JL Hearn who have confirmed that the 28.6% affordable housing would result in a reasonable level of affordable housing given the agreed method of assessment as detailed within the original S106.

### **7.5 Impact on Neighbouring Amenity**

At a national level, Chapter 11 of the NPPF has an approach based on the central principle of sustainability through the pursuit of amenity improvements, developments driven by context, long term improvements to the environment and high-quality design. Amenity is also an important consideration of The London Plan (2017) Chapter 7 and Chapter 13 states that when determining planning applications, local planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.

Under the Local Plan, the protection of existing amenity arrangements in any area is considered to be an important aspect of determining whether a proposal is acceptable or otherwise. The protection of existing residential amenity is required through good design in new developments which intern promotes quality environments. More specifically policy DM01 states that proposals should seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms of daylight/sunlight, outlook and privacy for existing occupiers. While policy DM04 under point 'd', states that proposals that are likely to

generate an excessive level of noise close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

This is further supported by Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) which provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers.

#### *Privacy, overlooking and outlook*

The application proposes windows within all its elevations. There are also balconies and terraces proposed to the north and east elevations. The application site is in the heart of a residential area. Therefore it is surrounded by residential gardens and would have shared boundary walls with several of these properties. However Phase 6 is not situated immediately near any existing residential units that do not form part of the current development.

Therefore there are no specific elements of the building layout, scale or position that would have a significant impact on the loss of any existing or future residential units as part of the wider site. As such, the development is more than compliant with the required policies governing loss of privacy, outlook, overshadowing and overlooking to any future neighbours.

#### *Daylight, sunlight and overshadowing*

Given the position of the Phase 6 site there will be no real impact on existing neighbouring properties. In addition, any impact in relation to the building height and scale has already been accepted in principle under the original Hybrid permission.

#### *Noise and sound insulation*

Details of sound installation have been submitted under the reserve matters application and assessed by the Council's Environmental Health Officer. The Officer has confirmed that the details submitted sufficiently address officer concerns regarding noise and would not lead to any significantly harmful levels.

### **7.6 Landscape**

Policy DM01 requires that proposals should 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.

DM01 further 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. This is also supported by the Barnet Local Plan policy DM16, which elaborates that when considering development proposals, the Council will seek the retention, enhancement or creation of biodiversity.

The Arboricultural Officer has reviewed the Landscape Management Details, Invasive Plant Strategy and Land Tree and Hedge Survey submitted by the applicant and has commented that the proposals are acceptable. The submitted tree survey provides an accurate assessment of the 30 trees on the site or close to the red line boundary and 20 trees will be removed to facilitate Phase 6 area leaving 10 trees remaining. Details of tree planting and garden greening treatments are of an acceptable quality for the location and the general maintenance schedule for the management of the soft landscape is acceptable. However the Invasive Plant Survey was undertaken in 2017. Therefore another is required in June 2018. This will be conditioned.

### **7.7 Sustainability**

The application site falls within Flood Zone 1 The site is considered to be at low risk from all other sources of flooding. The site is also not located within a critical drainage area (CDA), as defined in the Barnet Surface Water Management Plan (2011). In light of this, it is considered that the proposed development would be appropriate at the location in accordance with Table 3 of the Planning Practice Guidance.

At the heart of the NPPF is the fundamental principle to build in favour of sustainability. It states that developments should reduce greenhouse gas emissions (paragraph 95) and in determining planning applications local planning authorities should expect developments to comply with local policies in terms of the layout of development, paying particular attention to create develops that would reduce energy consumption through building orientation, massing and landscape (paragraph 96).

In keeping with the fundamental practices of the NPPF, the Council's Local Development Plan provides policies to enforce sustainable practices. In particular, policy CS NPPF states that a positive approach will be taken for developments that have been built to sustainable methods. policy DM01 of the Local Plan states that all developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation.

This approach is also echoed by the London Plan Policy 5.2 which 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

The applicant has submitted details regarding the sustainability and energy efficiency of the scheme. They confirm that the development would implemented the following measures:

- Photovoltaic panels would be installed at roof level of buildings...
- Would meet Code for Sustainable Homes level 4
- Would meet the LCCP Checklist for adapting to Climate Change
- Use of Energy Centre at the basement of E2 which would use gas-CHP and gas -fire boilers
- Use of rainwater harvesting
- Green and brown roofs

In addition to the above conditions 4, 14, 15 and 39 of the hybrid permission also require sustainable measures are implemented and formally submitted for consideration.

Policy 5.2 (B) further sets minimum targets for the carbon dioxide emissions reduction to residential developments. This policy states that developments should meet these targets as per the Building Regulations requirements, by resulting in zero carbon emissions. Or at the very least result in a 35% reduction in carbon compared to the existing building with the remainder to be off-set via a carbon contribution. Regulation 26 of the building regulations states that “Where a building is erected, it shall not exceed the target CO2 emission rate for the building...”. Policy CS13 of the Local Plan supports this aim by expecting all developments to be energy efficient and seek to minimise any wasted heat or power. In order to meet these target it is required that the development submit detailed calculations to the Building Inspector in order for Officers to determine the building emission rate (BER).

Details submitted with the application show that the development would comply with the above.

The London Plan Policy 5.15 requires that water consumption is minimised to 105 litres per person, per day and that details should be submitted to show how the developer aims to meet this requirement. Conditions under the original application require that sustainable measure regarding water are implemented. However a condition will be attached to ensure the London Plan water targets are adhered to.

In general, the original hybrid permission places an emphasis on sustainable building practices. Therefore offices are confident that the resulting development would encompass sustainable building materials and technologies.

### ***BREEAM***

As the development is characterised as a “major” development, it is required under the SPA for Sustainable Design and Construction, that BREEAM standards be met. Under Council policies DM01 and DM02 and the London Plan Policy 5.2 it is required that both residential and non-residential developments meet a target of BREEAM ‘Good’ (based on 2011 standards). The applicant has confirmed that the development would comply with these requirements. In addition, the hybrid planning permission requires compliance with BREEAM under condition 15.

### **7.8 Access**

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) states that the Council will promote the delivery of appropriate transport measures to relieve pressure on the existing infrastructure and support growth, whilst maintaining the level of freedom in terms of public access to these facilities. The Council is also driven by the objective to ensure that any proposed use or development would match the current transport capacity and capabilities at the local level. If necessary these will be undertaken via the use of the Community Infrastructure Levy or S106 Legal Agreements. In doing so, the following measures will be prioritised:

- The reduction congestion
- Continued investment in the highways network

- Working with TFL
- The management of parking
- Maintaining road safety
- Encouraging sustainable modes of transport

Policy DM17 states that the Council will ensure that there is safety for all road users and will refuse applications that may lead to safety concerns on the highway or increase risk to vulnerable users. In considering new developments the Council will require the submission of a Transport Assessment where the proposed development is anticipated to have significant transport implications. Developments should be located close to existing public transport links and should encourage their use and if necessary, new routes and services should be created. Cycle and parking provisions should be proposed in line with the London Plan standards.

The proposed street plan represents a coherent and legible layout with continuous views from The Broadway to the Brent Reservoir. The access routes throughout the development would result in a pleasant environment with a distinct character to the overall space. There is also continuity in the movement of pedestrian walkways. The use of greenery further helps generate beauty in the walkways. The width of the main pedestrian route connecting the Broadway to the Welsh Harp Reservoir satisfies the overarching principle of designing for pedestrians. The orientation of the pedestrian link is also aligned in order to increase connectivity with Station Road which is a welcome move as it will enhance the effectiveness of pedestrian movement. In addition, the differing characters of the streets provide a smooth transition from the urbanised environment of the Broadway and the adjoining phases.

The application site benefits from a PTAL rating of 3(moderate). There is an existing Network Rail station at Hendon Central and bus stops in Hendon that will continue to serve the site. In addition to this, the overall development would result in a total of 1866 car parking spaces with the total amount of car parking for the Phase 6 development being 394 spaces (for a total of 516 units). The Phase 6 parking is provided at the lower ground of the whole of Block D and at ground. The Council parking standards would expect a ratio of 0.7. That is 0.7 car space for every unit. The number of car parking spaces being provided by the Phase 6 development would be at a ratio of 1:0.8. This is compliant with the above stated DPD policy. The Highways Officer has also commented that this is an acceptable ratio. The below table provides a breakdown of the spaces for Phase 6:

<b>Phase 6</b>	<b>Regular Spaces no.</b>	<b>Disabled parking no.</b>	<b>Total no.</b>
Block D1-D8	337	57	394

In addition, the London Plan and Barnet Council policies require the provision of 10% disabled parking spaces. As the above table demonstrates, 14% of the parking spaces would be allocated for disabled use. Therefore the development is compliant with policy.

#### *Electrical Charging points*

Point D of Policy 6.13 states that developments must:



- a. ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles
- b. provide parking for disabled people in line with Table 6.2
- c. meet the minimum cycle parking standards set out in Table 6.3
- d. provide for the needs of businesses for delivery and servicing.

In light of this, it is required that 20% of all spaces be allocated for electric vehicles with an additional 20 percent passive provision for future electric vehicles. Under policy CS9 of the Core Strategy DPD, the Council aims to encourage the provision of electric car charging points within new developments in line with the London Plan. Plans submitted with the application fail to indicate the exact position of these spaces as required. However under condition 69 of the hybrid permission, these details are required to be submitted for formal approval for the whole site. Therefore officers do not consider that a further condition is required as the provision will be enforced via the discharge of condition 69.

### *Cycle Storage*

In line with policy DP17 of the Development Plan Documents, the Council will require the provision of a secure and adequate cycle parking space as identified in Policy 6.9 of the London Plan. All new residential units are required to be provided with secure, convenient, sheltered on site cycle parking to encourage residents to use their bicycles for everyday short journeys in line with the London Plan. New flatted development like the one proposed here, should provide some space either inside the building, in a cycle store-room or provide a separate, secure and accessible bike shed within the overall development.

Details submitted with the application demonstrate that cycle parking provision for each Block would be provided as follows:

- Building D1-D4 has standalone cycle storage for 410 spaces.
- Building D5-D8 has standalone cycle stores for 375 spaces.

The proposed number of cycle parking spaces is considered compliant with the above stated London Plan policy.

In light of the above discussion on access, it is considered that details submitted in relation to this element of the reserve matters are compliant with policy.

### **7.9 Refuse and Recycling Storage**

Under policy CS14 of the Local Plan Core Strategy, the Council has taken a proactive approach to dealing with waste production and disposal. It notes that a key component of dealing with waste in a more sustainable way is to find better ways of reducing the amount of waste and taking more responsibility for its disposal, instead of relying on landfill sites such as that in Bedfordshire. The London Borough of Barnet has one of the largest carbon footprints per head of population in London. However it was the first local authority to introduce compulsory recycling in March 2005. As such, it is clear that the Council employs a sustainable approach to refuse and recycling. This approach also forms part of The Mayor of London's objectives. The London Plan (see Policy 5.16 and 5.17) sets a target of working towards managing the equivalent of 100 percent of London's waste within London by 2031. Meeting this target will require the use of new facilities and technologies.

In keeping with the above, policy CS14 encourages sustainable waste management practices for all developments by way of waste prevention, re-use, recycling, composting and resource efficiency over landfill. All developments should seek to present waste disposal techniques which are able to meet future needs. The Sustainable Design and Construction SPD provides a detailed minimum requirement for waste provisions stating that *“All non-residential developments should provide a minimum of 10m2 designated waste storage space for materials for recycling, such as paper, glass bottles and jars, cans, cardboard, and plastic bottles”* (p.30) and *“A minimum internal storage capacity of 60 litres per dwelling (flats and houses) should be provided which can accommodate containers for the temporary storage of materials to be recycled.”* (p.30).

Condition 36 of the original Hybrid permission required the submission of a Waste Management Plan to be submitted, assessed and approved by the Local Planning Authority. Details relating to this were submitted and approved under Approval of Details application reference 17/8162/CON. The details include the storage of waste and recycling, process of collection and the estimated volume of waste. As well as recycling provisions.

Refuse areas are provided at ground level or at basement level via a number of 1,100 litre and 240 litre bins. The Site Manager will be responsible for placing the bins at their collection points on collection day as well as returning them the next day. The current refuse collection for the commercial units will remain. The plan is consistent with that approved for all previous phases and thus is acceptable.

## **8. EQUALITY 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; and sexual orientation.

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

## **9. 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 examined and taken into account by the Local Planning Authority in their assessment of this application.

The application has considered the relevant Reserved Matters for Phase 6 as detailed in the original permission and deemed the submitted details acceptable and in keeping with the spirit of the original West Hendon Hybrid application. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality family housing, including 74 affordable units. All with a good standard of accommodation including outlook, privacy and access to daylight.

As conditioned, the proposal would not compromise the hybrid/outline planning permission (H/01054/13) for the redevelopment of the wider site. It accords with the relevant development plan policies and conforms to the design principles and parameters established in the approved outline application for the West Hendon Estate.

The design of the development is considered appropriate for its location, which also provides for a good level of variety and legibility in the built form. The materials, layout and building form relates well to the surrounding area resulting in a development that is permeable, well landscaped and aesthetically pleasing that sits well with the wider development and context. There are no significant deviations from the originally approved scheme, design inspiration and parameter plans.

In light of the above, the application is recommended for **Approval** subject to the attached conditions.

**RECOMMENDATION: APPROVE WITH CONDITIONS.**

## CONDITIONS AND INFORMATIVES

### APPROVED DRAWINGS

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

077 -- 99 (P1)  
077 -- 100 (P1)  
077 -- 121 (P1)  
077 -- 301 (P1)  
077 -- 301 (P1)  
077 - Site - 01 – 002

01 AP 0010 001 (P01)  
01 AP 0010 002 (P01)  
01 AP 0010 003 (P01)  
01 AP 0010 004 (P01)  
01 AP 0010 005 (P01)  
01 AP 0010 008 (P01)  
01 AP 0010 009 (P01)  
01 AP 0010 010 (P01)  
01 AP 0010 025 (P01)  
01 AP 0010 027 (P01)  
01 AP 0010 031 (P01)  
01 AP 0020 001 (P01)  
01 AP 0020 002 (P01)  
01 AP 0020 003 (P01)  
01 AP 0020 004 (P01)  
01 AP 0030 101 (P01)  
01 AP 0030 102 (P01)  
01 AP 0030 103 (P01)  
01 AP 0410 001 (P01)  
01 AP 0410 002 (P01)  
01 AP 0410 003 (P01)  
01 AP 0410 004 (P01)  
01 AP 0410 005 (P01)  
01 AP 0410 006 (P01)  
01 AP 0410 007 (P01)  
01 AP 0410 008 (P01)  
01 AP 0410 009 (P01)  
01 AP 0410 010 (P01)  
01 AP 0410 011 (P01)  
01 AP 0410 012 (P01)  
01 AP 0410 013 (P01)  
01 AP 0410 014 (P01)  
01 AP 0410 015 (P01)  
01 AP 4100 001 (P01)  
01 AP 4100 002 (P01)  
01 AP 4100 003 (P01)  
01 AP 4100 004 (P01)  
01 AP 4100 005 (P01)  
01 AP 4100 006 (P01)  
01 AP 4100 007 (P01)  
01 AP 4100 008 (P01)

01 AP 4100 009 (P01)  
01 AP 4100 010 (P01)  
01 AP 4100 011 (P01)  
01 AP 9920 001 (P01)

077 - D - 07 - 099 (P1)  
077 - D - 07 - 100 (P1)  
077 - D - 07 - 101 (P1)  
077 - D - 07 - 102 (P1)  
077 - D - 07 - 103 (P1)  
077 - D - 07 - 104 (P1)  
077 - D - 07 - 105 (P1)  
077 - D - 07 - 106 (P1)  
077 - D - 07 - 107 (P1)  
077 - D - 07 - 108 (P1)  
077 - D - 07 - 109 (P1)  
077 - D - 07 - 114 (P1)  
077 - D - 07 - 120 (P1)  
077 - D - 07 - 200 (P1)  
077 - D - 07 - 201 (P1)  
077 - D - 07 - 301 (P1)  
077 - D - 07 - 302 (P1)  
077 - D - 07 - 414 (P1)  
077 - D - 07 - 417 (P1)  
077 - D - 07 - 421 (P1)  
077 - D - 07 - 431 (P1)  
077 - D - 07 - 435 (P1)  
077 - D - 07 - 436 (P1)  
077 - D - 07 - 442 (P1)  
077 - D - 07 - 445 (P1)  
077 - D - 07 - 449 (P1)  
077 - D - 07 - 452 (P1)  
077 - D - 07 - 500 (P1)  
077 - D - 07 - 501 (P1)  
077 - D - 07 - 502 (P1)  
077 - D - 07 - 503 (P1)  
077 - D - 07 - 600 (P1)

Site Wide Accommodation Schedule

Phase 6 Phase Specific Accommodation Schedule

Phase 5 & 6 Area Schedule Including Concluding

Quod Planning and Development Specification Conformity Statement (Dec 2017)

Statement of Community Involvement (Dec 2017)

Quod EIA Statement of Conformity (Dec 2017)

Point Surveyors Daylight, Sunlight and Overshadowing Analysis (Dec 2017)

Phase 6 Landscape Drawings (2017)

Phase 5 and Phase 6 Landscape Drawings (2017)

Phase 5 and Phase 6 Area Schedule Including Concluding Site Wide Accommodation  
Schedule (Dec 2017)

**Reason:** For the avoidance of doubt and in the interests of proper planning.

**RESTRICTION OF PERMITTED DEVELOPMENT RIGHTS - EXTENSIONS**

2. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1980 (or any Order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended in any manner whatsoever.

**Reason:** To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

#### **RESTRICTION OF ADDITIONAL WINDOWS AND DOORS**

3. 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 additional windows or doors shall be inserted into any of the residential dwellings hereby approved, other than those expressly authorised by this permission.

**Reason:** To safeguard the privacy and amenities of occupiers of adjoining residential properties and to safeguard the character of the locality in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

#### **RESTRICTIONS OF PERMITTED DEVELOPMENT - TELECOMMUNICATION**

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no 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 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 policy DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

#### **ARCHITECTURE**

5. Prior to the commencement of the development hereby approved, details of architectural features within this phase shall be submitted at the appropriate scale (1:10/ 1:20) to the Local Planning Authority and agreed in writing. These details should include (but are not limited to):

- Window reveals
- External finishes
- Brick detailing

The development shall be carried out 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 (2016, as amended).

### **CAR PARKING**

6. The approved car parking spaces hereby approved shall be used for parking only and shall remain as approved in perpetuity.

**Reason:** To protect the use of the car parking facilities on site in line with policies CS9 of Barnet Council's Core Strategy (adopted) 2012; and DM17 of Barnet Council's Development Management Policies (adopted) 2012.

### **WATER**

7. The development shall not exceed the water target use of 105 litres or less per person, per day, in accordance with the London Plan standards.

**Reasons:** To minimise the water use of the development, in accordance with the requirements of Policy 5.15 of the London Plan (2015).

### **INVASIVE PLANTS**

8. The development shall be implemented as per the invasive plan study document Method Statement for the Removal of Long-term Management/Control of Invasive Native and Non-Native Species (13/12/2017). Confirmation that another survey has been undertaken in June 2018 to verify the conclusions within the report shall be submitted and approved in writing by the Local Planning Authority.

**Reason:** To prevent the spread of non-native plants, and in particular Japanese knotweed and Giant hogweed, which are invasive species, and avoid damage caused to the nature conservation value of the site in line with policy CS7 of Barnet Council's Core Strategy (adopted) 2012 and DM16 of Barnet Council's Development Management Policies (adopted) 2012; as well as Policies 7.19 and 7.21 of the London Plan (2016, with amendments) and the National Planning Policy Framework (2012).

### **GYM**

9. Prior to the use of the gym hereby approved, a Management Plan including details pertaining to hours of operation layout, employment facilities and access details shall be submitted to and approved by the Local Planning Authority.

**Reason:** To Ensure a satisfactory arrangement for the proposed gym use and that it does not prejudice the amenities of future occupiers of the site but instead benefits them in line with policies CS10 and CS11 of Barnet Council's Core Strategy (adopted) 2012 and policies DM01 and DM13 of Barnet Council's Development Management Policies (adopted) 2012.

### **INFORMATIVES**

1. No chemical herbicides should be used to control weed growth around the base of newly planted trees or shrubs. Weeds in these areas should be hand weeded and then controlled with the specified woodchip or bark mulch.

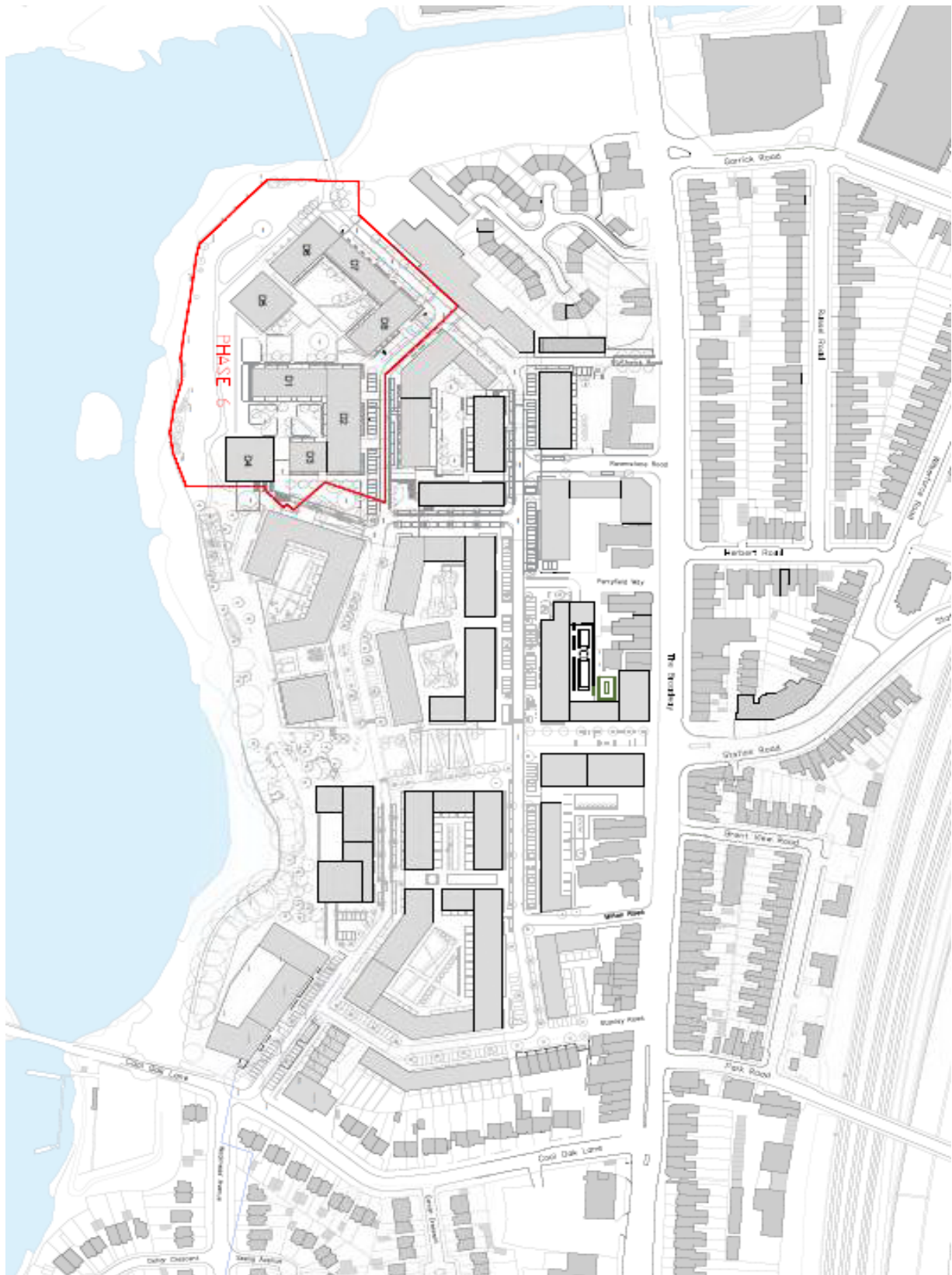
2. In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary however further work is required.

**Background Documents**

None.



**SITE LOCATION PLAN: West Hendon Regeneration Area (Phase 6), Barnet NW9**  
**REFERENCE: 17/8150/RMA**



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## APPENDIX 1 – SUNLIGHT AND DAYLIGHT: A SUMMARY OF THE RESULTS

Table 1: Results for Block A1

Block A1	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	20	20	20
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	16 (80%)	19 (97%)	16 (80%)

Table 2: Results for Block B1

Block B1	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	126	126	126
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	126 (100%)	121 (96%)	67 (53%)

Table 3: Results for Blocks C1-C5

Block C1-5	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	322	322	322
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	281 (87%)	274 (85%)	119 (37%)

Table 4: Results for Blocks D1-D4

Blocks D1-5	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	716	716	716
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	635 (87%)	688 (96%)	265 (37%)

Table 5: Results for Blocks D5-D8

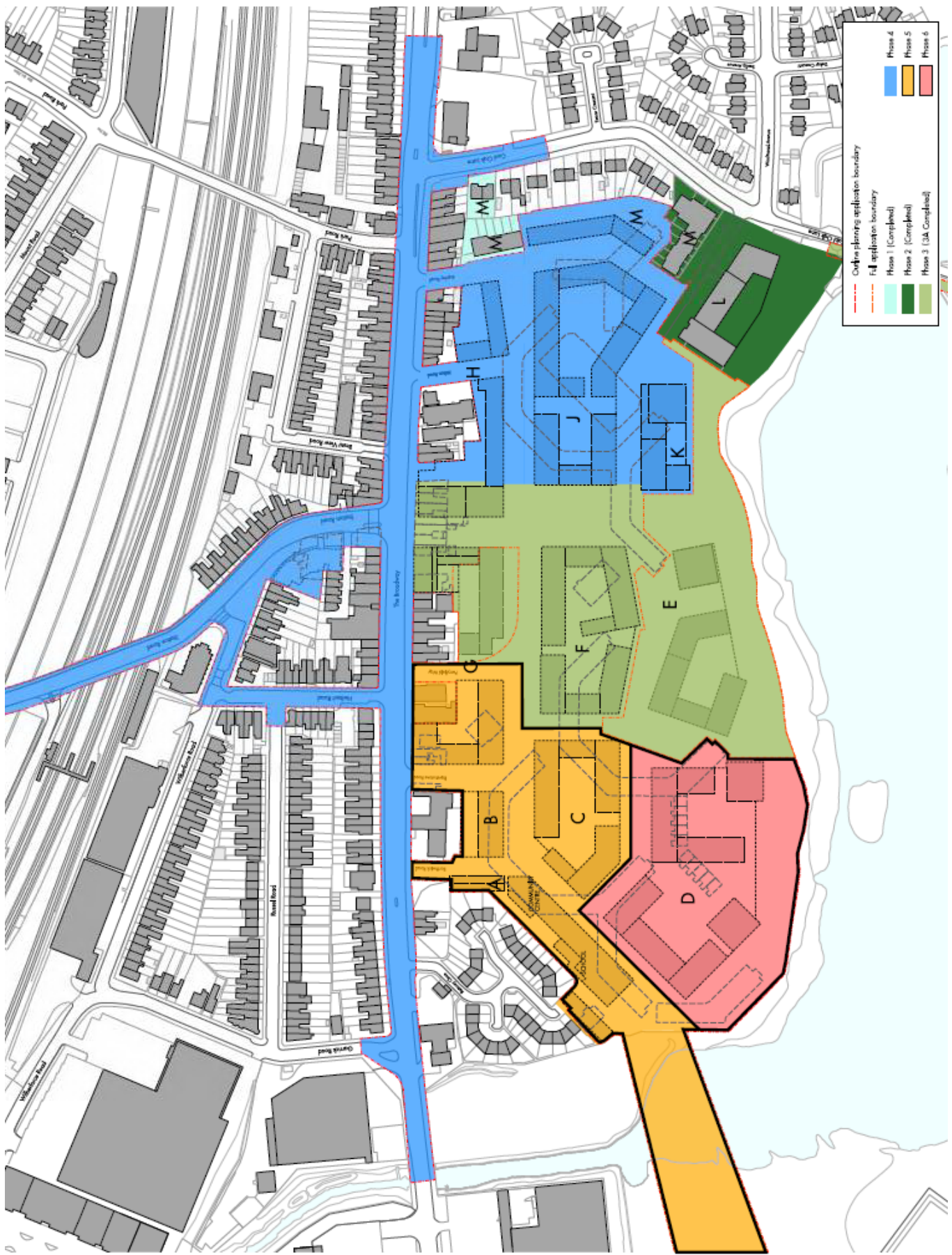
Blocks D5-8	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	643	643	643
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	628 (98%)	625 (97%)	270 (42%)

Table 6: Results for Block G

Block G	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	138	138	138
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	126 (91%)	133 (96%)	62 (45%)

## APPENDIX 2 – DEVELOPMENT CONTEXT SITE LOCATION PLANS





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**Location**                      **60 West Hendon Broadway London NW9 7AE**

**Reference:**                    **17/6434/FUL**

Received: 10th October 2017

Accepted: 17th October 2017

Ward:                              West Hendon

Expiry 16th January 2018

Applicant:                      Mr Daniel Gold

Proposal:                        Demolition of an existing two-storey retail building and erection of an eight storey residential led mixed use building with retail use at ground floor and first floor level and 53 no residential units above. Associated external parking and associated landscaping

AGENDA ITEM 7

**Recommendation:** Approve following legal agreement

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:  
60TB1-MBC-XX-ZZ-D-A-0502-D5-P3  
60TB1-MBC-XX-ZZ-D-A-0503-D5-P3  
60TB1-MBC-XX-ZZ-D-A-0504-D5-P3  
60TB1-MBC-XX-ZZ-DR-A-0160-D5-P5  
60TB1-MBC-XX-ZZ-DR-A-0161-D5-P4  
60TB1-MBC-XX-ZZ-DR-A-0162-D5-P4  
60TB1-MBC-XX-ZZ-DR-A-0150-D5-P4.  
60TB1-MBC-XX-ZZ-DR-A-0151-D5-P4  
60TB1-MBC-XX-ZZ-DR-A-0152-D5-P4  
60TB1-MBC-XX-01-DR-A-00110-S2 P1  
60TB1-MBC-XX-GF-DR-A-00110-S2 P1  
60TB1-MBC-XX-XX-DR-A-00205-S2 P2  
60TB1-MBC-XX-ZZ-DR-A-00130-S2 P1  
60TB1-MBC-XX-GF-DR-A-0301-D5-P7  
60TB1-MBC-XX-01-DR-A-0302-D5-P4  
0TB1-MBC-XX-ZZ-DR-A-0303-D5-P5  
60TB1-MBC-XX-07-DR-A-0304-D5-P4  
60TB1-MBC-XX-RO-DR-A-0305-D5-P2

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 5 a) No development 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.

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) and Policies 3.8 and 7.2 of the London Plan 2016.

- 6 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).

- 7 a) Before development commences, an 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 be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 8 Before the development hereby permitted commences, details for the enclosure of balconies shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and these shall be permanently maintained thereafter. The balconies shall be fully enclosed unless the Council's Environmental Health Team agree otherwise.

Reason: To safeguard the air quality for future residents in accordance with policy DM04.

- 9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

- 10 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 2016.

- 11 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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).

- 12 Before the development hereby permitted is occupied, car parking should be provided in accordance with a scheme to be submitted to and approved by the Planning Authority and spaces shall not be used for any purpose other than parking of vehicles

in connection with the approved development. The parking layout should include provision of disabled parking spaces for all elements of the 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 Policies polices 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 commencement of development a Pedestrian Environment Review System (PERS) Audit shall be submitted and approved in writing by the Local Planning Authority. The approved improvement works shall be carried out at the applicant's expense under S278 of the Highway Act 1980 and shall be completed prior to occupation.

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

- 14 a) 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 the \*\*\*\* as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 15 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development 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 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.

- 16 Before the permitted development commences details of the refuse collection arrangements 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

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

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

- 18 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

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

- 19 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. The statement shall also account for the proximity of railway infrastructure to the rear of the site.

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).

- 20 The applicant should submit details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and that Heavy Goods Vehicles can turn around within the internal roads.

Reason: To ensure the safe form of access to the development to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September

2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 21 Before the development hereby permitted commences details of the Electric Vehicle Charging Points shall be submitted to and agreed in writing by the Local Planning Authority for:
- o residential parking with 20% active and 20% passive.
  - o employment parking 20% active and 10% passive.
  - o retail customers parking 10% active and 10% passive.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 22 Prior to the occupation of each phases hereby approved, a Car Parking Management Plan including details of the allocation of parking spaces, parking enforcement shall be submitted to and approved 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.

- 23 Before the development hereby permitted is occupied, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently maintained as such thereafter.

Reason: To safeguard neighbouring visual amenity.

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 25 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 2015.

- 26 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 29 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 30 Before the development hereby permitted is occupied, the applicant shall undertake a study of the microclimatic impacts of the proposed building, with particular reference to the rear amenity area. This shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the recommendations of the report.

Reason: To safeguard the impact of the proposals on the local microclimate and to ensure good level of amenity for future occupiers.

- 31 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7 am or after 11 p.m. on any other day.

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

- 32 Prior to the occupation of the development, a proposed scheme of ecological improvements shall be submitted to the Local Planning Authority for approval. The development shall be implemented in accordance with these details and they shall be permanently retained thereafter.

Reason: To ensure compliance with policy DM16 of the Development Management Policies 2012.

- 33 Before the development hereby permitted is occupied, details of the proposed flat roof above the first floor front element shall be submitted to in writing by the local planning authority. The development shall be constructed in accordance with these details and they shall be permanently maintained thereafter.

Reason: To safeguard the security of future residents of the development in accordance with policy DM02 of the Adopted Barnet Development Management Policies 2012.

- 34 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space, or as otherwise agreed within the site, 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 2015.

- 35 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).

- 36 The premises shall be used for a tile and sanitaryware showroom and for no other purpose (including any other purpose in Class A1 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://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 £\_\_ payment under Mayoral CIL.

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto: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](http://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](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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The following additional plans accompany the application:
  - Design & Access Statement
  - Drainage Statement
  - Transport Statement
  - Viability Report
  - Noise Assessment
  - Geoenvironmental Report
  - Energy/Sustainability Strategy
  - Construction Dust Assessment.

## **Officer's Assessment**

### **1. Site Description**

The site covers an area of 0.22 hectares on the north-east side of West Hendon Broadway. The site is located some 300m south-east of West Hendon Local Centre and 380m from Staples Corner to the south. The existing site currently has a two storey building housing a tile showroom (Sui Generis Class). The building is served by a primary lift and stair core, situated at the main entrance facing the site entrance to the south. It is assumed that the building is constructed with a steel frame and faced with red stock brickwork.

The area does not have a distinct character with a mixture of residential flats opposite, as well as other commercial development on this site of West Hendon Broadway, with a mixture of building heights and sizes. Sutherland House which is a 6 storey office block is adjacent to the site. There are 5 storey blocks of flats at Verulam Court on Woolmead Avenue further to the west. The site is not located within any designated areas. Although the access running alongside the site has not been included within the site it is within the applicant's ownership.

### **2. Site History**

W01957 - tubular/asbestos building to store timber. - Refused - 04.02.1969

W01957B - wood waste and chip store. - Approved - 04.03.1969

W01957C - inflammable liquid store. - Approved - 04.03.1969

W01957D - timber store abutting rear of main building. - Approved - 04.03.1969

W01957F - Retention of two storey office building on frontage with alterations to external elevation, construction of single storey factory building and car parking for 22 cars. - 03/10/1984

W01957K - Formation of vehicular access. - Approved - 01/02/1989

16/0972/FUL - Demolition of existing building (Tile and Sanitaryware Showroom) and erection of an 8 storey mixed use building with 1230sqm of Sui Generis use (Tile and Sanitaryware showroom) on ground and first floors and 48 no self-contained residential units on the upper floors with green roof and solar panels. Provisions for basement parking, external parking spaces, cycle storage, refuse and amenity space. Approved following signing of Legal Agreement - 15/03/2017

#### Sutherland House

H/03141/14 - Change of use from B1 office to C3 residential (33 Units) - Prior Approval Not Required - 05.08.2014

15/03085/OUT - Erection of 3 storey office building - Approved following signing of Legal Agreement - 01/08/2016

### **3. Proposal**

The proposal is for the demolition of existing two storey building (Tile and sanitaryware showroom) and the erection of an 8 storey mixed use building with 1,161sqm of Sui Generis

use on the ground floor and 53 no self-contained residential units on the upper floors. The mixed use scheme will be as follows;

Ground floor - Retail, Residential Core, Parking  
First Floor - Retail, Residential Core  
Second- Seventh Floor - Residential  
Eighth Floor - Amenity Garden

The approximate height of the proposed building would be 25.77 metres and a width of 40.2 metres. The ground floor and first floor would be approximately 30.1 metres in depth protruding approximately 11.4 metres from the main building, decreasing to 19 metres in depth on the second to sixth floor. The seventh floor would be set back measuring approximately 17.8 metres in depth with the eighth floor amenity garden equivalent. All residential floors (second floor to the seventh floor) would consist of a mix of one and two bed apartments with an enclosed private balcony space.

The ground floor and first floor will use aluminium framing concealed externally with high performance clear glazing. Glazing system would be silver in colour. The external grid of the building will be clad in fibre cement panels, similar to existing building material and comparable to materials used for other buildings in the area. Other materials will include fibre cement wall panels for the inner façade.

The application proposes strips of green space along the front street scape aiming to soften the visual impact of the hard landscape. A top roof garden would be provided for residential use and would use a pallet of natural and robust material such as wood, metal and natural tiles. Provisions for parking, external parking spaces and cycle storage proposed additional 56 parking spaces and 93 cycle spaces.

#### **4. Public Consultation**

Consultation letters were sent to 101 neighbouring properties. 2 responses were received, comprising of 2 objections. The objections received can be summarised as follows;

Traffic congestion/Environmental impact:

Concern for the impact on traffic in the area due to increase in residential properties.

Issues raised regarding access for emergency service vehicles.

The impact the increase in vehicle emissions could have on the environment.

Area population: Disagreement for the need for more housing in the area.

Pressure on Services: Concern the rise in population will have on services in the area, such as hospitals and schools.

#### Internal Consultees

Highways - No objection: Comments contained within the main report.

Environmental Health - No Objection: Energy and Sustainability statement presents how the development follows the energy hierarchy, targets the mandatory requirements of the code for sustainable homes Level 4 and a BREEAM 'Very Good' rating for the retail unit. Further comments contained within the main report.

Drainage - No Objection: Comments contained within the main report.

Waste and recycling - No objection: Comments contained within the main report.

Noise Assessment - No objection: Comments contained within the main report.

Greenspaces - No objection: Comments contained within the main report.

### Statutory Consultees

#### TFL

No comments received.

#### Metropolitan Police

No comments received.

#### London Fire Brigade

No comments received.

#### London Borough of Brent

No comments received.

#### Network Rail

Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

#### Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events. It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

#### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the

approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

#### OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

#### Demolition

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

#### Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

#### Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

## Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

## Access to Railway

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

## Thames Water

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

## **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 2016

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

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. Policies 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 3.12, 5.2, 5.3, 5.13, 6.1, 6.9, 6.11, 7.4, 7.6 are considered to be of particular relevance.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, CS15

Policy CS3 states that On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26.

Policy CS4 states that We will aim to create successful communities in Barnet by:  
o seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.

Seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.

Seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.

Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

Seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.

Delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.



Seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.

On sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

Policy CS9 states that the Council will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS11 states how the Council will improve health and well-being in Barnet.

Policy CS12 states that the Council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together.

Policy CS14 sets out how the Council will encourage sustainable waste management. Promotes waste prevention, re-use, recycling, composting and resource efficiency over landfill.

Policy CS15 states that the Council will work with the Local Strategic Partnership (One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

### *Development Management Objectives*

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM10, DM11, DM14, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design. Ensuring accessibility can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances.

Policy DM04 states that all major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM05 states that tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 states that having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM11 states that the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Policy DM14 sets out policy regarding employment generating uses such as offices.

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. It also sets out parking standards.

### Supplementary Planning Documents

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.

Residential Design Guidance SPD (Adopted 2013)

Planning Obligations SPD

Skills, Enterprise, Employment Training SPD

Affordable Housing SPD

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether the proposals would make satisfactory provision towards affordable housing
- Whether the proposals would be acceptable in respect of air quality and noise issues
- Whether the proposals would harm highway and pedestrian safety
- 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 and future residents.
- Whether the proposals would have an acceptable impact on local security
- Environmental and Sustainability Issues
- Whether the proposals would make adequate provision for accessibility
- Whether the proposals would make adequate provision for biodiversity
- Whether the proposals would have an acceptable impact on local drainage

### 1. Whether the principle of the development is acceptable

#### *1.1 Planning History*

A material consideration of significant material weight is the planning history of the site. Application 16/0972/FUL granted consent for the redevelopment of the site for a residential block of apartments, 8 storeys in height providing 48 residential units with an element of retail on the ground and first floors. The application was heard before the committee on 28th September 2016 which resulted in a resolution to grant permission subject to the signing of a Legal Agreement. The decision was issued on the 15th March 2017, following the execution of such an agreement, with a three year time limit to commence. This remains an extant permission that could be developed. Whilst there are material differences with the current scheme, the majority of core policy issues have been settled. The following paragraphs will revisit the analysis undertaken for the extant permission with particular emphasis on the material changes and mindful that a similar scheme in character which could be lawfully advanced already exists.

#### *1.2 Land Use*

The site is located outside a town centre and as such there is no policy aim to ensure the retention of retail floorspace at this location. However a strong retail element would be retained. The existing building would be demolished but the use would be re-housed in the new building. There would be a loss of approximately 1683 square metres of floorspace. (Existing 2844 square metres, Proposed 1161 square metres). This results in an increased reduction of approximately 69 sq. m from the extant scheme which is relatively inconsequential.

The proposals seek to provide a mixed use development, including re-provision of a smaller tile showroom and residential development above. There are some examples of residential development in the immediate locality however not on this side of the road. The site is located in-between the A5 road and railway line and M1 motorway to the rear. As a result a

key determination for any scheme at this location will be that the noise and air climate are adequate for new residential accommodation.

It should be noted that the neighbouring building Sutherland House had previous prior approval which has now lapsed to convert the existing building into residential units, works does not appear to have been undertaken. It is notable however, that units in surrounding location could benefit from such a change of use.

### 1.3 Density

The gross site area for density purposes is approximately 0.24 hectares. The site is considered to sit within an urban context.

A previous density of 200 units/425 habitable rooms per hectare was deemed acceptable. The London Plan states that for this sort of site, a density range of 200-450 habitable rooms for hectare is advised and 45-170 units per hectare. The revised scheme would result in a density of 220 units per hectare/566 habitable rooms.

The increase in habitable room density can be accounted for by the increase in 2 bedroom units with the current scheme (increase from 12 two bedroom to 30 two bedroom).

Whilst the density increases the previous density the London Plan advises that the figures should not be applied mechanistically, as its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential. Whilst the density is greater than the guidance it is considered that the site is suitable to boost housing supply. This is arguably a stand-alone site and the proposed layout does not appear particularly cramped or out of character. Reasonable parking provision could be accommodated. From a visual perspective the site can accommodate a tall building which will inevitably increase density. It should also be noted that the density matrix was not necessarily designed with mixed use schemes such as this in mind. The density of the development therefore is considered acceptable.

### 1.4 Unit Mix

The development proposes the following unit mix:

23 x 1 bedroom units  
30 x 2 bedroom units

Policy DM08 of the Development Management Policies states that *'Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.'*

*Our dwelling size priorities are:*

- i. For social rented housing - homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority*
- iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'*

The proposals would provide a majority of single/two bedroom units. Given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility the mix of

accommodation is considered appropriate. Furthermore the financial reality of housing prices means that ready demand for smaller units' also exists and in that regard this mix is considered acceptable.

### *1.5 Tall Building*

Once again it is noted that at 8 stories the building would be classified as a tall building in respect of policy CS5 and policy DM05.

Policy DM05 states that *'Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:*

- i. an active street frontage where appropriate*
- ii. successful integration into the existing urban fabric*
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline*
- iv. not cause harm to heritage assets and their setting*
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.*

*Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.*

Policy CS5 states that *Tall buildings (8 storeys (or 26 metres) or more) may be appropriate in the following strategic locations:*

- o Brent Cross - Cricklewood Regeneration Area*
- o Colindale - Colindale Avenue Corridor of Change, Edgware Road Corridor of Change (in accordance with Policy 5.3 Building Heights in the Colindale Area Action Plan, 2010)*
- o Grahame Park Estate*
- o Stonegrove and Spur Road Estate*
- o West Hendon Estate.*

*And the Priority Town Centres of:*

- o Edgware*
- o Finchley Church End and*
- o North Finchley.*

*Proposals for tall buildings will be considered in accordance with DM05 - Tall Buildings, London Plan Policy 7.7 - Location and Design of Tall and Large Buildings and Guidance on Tall Buildings (2007) by English Heritage and CABI*

*Outside of these specific locations, proposals for tall buildings will not be supported.*

The principle of a tall building in this location is contrary to these policies and has been advertised as a departure from the development plan. However, as has been detailed above, the extant scheme has agreed the general principle of an 8 storey building at the site. The previous analysis placed determining weight on the following points, notwithstanding the in policy conflict;

- Taking into account floor to ceiling heights of the development, the development will only appear 1.5 stories higher than Sutherland House to the north.
- Whilst not justification in itself, the site is located within an area of incoherent townscape with a mix of building forms and heights.
- It should be noted that the site is located a relatively short distance from Brent Cross Cricklewood Regeneration Area to the south.
- The development would optimise use of the site for housing development whilst retaining an existing business within the borough.
- Whilst the development is 8 stories in height it falls below the 26m height threshold within policy CS5. In this way the proposals would only marginally exceed the threshold within the policy and any perceived harm should be viewed in this context.
- The site would not affect any designated viewing corridors as specified with the Core Strategy
- Overall officers are of the view that whilst there is a technical conflict with policy CS5 and DM05 no material harm would arise from the principle of an 8 storey building in this location.

The submitted scheme does not alter the above analysis and in that respect officers' are of the view that the revised building can be justified and no material harm would arise.

## 2. Whether the development makes acceptable provision towards affordable housing

Policy DM10 of the Development Management Policies Document states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The scheme is unable to provide for affordable housing on site in accordance with policies 3.10, 3.11 and 3.12 of the London Plan. As such, this position has been supported by a financial viability exercise with the Council and their advisors to arrive at an affordable housing position that enables the applicants to deliver an improved development without reducing the quality of the affordable housing provision viable on site.

The scheme provides a financial contribution of £244,950 towards affordable housing. The previous scheme for 48 units secured an affordable housing contribution of £180,000 towards affordable housing within the borough. Given the nature of the amount it is considered appropriate to secure this as a commuted sum towards affordable housing. This is considered to represent a sufficient increase in affordable housing contribution.

Contributions towards an LEA will also be secured via a s106 agreement totalling £97,380. The scheme will also provide the following non-financial obligations including provision of:

- Three (3) Apprenticeship during the construction phase of the Development in accordance with a programme to be agreed with the Council's Skills and Enterprise team; and
- Three (3) Place for Progression into employment (less than 6 months);
- Two (2) Place for Progression into Employment (6 months or more); and
- Seven (7) Work Experience placements
- Thirty Nine (39) students from local school/college attending a site visit
- Thirty One (31) students from local school/college participating in a construction awareness workshop delivered by the site

Use reasonable endeavours to ensure that 30% of its labour force during the construction of the Development shall be Barnet residents.

## ul 3. Whether the proposals would be acceptable in respect of air quality and noise issues

### *3.1 Air Quality*

The site is located within an area of known air quality issues. An Air quality report accompanies the planning application. The air quality report does not highlight the need for mitigation even though it is close to the A5, A406. The GLA now require an air quality neutral assessment comparing previous use as a tile showroom, including customer, vehicle visits and deliveries with new operational emissions from plant, boilers and the car parking spaces.

A condition is suggested to ensure that air pollution mitigation is provided. The development will need to demonstrate that it is at least "Air Quality Neutral" and an air quality neutral assessment for both buildings and transport shall be included in the report.

The Environmental Health officer has noted that should the Busy Bees furnace begin operations again, there is currently no environmental health legislation that will stop smell from burning wood offcuts drifting over to the residents when the wind is in the right direction. Powers exist to stop dark smoke, and to stop nuisance levels of smoke (not low levels of smoke). Nuisance legislation can be difficult when the operator is using a furnace approved for use in a smoke control area, which would be the case here. If the wind blows smoke in that direction then residents will have to close their windows and doors.

### *3.2 Noise*

Environmental Health Officers have previously considered the proposed residential use at the site. They consider that the mitigation in relation to noise from external traffic sources is acceptable but that a planning condition for standard noise from plant due to commercial ground floor plant not detailed, and as there is commercial use below.

It is noted that there are industrial businesses operating within the immediate locality, most notably at 100 West Hendon Broadway. Given that this business is located some 40m from the edge of the site and also located adjacent to the busy A5 road it is not considered that materially harmful noise and disturbance will result.

Environmental Health officers consider that, subject to conditions, the noise or air climate around the site would not be so poor as to warrant the refusal of the application, subject to mitigation being provided.

## 4. Whether the proposals would harm highway and pedestrian safety

### *4.1 Site & Existing Highway Description.*

The site is located on the A5 West Hendon Broadway at the on slip to the A406. The A5-West Hendon Broadway is part of the Strategic Road Network (SRN) and a bus routes. The site is located, in proximity to local amenities and bus routes. Several waiting restrictions operate on the highway network surrounding the site; including no waiting or loading at any time in West Hendon Broadway along the site's frontage, TfL red route restrictions also start at the site frontage towards the A406. Side roads have resident permit parking controls Mon-Fri 10-11am.

The application site is currently occupied by a Tile showroom. Two points of access are provided from the A5.

### *4.2 Accessibility by Foot*

The site is within approximately 550 metres walking distance of the local services and amenities provided near to the junction of West Hendon Broadway and Station Road, including a range of local retail outlets, restaurants, an off-license as well as Unity Girls High School. The site is also within approximately 1.5 kilometres walking distance of Brent Cross shopping centre which provides a broad range of shops and restaurants. In addition, Parkfield Primary School is located within 750 metres walking distance of the site.

The surrounding area benefits from footways located on both sides of the carriageway which provide access to the local services and amenities highlighted above. A number of controlled and uncontrolled crossings are located along West Hendon Broadway, the closest of which is located adjacent to the junction with Cool Oak Lane. Access to the Neasden Recreational Ground is provided within approximately 280 metres walking distance of the site via a signal controlled pedestrian crossing.

There are no dropped crossings and tactile paving and there are barriers across the A5 reducing accessibility. There is a requirement for a PERS audit to be carried out to identify any shortcomings, any identified works will be required to be undertaken by the developer.

#### *4.3 Accessibility by Cycling*

The London Cycle Network (LCN) can be accessed within approximately 200 metres north of the site along West Hendon Broadway. This section of the LCN is classified as a "route signed or marked for use by cyclists on a mixture of quiet or busier roads". In addition, cycle parking is provided at Hendon station.

#### *4.4 Accessibility by Public Transport*

Public Transport Accessibility Levels (PTALs) are used to assess the extent and ease of access by public transport. The range of accessibility levels is defined as PTAL 1/2 - low accessibility, PTAL 3/4 medium accessibility and PTAL 5/6 - high Accessibility.

The site is located within a PTAL 3 area, which is a medium accessibility level.

The nearest bus stop, Bus Stop HJ, is located less than 25 metres from the site frontage. This bus stop benefits from a shelter, seating and timetable information. It is served by routes 32 and 142 (and school route 632). Within an approximate 8-minute walk of the site frontage, access can be gained to routes 83, 112, 182, 183, 232 and 266. These routes provide access to destinations such as Ealing, Golders Green, Edgware Road, Kilburn Park, Brent Cross and Watford Junction.

Hendon railway station lies within an approximate 10 minute (c.800 metre) walk of the site frontage. Services from Hendon station operate on the Thameslink line to destinations including Moorgate, Luton, Wimbledon, St Albans, Sutton and West Norwood.

#### *4.5 Development Proposal:*

The proposal is for construction of a mixed development consisting of approximately 1230 sqm of class sui generis tile showroom and warehouse and 53 flats comprising of 23 x 1-bedroom and 30 x 2-bedroom.

A total of 53 parking spaces are proposed and a further 8 spaces the retail element of the proposal.



#### *4.6 Vehicle Access*

The existing vehicle accesses will serve the new development. These are adequate to serve the proposed use.

#### *4.7 Refuse Collection:*

The internal road layout should be designed to ensure that refuse vehicles will be able to stop within 10 metres of refuse collection points. Residential and Retail refuse collection arrangements including collection location must be submitted for approval.

An indemnity waiver condition will be included for the protection of Council refuse vehicles accessing the private access roads.

#### *4.8 Parking*

##### *4.8.1 Residential Parking Assessment*

The Maximum Parking Standards as set out in the Development Management Policies (DMP) of the Barnet Local Plan approved in September 2012 are as follows:

For 4 or more bedroom units	- 2.0 to 1.5 parking spaces per unit
For 2 and 3 bedroom units	- 1.5 to 1.0 parking spaces per unit
For 1 bedroom units	- 1.0 to less than 1 parking space per unit

This equates to parking provision for the proposed residential units ranging between 30- 68 parking spaces to meet the parking standards set out in the DMP approved September 2012. The proposal includes provision of 53 residential spaces. The parking provision is at the higher end of the range but in accordance with Local Plan standards and is considered acceptable at this location.

The residential parking provision should include a minimum of 4 spaces suitable for disabled use. A minimum of 20% active and 20% passive electric car charging spaces must be provided for the residential element of the proposal.

A Car Park management Condition is included to manage the allocation of spaces.

##### *4.8.2 Parking for Commercial Use*

A total of 8 spaces, one of which is suitable for disabled use are proposed for the sui generis use. A Car Park management Condition is included to manage the allocation of spaces. There are no set standards in the London Plan and the parking requirement should be based on assessment. No information was provided in the TS but the parking levels should be supported by a Travel Plan.

A minimum of 20% active and 10% active electric charging spaces must be provided for the employment uses. A minimum of 10% active and 10% passive electric charging spaces must be provided for retail customers.

#### *4.9 Cycle Parking Provision*

The proposal includes 83 cycle parking spaces for residents and 12 spaces for commercial.

The London Plan standards recommend for residential developments a cycle parking provision of 1 space per 1 and bedroom units, 2 spaces per 2+ units plus 1 space per 40 units for visitor use. This would equate to a total of 83 residents spaces and 1 visitors spaces. Therefore the residential cycle parking provision should include 1 visitor space and details are to be submitted to be approved.

For the sui generis use there are no standards but for the A1 non-food use the recommendation is from a threshold of 100sqm 1 short stay space per 125 sqm for first 1,000 sqm thereafter 1 space per 1,000 sqm. For long stay space per 250 sqm for the first 1,000 sqm thereafter 1 space per 1,000 sqm. This equates to the provision of 8 short stay and 4 long stay cycle parking spaces.

A total of 95 cycle parking spaces are proposed which meets the required minimum standards.

#### 4.10 Trip Generation

##### 4.10.1 Existing and Forecast Residential Trip Generation

The existing trip generation associated with the use has been provided based on TRICS database and is summarised below.

	AM Peak		PM Peak		Total	
	Arrival	Departure	Arrival	Departure	Arrival	Departure
Total Vehicle Trips	22	17	39	3	7	10

The Transport Statement provides the estimated trip generation from the proposed development based on a reduction of 38% of retail space on site and is summarised below.

	AM Peak		PM Peak		Total	
	Arrival	Departure	Arrival	Departure	Arrival	Departure
Total Vehicle Trips	14	11	25	2	5	7

The Transport Statement provides the estimated trip generation from the proposed development based on TRICS database for 'Residential flats privately owned' with similar characteristics to the proposals and is summarised below.

	AM Peak		PM Peak		Total		
	Arrival	Departure	Arrival	Departure	Arrival	Departure	
Total Vehicle Trips	48 dwellings	2	6	8	4	2	6

The assessment of existing and expected trip generation shoes a decrease in arrivals in the Am Peak of 6 vehicles and an increase in arrivals in the Pm Peak of 3 vehicles. There is minimal impact on the highway network.

#### 4.11 Travel Plan

The development will require a Travel Plan Statement (including targets) that meets the criteria in the Transport for London TP guidance (November 2013) that is iTRACE and ATTrBuTE compliant, to cover residential and commercial use travel.

Incentives funds for residents of £150 per unit are recommended

In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contribution' of £5,000 is required under Section 106. In addition a Travel Plan Champion for the travel plan must be appointed.

#### *4.12 Summary of Obligations and Contributions required*

The following contributions and commitments are sought under a Section 106 Agreement

##### (a) Travel Plan

The applicant shall enter into a Residential and Commercial Travel Plan Statement that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available as follows:-

- o Travel Plan monitoring contribution of £5,000
- o Residents Travel Plan Incentive fund contribution of £150 per unit will be required to be selected from the following
  - o Oyster card with £150 credit uploaded
  - o £150 towards membership of a car club with the residual amount as driving credit with the car club
  - o £150 bike voucher

##### (b) Highways Works

The following proposed highway works shall be carried out under S278 of the Highways Act 1980 and to be concluded in S106 Agreement.

O Any pedestrian improvement identified from the PERS Audit on the public highway that are approved by the Highway Authority.

The Application is recommended for approval subject to S106 obligations and contributions as mentioned above and conditions.

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

##### *5.1 Layout*

As previously stated, the area contains no consistent pattern of development and the existing building is of no significant aesthetic value. The proposed layout consists of a prominent building towards the front with a parking layout dispersed with landscaping to the rear. This is not in serious conflict with the existing character and a well-designed building could bring aesthetic benefits to a rather undistinguished setting.

##### *5.2 Massing*

The issue of whether a tall building is appropriate in this location has been addressed earlier in the report.

Similar to the extant permission the building would be taller than Sutherland House by approximately 1.5 Storeys. The upper floors would broadly align with Sutherland House with a two storey projection to the front housing the proposed commercial use. The adjoining

building would reduce any dominance or monolithic impact on the surrounding area. From the rear the proposed development would be visible from a distance of 90m from Dallas Road however at this distance, given the intervening M1 motorway and railway line, and the mixture of heights and building types on West Hendon Broadway it is not considered that the proposed massing would appear harmfully out of scale.

### *5.3 External Appearance*

The most dominant materials will be the glazed curtain walling, the fibre cement cladding, facing brick and glazed balustrades. The materials are a mix of modern apartment block finishes, and provide sufficient contrast and variety to offer a suitable finish. The consideration of sample materials, which can be secured through condition, is a vital component part in the process of overseeing the development of the site. The use of good quality materials should help ensure that a modern apartment block, which pays attention to the local setting and current design trends for such structures, will result in a high quality development occupying the site.

### *5.4 Landscaping*

Given the shape of the site, parking requirements, and proposed site coverage the proposals only offer limited scope for landscaping. Landscaping would principally relate to punctuating the parking area and the roof garden. There is the opportunity to agree some new planting. A condition is suggested so that a finalised landscaping scheme including details of planting can be agreed. It is noted that the existing site nor the neighbouring units have soft landscaping, however, given the use as a tile showroom this would not be a necessity. The re-development of the site to incorporate residential units would afford an opportunity to provide soft landscaping to the benefit of future residential occupiers and the character of the area.

## 6. Whether harm would be caused to the living conditions of neighbouring and future residents

### *6.1 Neighbouring Amenity*

#### *6.1.1 Daylight/Sunlight*

As with the previous application, the applicant a daylight and sunlight assessment in support of the planning application.

There are no residential properties on this side of West Hendon Broadway in the immediate vicinity of the site. There are residential properties located some 90m to the rear on Dallas Road, and residential properties opposite at Verulam Court, some 55m away. It is not considered, taking into account the massing of the proposed building that the proposals would cause harmful loss of daylight or sunlight to the occupiers of these properties.

It is noted that the neighbouring building Sutherland House was granted prior approval on 05/08/2014 and is located in close proximity to the site.

However, this had to be done before 30th May 2016. Once again there is no evidence that the works have commenced and as such, prior approval no longer exists. The Local Planning Authority can only assess the proposals before it on their planning merits. Whilst it may be possible that the owners of Sutherland House may apply for prior approval in the future, the LPA cannot withhold planning permission on this possibility that may never arise.

The loss of light to a neighbouring office building is not considered to be grounds to withhold planning permission.

It is also noted that permission has been granted for an office building at Sutherland House close to the site (15/03085/OUT). However given that this is for office use it is not considered that harm will result from this residential development.

### *6.1.2 Visual Impact*

The proposed development would be visible at an angle from the blocks of flats at Verulam Court. However, these properties are located over 60m away and as such there would not be harmful impact. Similarly, the properties on Dallas Road are over 90m away.

The issue of whether the offices at Sutherland House could be occupied as flats and consequently that there could be an impact on new residents is addressed in the section above. At the time of considering this application there is no approval for these offices to be converted to flats and no permission exists for this building to be converted.

It is not considered that the proposed development would cause harmful loss of outlook or appear overbearing as viewed from any neighbouring residential property.

### *6.1.3 Privacy*

The nearest residential properties are located a considerable distance from the site.

It must be noted that the nearest neighbouring residential properties are located well over the 21m overlooking distance specified within the Supplementary Planning Document: Residential Design Guidance. The main windows of the development would have their main outlook over the A5 and the rear windows towards the railway line.

It is noted that planning officers have resolved to grant outline permission for a 3 storey office block to the rear of Sutherland House subject to legal agreement. The height of this building would not significantly extend above the second floor of the proposed development. Details of scale and external appearance have not yet been approved.

The building would be located between 9m and 13m from the development.

However given that this building would be an office, it is not considered that any loss of amenity could result.

It is not considered that the proposals would compromise the privacy of neighbouring residential occupiers.

### *6.1.4 Noise/Disturbance*

The site is not located in close proximity to neighbouring occupiers. Consequently it is not considered that the use of the site as a tile showroom and 53 flats would cause harmful noise and disturbance to any neighbouring occupier, especially taking into account the proximity to noise sources such as A5 road and railway. Consequently there would not be a harmful loss of residential amenity to any neighbouring occupier.

## *6.2 Future Occupiers Amenity*

### *6.2.1 Daylight/Sunlight*

The applicant has provided a daylight and sunlight report in support of the planning application. This shows that all habitable rooms within the development will enjoy adequate

daylight and sunlight. All habitable rooms will receive adequate daylight/sunlight. The replication of layouts over the residential floors would largely avoid inappropriate stacking and would help reduce potential noise disturbance by avoiding bedrooms overlapping living rooms.

It is noted permission exists for a 3 storey office block to the rear of Sutherland House subject to legal agreement. The height of this building would not significantly extend above the second floor of the proposed development, and as such it is not considered that it would cause any loss of light to the proposed development.

### *6.2.2 Internal Amenity Standards*

Each of the units will comply with the London Plan space standards for internal space. Amended plans have achieved a layout which complies with the standards in regards to internal amenity layout. Each unit is served by a balcony area for private amenity space. Amended plans were secured during the life of the application to ensure living rooms are not located next to bedrooms of different flats.

### *6.2.3 Outdoor Amenity Space*

The Supplementary Planning Document: Sustainable Design and Construction states that for each habitable room 5 square metres of amenity space should be provided. The roof garden provides approximately 480 sq. m of useable space which results in a shortfall. However given the site constraints, the positive attributes of the proposal, and the usability of the roof garden, which would provide some meaningful on site recreational space, the shortfall can be justified. The proposed development provides a significant increase in amenity space over the extant permission. It is also noted that there is an area of outdoor amenity space to the rear of the site, this provides an additional 32sqm of outdoor amenity space. The siting of the amenity space is broadly similar to the extant permission.

## 7. Whether the proposals would have an acceptable impact on local security

Consultation has taken place with the Metropolitan Police Design Out crime Officer. No comments have been received.

The site contains an existing tile showroom and would involve the replacement of this with mixed use development. Details will need to be provided with regard to the first floor flat roof to ensure that it is not accessible. It is considered that the proposals are unlikely to result in any increased risk of crime within the locality taking into account the proposed use and increased surveillance from additional residential accommodation.

## 8. Environmental and Sustainability Issues

### *8.1 Accessibility*

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In order to be policy compliant 10% of the dwellings will need to be wheelchair accessible or adaptable units. The applicant has confirmed that this will be the case.

### *8.2 Energy*

The applicant has provided an energy strategy. This indicates that photovoltaic panels can help provide adequate reductions in CO2 emissions. At the time of writing the report the applicant had stated that they could achieve a reduction of 35.4%. This would be policy compliant with part 5.2 and 5.3 of the London Plan and could be secured by condition.

### *8.3 Water Usage*

In terms of water consumption, a condition would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

### *8.4 Waste*

The proposals make adequate provision for the storage of refuse. Condition is attached in order to confirm arrangements regarding the collection point details.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

## 9. Whether the proposals would make adequate provision for biodiversity

The site is considered to be of low ecological potential at present- the site contains hardstanding and a tile showroom within a modern building. It is considered that some ecological improvements could be made and conditions are suggested in order to secure this.

## 10. Whether the proposals would have an acceptable impact on local drainage

Consultation has taken place with the Lead Local Flood Authority.

The drainage statement confirms a ground investigation will be prepared to assess the potential to use infiltration techniques. If infiltration is found to be adequate it is advised that infiltrating SuDS practices be incorporated into the drainage strategy to the greatest extent possible.

The drainage statement confirms use of rainwater storage such as green roof or harvesting may be possible, however details for this have not been provided. The statement also indicates that storage tanks can also be used, again no details have been provided.

A drainage strategy drawing is required to confirm the route of proposed drainage, invert levels and proposed SuDS.

Calculations are required to confirm the proposed network will not flood during the 1 in 30 year return period, simulations should be run for all storm durations up to the 1 in 100 year storm event.

A revised drainage strategy will be secured by condition.

## 11. Section 106 Issues

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy.

In accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, a section 106 agreement to provide 6 apprenticeships as part of the scheme would be sought.

### **5.4 Response to Public Consultation**

Generally addressed within the main report.

## **6. Equality 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 proposed development would provide additional residential and mixed use accommodation for which there is known demand.

In terms of likely negative impacts, it is suggested that the majority of these can be mitigated through conditions and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic. Whilst it is recognised that development can cause noise, dust, and disturbance; and that children, disabled and elderly road users are more likely to be affected by this it is considered that these impacts are adequately mitigated by the proposals. Officers have found that the development cause harm in some regards to planning matters however in reaching this view they are of the view that this would not



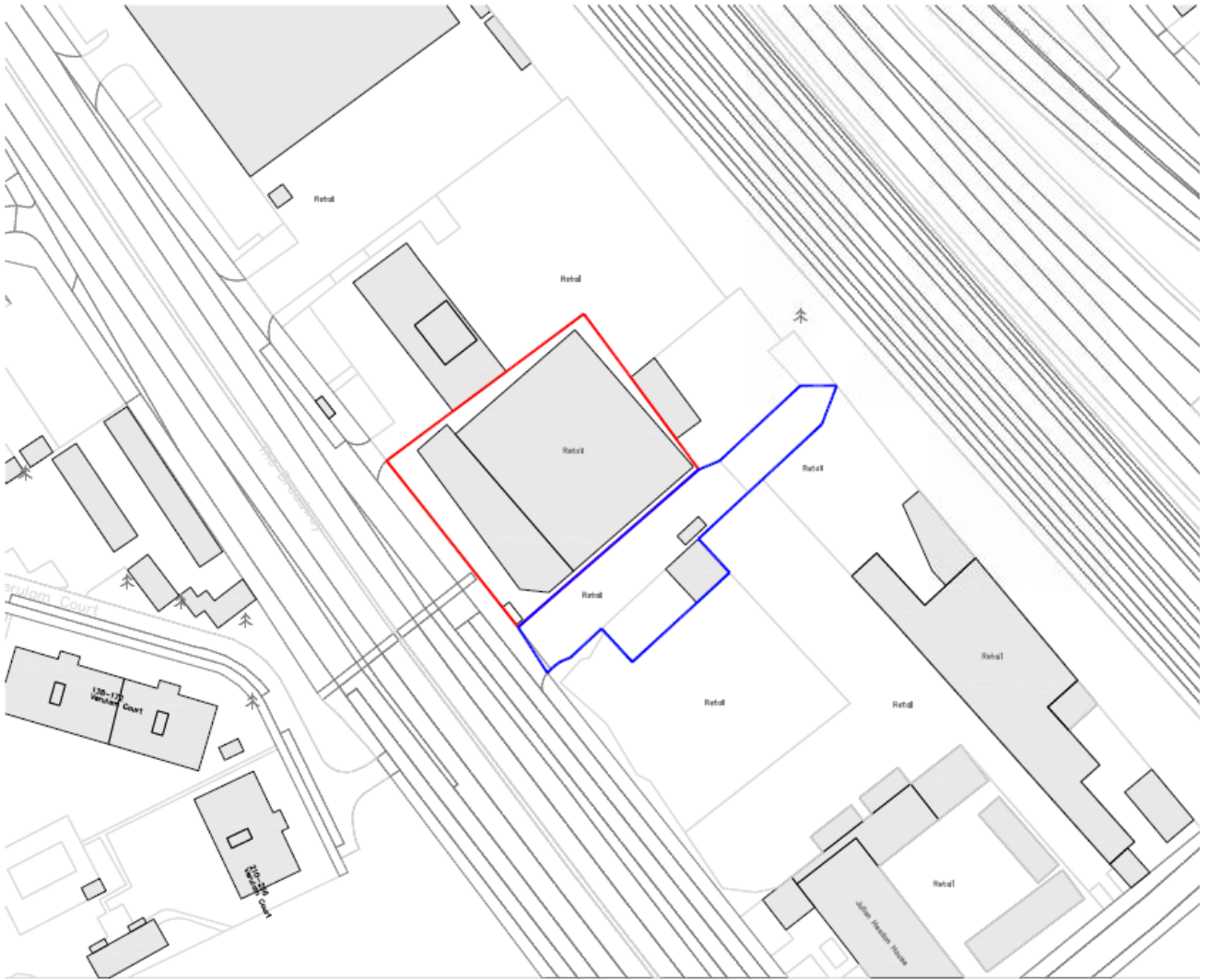
discriminate against any group with a protected characteristic, whether the development is approved or refused.

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 our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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 revised proposals would provide renovated accommodation for an existing business within the borough and would provide 53 new housing units to meet demand. Environmental concerns on noise, dust etc. could be mitigated by conditions. Furthermore contributions to local infrastructure including affordable housing could be secured by Legal Agreement. The proposals would also contribute positively to the local townscape and revitalise the site. Overall, the proposals are considered to be acceptable and approval is recommended subject to conditions and the execution of a suitable legal agreement.



**LOCATION:** West Hendon Regeneration Area (Phase 5), NW9

**REFERENCE:** 17/8134/RMA                      **Received:** 22 Dec 2017

**WARD:** West Hendon                      **Accepted:** 22 Dec 2017

**APPLICANT:** Barrett Metropolitan LLP                      **Expiry:** 23 Mar 2018

**PROPOSAL:** Application for reserved matters (scale, layout, appearance, access landscaping, planting, and access) and the construction of 216 residential units (118 market, 97 intermediate and 1 social rented unit), including parking and new landscaped public space for Phase 5 (Block A, B, C and G) pursuant to conditions 5 and 6 following approval of hybrid planning application H/01054/13 dated 20/11/2013.

**APPLICATION SUMMARY**

The West Hendon Estate is designated as one of the Council’s Priority Housing Estates for Regeneration in its Local Plan (Core Strategy) Development Plan Document (2012). It forms part of Barnet’s Place Shaping Strategy and the Three Strands Approach (Protection, Enhancement and Growth) which seeks to guide regeneration in the Borough.

The redevelopment of the Estate (along with other similar housing estates within the Borough) has been a longstanding priority for the Council for many years. There is a recognised need for physical improvements to the Estate in order to tackle the poor quality built environment to deliver new housing and create a revived neighbourhood.

A hybrid planning application was granted in November 2013 under planning application H/01054/13 for the redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, replace the community space and create new open space and infrastructure.

The outline element of the hybrid planning permission approved a masterplan and a series of plans for the development which established perimeter the siting of the new buildings, landscaping, points of access and road layout. The detailed design of the buildings, landscaping, bridge and parking were ‘reserved’ for future consideration.

In respect of this, Barratt have submitted a reserved matters application for Phase 5 of the West Hendon regeneration. This application is the penultimate reserved matters application submitted pursuant to the 2013 hybrid approval and will allow the delivery of Phase 5 of the regeneration of the West Hendon Estate. This phase covers an area of 2.6 hectares and looks to provide 216 dwellings comprising of 118 market houses and 98 affordable housing, representing an affordable housing provision of 45%.

The reserve matters as per conditions 5 and 6 pertain to the detailed design, appearance, access and landscaping of Phase 5 have been assessed and it is considered that the

proposals will deliver a high quality, sustainable development. The vision of the masterplan as linked to all previous phases have been considered and employed across the Phase 5 buildings, landscaping and access. The development would result in a modern contemporary design whilst maintaining an acceptable quality in its materials. Clear consideration has been given to disability needs (10%) and car parking (at ratio. 0.9). There is also a good standard of landscaping provided throughout.

Officers do not consider that there are any significant issues with regards to the proposal or impact to existing properties.

## **RECOMMENDATION**

**Recommendation 1:** Approve Subject to conditions.

**Recommendation 2:** It is RESOLVED that the Committee grants delegated authority to the Head of Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **ASSESSMENT**

### **1. SITE AND SURROUNDINGS**

The wider application site is situated southwest of the Borough within the West Hendon Ward which borders the neighbouring Borough of Brent. No part of the current application site falls within or is close to a conservation area. There are also no listed buildings on site. However, the nearby Cool Oak Lane Bridge is Grade II Listed. The application site also incorporates some parts of the Broadway High Road Town Centre area. The site benefits from a Public Transport Accessibility Level (PTAL) rating of between 2(Poor) - 3 (Moderate). Although the surrounding area contains a mix of land uses and built forms, it can be characterised as predominantly residential in nature with the Hendon Railway Station located approximately 300 metres to the east of the site.

The original West Hendon Estate was completed in the late 1960s and comprised 597 residential units. However overtime it has become delapidated in its appearance and characterised by a number of issues primarily driven by the estate's design, layout and construction, which resulted in problems such as crime and anti-social behavior. The estate was also poorly managed with no sense of design orientation and illegible public and private spaces. The 2013 West Hendon Estate planning permission looks to regenerate the area and respond to these issues.

In 2004 the London Plan identified the West Hendon area as an Opportunity Area with the potential to provide a minimum of 10,000 new homes. A planning framework for this was

subsequently prepared by the London Borough of Barnet in partnership with the Mayor. This was later adopted by the Council as Supplementary Planning Guidance (SPG) in April of that year and also formally adopted by the Mayor as part of the Opportunity Area Planning Framework in December 2005.

The redevelopment of the Estate (along with other similar housing estates within the Borough) has been a longstanding priority for the Council for many years and has been designated as one of the Council's Priority Housing Estates for Regeneration within its Local Plan (2012). In particular, it states at policy CS3 that the area is projected to provide 1540 new homes. It also forms part of Barnet Council's Place Shaping Strategy which seeks to guide regeneration in the Borough. Therefore there is a recognised need for physical improvements to the Estate in order to tackle the poor quality built environment and current areas of isolation. The regeneration would also deliver new housing to address the housing demand within the Borough. However funding constraints required the Council to seek external partners and in 2011 Barratt Metropolitan LLP (BM LLP) entered into discussions with London Borough of Barnet to help deliver the regeneration of the estate and community facilities.

The current Reserve Matters application specially relates to Phase 5 of the West Hendon Estate planning permission H/01054/13, approved in October 2013, which gave permission for:

*Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.*

The development will be delivered through six phases with the projected completion date of 2028.

Phase 5 of the development site relates to Buildings A, B, C and G and is 2.6 Hectares in size. This specific part of the wider development site is bound by the Silk Stream to the north, Cool Oak Lane to the south, Edgware Road (The Broadway-A5) to the east and the Welsh Harp to the west, which is also known as the Brent Reservoir.

The Brent Reservoir is a Site of Special Scientific Interest (SSSI). It is particularly recognised for its significance with respect to the breeding and wintering of the bird population. This includes the great crested grebe, pochard, tufted duck and the common tern. The site is also

designated as a Local Nature Reserve (LNR) and a Site of Metropolitan Importance for Nature Conservation (SMINC). It has also been designated by Brent Council as an area for recreational use and wildlife conservation.

Details relating to all proceedings Phases have previously been submitted and approved by the Planning Committee.

## **2. PROPOSAL**

The application seeks Reserved Matters approval pursuant to Phase 5 of the original permission (H/01054/13) for the development of 216 residential units (118 Market and 98 affordable, including Blocks A, B, C and G) and parking. In particular, conditions 5, 6 and 7 of the original 2013 permission detail what is required. These conditions read as follows:

### *Condition 5*

*Reserved matters pursuant to this permission shall be made in accordance with the following plans and documentation*

- a. *Development Specification Rev A*
- b. *Design Guidelines Rev A*
- c. *Parameter plans:*
  - *Parameter Plan Buildings to be Demolished 716\_00\_07\_002 Revision P2*
  - *Parameter Plan Development Area 716\_00\_07\_003 Revision P2*
  - *Parameter Plan Building Heights 716\_00\_07\_004 Revision P2*
  - *Parameter Plan Open Space 716\_00\_07\_005 Revision P2*
  - *Parameter Plan Ground Floor Frontage Uses 716\_00\_07\_006 Revision P2*
  - *Parameter Plan Typical Above Ground Frontage Uses 716\_00\_07\_007 Revision P2*
  - *Parameter Plan Car Park 716\_00\_07\_008 Revision P2*
  - *Parameter Plan Strategic Phasing 716\_00\_07\_009 Revision P2*
  - *Parameter Plan Vehicular and Pedestrian Circulation 716\_00\_07\_010 Rev 02 Revision P2*
  - *Parameter Plan Silk Stream Bridge Alignment 716\_00\_07\_011 Revision P2*
  - *Parameter Plan Silk Stream Bridge Levels 716\_00\_07\_012 Revision P2*
  - *Parameter Plan Cool Oak Lane Bridge 716\_00\_07\_013 Revision P2*

*Each reserved matters submission should include a statement of compliance against each of the Parameter Plans, the individual sections of the Design Guidelines and the Development Specification. The development shall be implemented in accordance with such details as approved. No variations to the parameter plans shall take place save where the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved and as assessed in the Environmental Statement or the application is accompanied by environmental information the scope of which has previously been agreed with the Local Planning Authority to assess the likely significant effects of the development having regard to the proposed variation.*

*Reason: For the avoidance of doubt and to ensure that the development accords with the Outline Planning Permission*

*Condition 6*

- *No development shall take place within a phase of the outline permission until reserved matters for that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.*

*Reason: To ensure that the development is carried out in an appropriate sequence in accordance with the range and scale of impacts measured and assessed in the Environmental Statement.*

*Condition 7*

*No variations to the Strategic Phasing Plan (reference 716\_00\_07\_009 Rev P2) shall take place save where the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved and as assessed in the Environmental Statement or the application is accompanied by environmental information the scope of which has previously been agreed by the Local Planning Authority to assess the likely significant effects of the development having regard to the proposed variation.*

*Reason: To ensure that the development is carried out in an appropriate sequence in accordance with the range and scale of impacts measured and assessed in the Environmental Statement.*

In addition to the above, the wording of the Decision Notice also requires that a number of separate conditions and details are also dealt with at the same times as the Reserve Matters application. These conditions are:

- Conditions 22, 23, 39, 43, 44 – (Submitted under application 17/8159/CON)
- Conditions 24, 25, 36, 50 – (Submitted under application 17/8161/CON)
- Condition 51 – (Submitted under application 17/8163/CON)

For the avoidance of doubt, it should be noted that all the above conditions have been discharged.

The Phase 5 development would also deliver the following residential Blocks:  
A, B, C1, C2, C3, C4, C5, G3 and G5.

In light of the above, the reserve matters application will focus on the following areas:

- Parameter plans including scale, layout and appearance
- Design
- Viability Assessment
- Landscaping
- Access

### 3. RELEVANT SITE HISTORY

**18/1444/NMA:** Non-material amendments to planning permission reference H/01054/13 dated 20/11/2013 for the Hybrid planning application for the demolition and redevelopment of the West Hendon Estate. Amendments include changes to ground floor plan including relocation of parking spaces and creation of additional landscaping/amenity provision. – **Approved, 28/03/2018.**

**17/8163/CON:** Submission of details of condition 51 (Design Review Panel Report) pursuant to planning permission H/01054/13 dated 20/11/13. – **Approved, 11/4/2018.**

**17/8161/CON:** Submission of details of conditions 24 (Drainage Strategy) 25 (Flood Risk Assessment) 36 (Site Waste Management Plan) 50 (Estate Management Plan) pursuant to planning permission H/01054/13 dated 20/11/13. – **Approved, 11/4/2018.**

**17/8159/CON:** Submission of details of conditions 22 (Landscape Management Plan) 23 (Non-Native Plants Survey) 39 (Ecological Management Plan) 43 (Tree Survey) 44 (Bird Boxes) pursuant to planning permission H/01054/13 dated 20/11/13. – **Approved, 11/4/2018.**

**17/8150/RMA:** Application for reserved matters (scale, layout, appearance, access and landscaping) and the construction of 516 residential units (442 market and 74 intermediate), including parking and new landscaped public space for Phase 6 pursuant to condition 5 following approval of hybrid planning application H/01054/13 dated 20/11/2013. – **Pending Consideration.**

**17/8134/RMA:** Application for reserved matters (scale, layout, appearance, access landscaping, planting, and access) and the construction of 216 residential units (118 market, 97 intermediate and 1 social rented unit), including parking and new landscaped public space for Phase 5 (Block A, B, C and G) pursuant to condition 5 following approval of hybrid planning application H/01054/13 dated 20/11/2013. – **Pending Consideration.**

**17/4918/NMA:** Non-material amendments to planning permission reference 14/07964/RMA dated 01/05/2015 for Reserved Matters relating to Scale, Layout, Appearance, Landscaping, Access and Parking, pertaining to Blocks F1, F2, F3, F4, G4, H3, H4 forming Part of Phase 3b and 3c of the West Hendon Estate Regeneration comprising 298 Residential Units (181 Market Value Units and 117 Affordable Units) Commercial Floorspace totalling 1,245m<sup>2</sup> (Use Class A and B1) and 18m<sup>2</sup> SSSI Warden Accommodation pursuant to condition 3 of Hybrid Planning Approval H/01054/13 dated 20th November 2013. – **Approved, 30/08/2017.**

**17/0017/RMA:** Application for Approval of Reserved Matters relating Layout, Scale, Appearance, Access and Landscaping, pertaining to Buildings H, J, K and M, forming Phase 4 of the West Hendon Estate Regeneration Scheme involving demolition of Existing Buildings (33-125 Tyrrel Way, 11-72 Warner Close and the Car Park between Tyrrel Way and Warner Close) and the construction of 611 Residential Units (418 Market Value Units and 193 Affordable Units) including Basement Car Parking, Major Highways Works and New Landscaped Public Space pursuant to planning permission H/01054/13 dated 20/11/2013. – **Approved, 18/06/2017.**



**15/07186/NMA:** Non-material minor amendments to planning permission reference H/01054/13 dated 20/11/13 for 'Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.' Amendments include change to ground floor plans, main elevation treatment to front entrance to Block E2. – **Approved 15/12/2015.**

**14/07964/RMA:** Application for Approval of Reserved Matters relating to Scale, Layout, Appearance, Landscaping, Access and Parking, pertaining to Blocks F1, F2, F3, F4, G4, H3, H4 forming Part of Phase 3B and 3C of the West Hendon Estate Regeneration comprising 298 Residential Units (181 Market Value Units and 117 Affordable Units), Commercial Floorspace totalling 1,245m<sup>2</sup> (Use Class A and B1) and 18m<sup>2</sup> SSSI Warden Accommodation pursuant to condition 3 of Hybrid Planning Approval H/01054/13 dated 20 November 2013. – **Approved, 08/04/2015.**

**H/03991/14:** Variation to Section 106 agreement pursuant to planning permission H/01054/13 dated 20/11/13 for: "Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.". Variation to respond to amendment of proposed sub-phasing. – **Approved, 02/08/2017.**

**H/00028/14:** Non-material minor amendment to planning permission reference H/01054/13 dated 20/11/13 for: "Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and

infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works". Amendments relates to timescale for Condition 50, 'Estate Management Plan' of planning permission H/01054/13. – **Approved, 03/01/2014.**

**H/01054/13:** Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement. – **Approved, 20/11/2013.**

**H/00814/13:** Retention of refurbished lower level of car park following demolition of upper level including the erection of 4no. lighting columns. – **Approved, 12/11/2014.**

**H/04768/11:** Non-material minor amendment to planning permission H/03145/10 dated 20/12/10 for 'Temporary (four years) erection of a compound containing single storey buildings for use as marketing suite and site office buildings. Five car parking spaces for use with the marketing suite, and associated landscaping.' Amendments to include revised landscape scheme. – **Approved, 29/02/2012**

**H/03145/10:** Temporary (four years) erection of a compound containing single storey buildings for use as marketing suite and site office buildings. Five car parking spaces for use with the marketing suite, and associated landscaping. – **Approved, 12/12/2010.**

**H/04103/08:** Reserved matters application seeking approval for landscaping, siting, design and external appearance in relation to Phase 2A of the redevelopment of West Hendon Estate, comprising 186 residential units (161 flats in block 'L' and 20 flats and 5 terraced houses in block 'M') pursuant to Condition 3 of outline planning permission W13937/04 for the redevelopment of the site approved 1 July 2008. – **Approved, 24/12/2008.**

**W13937/04:** Redevelopment of site including the demolition of all existing buildings and construction of 2171 new residential units, approximately 10,000sqm of non-residential floorspace for retail (Class A1), office (Class A2), food and drink (Class A3), business (Class B1) and social/community and leisure (Classes D1 and D2) uses and provision of associated public and private open space, landscaping, car parking, access arrangements and highway/pedestrian improvements. – **Approved, 02/07/2008.**

***Preapplication:***

Barrett Metropolitan LLP have engaged in pre-application discussions with LBB through an open dialogue of meetings including the following:

- 18<sup>th</sup> March 2018 – Linked Conditions
- 9<sup>th</sup> January 2018 – Design Discussions
- 20<sup>th</sup> November 2017 – Design
- 11<sup>th</sup> October 2017 – Design and Progress Presentation

#### **4. PUBLIC CONSULTATIONS AND VIEWS EXPRESSED**

The application was advertised via a Site Notice displayed at the site for a period of 21 days between 18<sup>th</sup> January 2018 to 8<sup>th</sup> February 2018. A press notice was also issued on 18<sup>th</sup> January 2018.

The application was also publicised via direct neighbour letters to 1104 neighbouring properties. One neighbour comment has been received from the following address:

- 124 Marsh Drive NW9 (Comment)

These comments can be summarised as follows:

- The ongoing progress with the redevelopment impacts upon the residents and stakeholders alike.
- Please ensure that residents have a facility which is purpose built which serves the community. Otherwise where else will people be able to congregate to share their experiences.

Officer response: Officer spoke with this neighbour directly to reassure them that the correct legislative processes were being followed. Also, that a community centre, school and landscaping plan formed part of the redevelopment. This would be to the benefit of the community.

#### **5. STATUTORY AND INTERNAL BODIES**

- **Natural England:** No objection.
- **Environment Agency:** No objection to proposal.
- **Thames Water:** No comment.
- **Barnet Council's Street Lighting Team:** No objections subject to conditions.
- **Barnet Council's Waste and Refuse Officer:** No objection.

- **Barnet Council’s Highways Officer:** No objection, details acceptable.
- **Barnet Council’s Arboricultural Officer:** The proposed planting and landscaping details are acceptable.
- **Barnet Council’s Ecology Officer:** No comment
- **Barnet Council’s Flood/Drainage Officer:** No objection.

## 6. KEY PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. 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.

Officers have considered the development proposals very carefully against the relevant policy criteria and 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 therefore considered to comply with the requirements of the development plan.

### *6.1 National Planning Policy Framework (2012)*

The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> 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 advocates for a presumption in favour of sustainable development to be applied to all developments. It 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”. This applies unless any adverse impacts of a development would “significantly and demonstrably” outweigh the benefits. The relevant Chapter are as follows:

- 2. Ensuring the vitality of town centres
- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities

- 9. Protecting Green Belt land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

### 6.2 *The Mayor's London Plan (2016)*

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

- Policy 1.1 - Delivering the Strategic Vision and Objectives for London
- Policy 2.6 - Outer London: Vision and Strategy
- Policy 2.7 - Outer London: Economy
- Policy 2.8 - Outer London: Transport
- Policy 2.14 - Areas for Regeneration
- Policy 2.15 - Town Centres
- Policy 2.18 - Green Infrastructure: The Network of Open and Green Spaces
- Policy 3.1 - Ensuring Equal Life Chances for All
- Policy 3.2 - Improving Health and Addressing Health Inequalities
- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and Young People's Play and Informal Recreation Facilities);
- Policy 3.7 - Large Residential Developments
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 3.10 - Definition of Affordable Housing
- Policy 3.11 - Affordable Housing Targets
- Policy 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 - Affordable Housing Thresholds
- Policy 3.15 - Co-ordination of Housing Development and Investment
- Policy 3.16 - Protection and Enhancement of Social Infrastructure
- Policy 3.18 - Education Facilities
- Policy 3.19 - Sports Facilities
- Policy 4.1 - Developing London's Economy
- Policy 4.2 -Offices
- Policy 4.3 - Mixed Use Development and Offices
- Policy 4.4 - Managing Industrial Land and Premises
- Policy 4.6 - Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision
- Policy 4.10 - Support New and Emerging Economic Sectors

- Policy 4.12 - Improving Opportunities for All
- Policy 5.1 - Climate Change Mitigation
- Policy 5.2 - Minimising Carbon Dioxide Emissions
- Policy 5.3 - Sustainable Design and Construction
- Policy 5.5 - Decentralised Energy Networks
- Policy 5.6 - Decentralised Energy in Development Proposals
- Policy 5.7 - Renewable Energy
- Policy 5.8 - Innovative Energy Technologies
- Policy 5.10 - Urban Greening
- Policy 5.12 - Flood Risk Management
- Policy 5.13 - Sustainable Drainage
- Policy 5.14 - Water Quality and Wastewater Infrastructure
- Policy 5.15 - Water Use and Supplies
- Policy 5.16 - Waste Net Self-Sufficiency
- Policy 5.17 - Waste Capacity
- Policy 5.18 - Construction, Excavation and Demolition Waste
- Policy 5.19 - Hazardous Waste
- Policy 5.21 - Contaminated Land
- Policy 6.1 - Strategic Approach
- Policy 6.2 - Promoting Public Transport Capacity and Safeguarding Land for Transport
- Policy 6.3 - Assessing Effects of Development on Transport Capacity
- Policy 6.4 - Enhancing London's Transport Connectivity
- Policy 6.7 - Better Streets and Surface Transport
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.11 - Smoothing Traffic Flow and Tackling Congestion
- Policy 6.12 - Road Network Capacity
- Policy 6.13 - Parking
- Policy 7.1 - Building London's Neighbourhoods and Communities
- Policy 7.2 - Inclusive Environment
- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm Policy
- Policy 7.6 - Architecture
- Policy 7.7 - Location and Design of Tall and Large Buildings
- Policy 7.14 - Improving Air Quality
- Policy 7.15 - Reducing and Managing Noise
- Policy 7.16 - Green Belt
- Policy 7.17 - Metropolitan Open Land
- Policy 7.18 - Protecting Open Space and Addressing Deficiency
- Policy 7.19 - Biodiversity and Access to Nature
- Policy 7.21 - Trees and Woodlands
- Policy 7.30 - London's Canals and Other Rivers and Waterspaces
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy

### *Draft Replacement London Plan (2017)*

*The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.*

*Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications will continue to be determined in accordance with the 2016 London Plan.*

### **6.3 Barnet London Borough 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 policies are most relevance to the determination of this application are set out below.

#### **6.3.1 Core Strategy (Adopted 2012):**

- Policy CS NPPF - National Planning Policy Framework—Presumption in favour of sustainable development
- Policy CS1 - Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach
- Policy CS3 - Distribution of Growth In Meeting Housing Aspirations
- Policy CS4 - Providing Quality Homes and Housing Choice in Barnet
- Policy CS5 - Protecting and enhancing Barnet's character to create high quality places
- Policy CS6 - Promoting Barnet's Town Centres
- Policy CS7 - Enhancing and Protecting Barnet's Open Spaces
- Policy CS8 - Promoting a Strong and Prosperous Barnet
- Policy CS9 - Providing safe, effective and efficient travel
- Policy CS10 - Enabling inclusive integrated community facilities and uses
- Policy CS11 - Improving health and wellbeing in Barnet
- Policy CS12 - Making Barnet a Safer Place.
- Policy CS13 - Ensuring the efficient use of natural resources
- Policy CS14 - Dealing with our waste
- Policy CS15 - Delivering the Core Strategy

#### **6.3.2 Development Management Policies (Adopted 2012):**

- Policy DM01 - Protecting Barnet's character and amenity
- Policy DM02 - Development standards
- Policy DM03 - Accessibility and Inclusive Design
- Policy DM04 - Environmental considerations for development
- Policy DM05 - Tall Buildings
- Policy DM06 - Barnet's Heritage and Conservation
- Policy DM07 - Protecting Housing in Barnet
- Policy DM08 - Ensuring a Variety of Sizes of New Homes to Meet Housing Need.

- Policy DM09 - Specialist Housing – Houses in Multiple Occupation, Student Accommodation and Housing Choice for Older People
- Policy DM10 - Affordable Housing Contributions
- Policy DM11 - Development Principles for Barnet's Town Centres
- Policy DM13 - Community and education uses
- Policy DM14 - New and Existing Employment Space
- Policy DM15 - Green Belt and open spaces
- Policy DM16 - Biodiversity
- Policy DM17 - Travel impact and parking standards

#### *6.4 Supplementary Planning Documents and Guidance*

The Council and the Greater London Authority in association with the Mayor of London have produced a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new developments within Barnet meets sufficiently high environmental and design standards. The below provides a list of policies relevant to the scheme.

##### *Barnet Council:*

- *Accessible London: Achieving an Inclusive Environment (April 2004)*  
The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.
- *Planning for Equality and Diversity in London (October 2007)*  
This guidance sets out some of the overarching principles that should guide planning for equality in the London context
- *Planning Obligations (April 2013)*  
The Planning Obligations SPD focuses on when Planning Obligations will be required and the relationship with CIL. It sets the requirements for different scales of development as well as the procedural process for delivering a legal agreement.
- *Residential Design Guidance (October 2016)*  
This provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hard-standings and Vehicular Crossovers). Thereby providing a more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character, providing a local reference point that is in keeping with national guidance on good design.
- *Sustainable Design and Construction (May 2016)*



The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development. In terms of waste, the preferred standard seeks to provide facilities to recycle or compost at 60% of waste by 2015. The SPG also states that the siting of recycling facilities should follow consideration of vehicular access to the site and potential (noise) impacts on amenity.

#### *Greater London Authority*

- *All London Green Grid (March 2012)*  
This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, it aims to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.
- *Affordable Housing & Viability (August 2017)*  
The Mayor's long-term aim is for half of all new homes to be affordable. The SPD offers an ambitious and practical first step to raise the amount of affordable housing coming through the planning system ahead of the new London Plan in 2019. It will also ensure that development appraisals are robustly and consistently scrutinized as well as speeding up the planning process for those schemes which are delivering more affordable homes.
- *Housing (March 2016)*  
This provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals.
- *The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)*  
The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.
- *Streets Manual TFL (March 2007)*  
Manual for Streets (MfS) supersedes Design Bulletin 32 and its companion guide Places, Streets and Movement, which are now withdrawn in England and Wales. It complements Planning Policy Statement 3: Housing and Planning Policy Wales. MfS comprises technical guidance and does not set out any new policy or legal requirements.
- *Sustainable Design and Construction (April 2014)*  
This document provides practical guidance on sustainable technologies and practices such as urban greening, pollution control, decentralised energy, how to offset carbon dioxide where the targets set out in the London Plan are not met and basements policy and developments.
- *Technical Housing Standards (March 2015)*  
This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor)

Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

## 7. PLANNING CONSIDERATIONS

The main areas for consideration are:

- Principle of Development
- Principle Reserved Matters Details
- Design (scale, layout, appearance)
- Affordable Housing and Viability
- Impact on Neighbouring Amenity
- Landscaping
- Access
- Refuse and Recycling Storage

### 7.1 *Principle of Development*

The principle of constructing 216 residential dwellings (4 houses and 212 apartments within 8 apartment blocks) for Phase 5 and the provision of landscaping and parking was established by the hybrid planning permission in 2013. In fact, the 2013 permission allowed for much larger scaled structures at the Phase 5 site than is currently proposed.

At present, the following dates have been provided for the construction of the site:

- Phase 3a: 2014-2016
- Phase 3b: 2016-2019
- Phase 3c: 2017-2018
- Phase 4: 2019-2023
- Phase 5: 2022-2024
- Phase 6: 2023-2027

### 7.2 *Principle Reserved Matters Details*

The reserved matters currently under consideration are as per conditions 5 and 6 of the hybrid planning permission and relates to details of access, layout, scale, landscaping and appearance as below:

**Scale** – the height, width and length of each building proposed in relation to its surroundings.

**Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

**Appearance** – the visual impression of the detailed elements and aspects of the building or composition of buildings both its intrinsic architectural or aesthetic merit and value.

**Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures. For example, through planting of trees or hedges or screening by fences or walls.

**Access** – This relates to internal room layouts, primary and secondary routes around the site in compliance with the outline parameter plan as well as disabled access.

The 'outline' element of the hybrid planning permission provided for a number of parameter plans which established a series of clear principles and guidelines to help shape the future of the development. These plans also help drive the direction of the development and set a fix quantum of works, while determining the maximum and minimum controls in relation to the built forms, land uses, height levels and access arrangements. Any assessment of subsequent phases shall be informed by these plans. As such, the key parameter plans relevance to the consideration of this application are as follows:

*Parameter Plan Buildings to be Demolished 716\_00\_07\_002 Revision P2:* This established the number of existing onsite buildings to be demolished to make way for the new development.

*Parameter Plan Development Area 716\_00\_07\_003 Revision P2:* This plan defines the extent and outline of the private space occupied by the buildings and their associated front and rear gardens. It also prescribes the maximum developable area per zone (the maximum Gross Internal Area). Outside of these defined zones is space belonging to the public realm comprising of roads, footpaths and public open spaces.

*Parameter Plan Building Heights 716\_00\_07\_004 Revision P2:* This plan establishes the minimum and maximum building heights from ground level and sets limits for future ground levels within the site. It also controls all possible building storey numbers.

*Parameter Plan Open Space 716\_00\_07\_005 Revision P2:* Establishes the location and extent of public open spaces and associated shared surfaces together with any tree planting strategies, neighbourhood play areas, Doorstep play areas and bridge links.

*Parameter Plan Ground Floor Frontage Uses 716\_00\_07\_006 Revision P2:* This plan establishes the locations of the shop frontages, schools and building frontages.

*Parameter Plan Typical Above Ground Frontage Uses 716\_00\_07\_007 Revision P2:* This plan establishes the general building frontages that would be largely visible above ground.

*Parameter Plan Car Park 716\_00\_07\_008 Revision P2:* This plan provided an outline illustration as to the likely position of any underground, ground level and carpark zone entrance as part of the development.

*Parameter Plan Strategic Phasing 716\_00\_07\_009 Revision P2:* This plan defines the phasing strategy for the redevelopment. As the redevelopment of the estate involves re-housing existing tenants the phase boundaries have been informed by land availability, maintaining access and the likely requirements of each phase.

*Parameter Plan Vehicular and Pedestrian Circulation 716\_00\_07\_010 Rev 02 Revision P2:* This establishes the movement strategy for the site and the locations of primary and secondary access points to the site for vehicles, cycles and pedestrians including connections to the surrounding network as well as identifying street hierarchy, bus routes and possible locations for bus stops.

These plans are read in conjunction with the Design Guidelines and other supporting documents originally submitted as part of the primary application, which expand upon the details in the parameter plans. Collectively these establish a series of development principles that will be used to guide the detailed design of future phases to ensure the overall resulting development is in accordance with the outline elements of the hybrid permission.

Details submitted as part of the Reserve Matters application for Phase 5 demonstrates that the application broadly accords with the agreed parameters of the outline consent with the exception of some minor differences. These differences are discussed in the below sections.

#### *Summary of Blocks against general parameters*

<b>Block</b>	<b>Details</b>
Block A	<ul style="list-style-type: none"> <li>- Three storey units containing four individual townhouses</li> <li>- Single aspect windows.</li> <li>- 3x market houses, 1x rented</li> <li>- Scale of development is well within the restrictions of the parameter plans.</li> </ul>
Block B	<ul style="list-style-type: none"> <li>- 8 Storey building containing 45 flats</li> <li>- All flats are Shared Ownership</li> <li>- There are windows at all elevations</li> <li>- Building follows masterplan principles</li> <li>- The building scale and height is well within the restrictions of the parameter plans</li> </ul>
Block C	<ul style="list-style-type: none"> <li>- This is a cluster of 5 buildings of between 2 and 6 storeys.</li> <li>- C1 = 5 storey; C2= 4 storey; C3 6 storey; C4= 6 storeys; C5= 3 storey.</li> <li>- They would deliver a total of 117 flats</li> <li>- 84 market and 33 Shared Ownership</li> <li>- All building scales sit within the limitations of the parameter plan however, with the overall the scale being smaller than the maximum allowed.</li> </ul>
Block G	<ul style="list-style-type: none"> <li>- 6 storey building containing 50 flats</li> <li>- 31 market, 19 Shared Ownership</li> <li>- There are windows at all elevations</li> <li>- The building scale and height is well within the restrictions of the parameter plans</li> </ul>

#### *Deviations from parameter plans and master plan.*

While the majority of the development complies with the parameter plans and design guidance of the Master Plan, there have been a number of deviations. Some relatively minor and some more significant.

#### Deviations from Plans:

- A very slight shift in the building line of Block C(1-4) and its associated car park. This was required in order to rationalise the plans.
- The following buildings are below the minimum parameter heights detailed under plan 716\_00\_07\_004 (Rev. P2): Block A(part of), Block B, Block C(1,4,5), Block G(3). In all cases, the heights proposed have been informed by the site context and its relationship to those existing housing surrounding it. Further design discussions are provided below. However, Block A has been particularly informed by the ground level at that part of the site. It is required that the house closest to the Broadway be built 100mm above the maximum parameters in order to tie it to those houses at Brothwick Road.

- There are no residential use or frontage proposed at ground floor of building G4.

Deviation from Design Guidance:

- The previous design required all window brick details to be at 1.5 bricks, these have now been revised to 1 brick.
- No windows to stairs and circulation areas.

Deviation from Highways works:

- A new pedestrian link is proposed to create direct access from the estate to the Welsh Harp. This design improvement would allow for better connectivity to all the Welsh Harp.

Under condition 5 of the original permission detailed above, deviations to the parameter plans and design guidance could be acceptable where “...*the applicant can demonstrate that it is unlikely to give rise to any new or significant environmental effects in comparison with the development as approved and as assessed in the Environmental Statement or the application is accompanied by environmental information the scope of which has previously been agreed with the Local Planning Authority to assess*”

Officers have assessed the above proposed deviations and do not consider that they would give rise to any additional or new environmental effects, or significantly harm the spirit of the original Master Plan. In terms of the overall design principles, the deviations detailed above would also respect the original core considerations.

### **7.3 Design (scale, layout, appearance)**

The National Planning Policy Framework (published 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.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. 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 massing. They should also contribute to a positive relationship between the urban structure, natural landscape features, underlying landform and topography of an area. It should also be human in scale, ensuring buildings create a positive relationship with street level activity. A complementary relationship should be employed between new buildings and those existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area. Lastly, new developments should be informed by the surrounding historic environment. An architectural design criteria is set out at Policy 7.6.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

### *Scale*

As detailed above, the original parameter plans controlled the maximum height and building footprint for the scheme. Particular attention has been given to the need to create interest through architecturally active frontages and a variety of building heights, volumes, materials and facades. When completed, the development would result in an attractive skyline with distinctive architectural character of its own. The scale of the development also enforces strong building edges to the streets.

Block A encompasses a terrace of four houses. The massing is within that allowed by the parameter plans. The scale and design allows for every house to be read as an individual envelope and entity, and creates variation in the sky exposure. Block A also creates a rhythm that relates well with those housings and buildings nearby by mirroring the heights of the existing houses.

Block B encompasses a eight-storey building contained within a rectangular plot of land. It responds well to the proposed Block A townhouses and existing townscape of West Hendon. The massing is rationalised with a stepped change to the south of the Block to accommodate the provision of balconies. These balconies provide a break in the massing and create further interest and complexity in the building façade.

Block C represents a large arrow shaped plot of land that includes buildings C1-C5. The Block is built over three to six stories. The development is made up of five buildings with a mix of flats and three bedroom duplexes, all looking inwards towards an internal landscaped courtyard. Although the Block has been designed as one composition, the staggering of heights and two building forms have been employed to create interest in the overall architectural building design. This proposed massing is mitigated though the variation in buildings heights. This height variation allows for the mass to work twice as hard in providing views, but also allows maximum natural light into the courtyard spaces. There is also an attempt to use the fully approved footprint envelope prescribed by the parameter plans. Again, the scale of the development is in keeping with that required by the parameter plans.

Block G includes buildings G3 and G5 and is built over five to six stories on an L-shaped plot. The Block faces onto the main Hendon Broadway and therefore needs to relate to its commercial character. At ground floor, commercial units are proposed with residential above.

The building massing fully utilised the plot to provide a mix of uses whilst also considering its relationship to the building heights and massing of those properties on the Broadway elevation. At this elevation a reduced massing has been employed with a step in the building height inspired by the step in height of the properties to the side of the site at Perryfield Way elevation. Much of the remaining mass has been located to the side and rear of the site. Thus the scale and massing is considered acceptable as it relates well with the site context.

### *Materials*

Details submitted with the application demonstrates that the material pallet for Phase 5 has been informed by those agreed in the 2013 masterplan. Complementing materials are used across the plot. The materials have also been informed from the analysis of existing context and applied where appropriate, particularly at the elevation facing the Broadway. The residential quarters, the retail environment and the public spaces incorporate different materials to respond to the architecture and use of respective spaces. As a result, the use of the material pallet allows for sufficient variation which avoids unnecessary repetition throughout the new development.

### *Housing Mix*

Development Plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address the housing needs in Barnet (See policy DM08). The Council's Local Plan documents identify 3 and 4 bedroom units as being of the highest priority types of market housing for the Borough. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8. The table below provides a breakdown of the proposed units:

The table below provides a breakdown of the proposed units:

*Table 1: Block Unit Breakdown*

	<b>Block</b>	<b>Private</b>	<b>Affordable</b>	<b>Intermediate</b>	<b>Disabled units</b>	<b>Total</b>
<b>Houses</b>						
Hse 3B P Duplex	A	3	1			4
<b>Apartments</b>						
Apart 1B 2P	B		20		4	24
Apart 2B 3P					2	
Apart 2B 4P	B		14			14
Apart 3B 5P	B		2	1	1	4
Apart 3B 5P Duplex	B		8			
<b>Block C</b>						
Apart 1B 2P	C	40	15		6	61
Apart 2B 3P					7	7
Apart 2B 4P	C	21	11			33
Apart 3B 5P	C	23	7			30
Apart 3B 5P Duplex	C	4				4
<b>Block G</b>						
Apart 1B 2P	G	23	9			32
Apart 2B 4P	G	3	5			8
Apart 3B 5P	G					

Apart 3B 5P Duplex	G	5	5			10
Total		118	97	1		216

The housing mix should be informed by the housing needs within the Borough identified by the Council. The Council's Local Plan documents identify 3 and 4 bedroom units as being of the highest priority types the Borough. These are often required to meet demand for family units within the Borough and therefore, their introduction is actively encourages. Family units can also be defined as any unit that can house 3 or more persons, as defined by the London Plan. Based on this definition, the proposal would allow for 92% new family units of which 54% would represent 3 bedrooms or more. Therefore the proposed housing mix is welcomed as it would provide a large number of family units and help address the demand for family units within the Borough.

### Density

Policy 3.4 of the London Plan states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output within the relevant density range shown in Table 3.2.

The site of the current Phase measures 2.6 hectares and has a PTAL rating of between 2-3. Based on Table 3.2, the site is of an “urban” character. This has been defined as an area “*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.*”

The Mayor’s Housing SPG, at paragraph 1.3.12, further states that the density ranges should be “*used as a guide and not an absolute rule, so as to also take proper account of other objectives*”. It does not preclude developments with a density above the suggested ranges, but requires that they “*must be tested rigorously*” (para.1.3.14). This will include an examination of factors relating to different aspect of “*liveability*” of a proposal (dwelling mix, design and quality of accommodation), access to services, impact on neighbours, management of communal areas and a scheme’s contribution to ‘*place shaping*’. The impact of massing, scale and character in relation to nearby uses will be particularly important.

The SPG also considers the opportunities and constraints with regards to density on small sites (para.1.3.39). Responding to existing streetscape, massing and design of the surrounding built environment should be given special attention – where existing density is high, for example, higher density can be justified. Paragraph 1.3.40 notes that small sites require little land for internal infrastructure, and as such, it is appropriate for density to reflect this.

Based on the London Plan calculation, the site would have a density of 228 (592 habitable rooms/2.6 hectare). This is higher than that suggested by the London Plan density matrix. The development would therefore represent a much more intense form of development. However During the originally assessment of the wider Hybrid development, it was determined that the overall development would result in a density of 210u/ha which exceeds the recommendation



of table 3.2. However the Greater London Authority in its stage one report commented that the higher density was acceptable at the location “given the context of the site and the residential quality”. Therefore in keeping with the flexible approach advocated by the above SPG and the comments made in the GLA report of in the original development has the proposal higher density at the site has already been deemed acceptable.

*Internal space Standards for future Occupiers*

Policy 3.5 of the London Plan states that new residential units should provide the highest quality internal environments for their future residents and should have minimum floor areas in accordance with the Government’s technical housing standards set out in Table 3.3. It recognises that a genuine choice of homes should be provided in terms of both tenure and size. Detailed residential standards are also contained within the Mayor’s London Housing SPG.

Details submitted with the application confirm that all the proposed units would be of a generous size, with good bedroom sizes in compliance with the required London Plan Policy 3.5 and the National Technical Housing Standards. They would also achieve the minimum ceiling height of 2.5 metres required.

*Access/Disabled Units*

Policy 3.8 of the London Plan further states that 10% of new residencies within a development should be wheelchair accessible or easily adaptable for residents who are wheelchair users. Provision should also be made for affordable family housing, wheelchair accessible housing and ensure all new housing meets parts M4 (2) and (3) of the Building Regulations as follows:

*Part M4(2)*

- 90% of the dwellings shall be designed to be Category 2 ‘Accessible and adaptable’

*Part M4(3)*

- 10% of the dwellings shall be designed to be Category 3 ‘Wheelchair user dwellings’

Details submitted with the application demonstrate that there will be a total of 20 wheelchair units. This would result in a 9.3% wheelchair provision for Phase 5. However the overall development would meet the required 10% wheelchair unit requirement. The types of disabled units are also acceptable as the application provides for a good choice as demonstrated by the below summary table.

Type	LHS	WHDG	Totals
1B	97	10	107
2B	47	9	56
3B	52	1	53
<b>Totals</b>	<b>196</b>	<b>20 (10%)</b>	<b>216</b>

In addition, all residential units have been built to meet Lifetime Homes standards.

*Sunlight and Daylight to Proposed Units*

The application is accompanied by a Daylight, Sunlight and Overshadowing Analysis report prepared by Point Surveyors which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and the proposed units based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.

Daylight has been assessed in terms of Vertical Sky Component (VSC) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The BRE Guidelines provide numerical guidelines, however these are not mandatory and should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or*

*The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.*

It should be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable.

Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period; and In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*

The applicant's submitted assessment states that all relevant habitable rooms would be able to meet the minimum BRE test to an acceptable degree. Where it fails, these rooms are often those underneath balconies. The report states at points 5.4- 5.7 that:

*When considering the proposed density of the development, the results show that a very good level of daylight should be achieved to Block B1, Blocks D5-D8 and Block G with 91-100% of rooms achieving a good level of daylight using the secondary ADF test, and 96-97% of rooms achieving an adequate level of daylight distribution.*

*The results to Blocks A1, C1-5 and D1-D4 show a slightly lower percentage of rooms meeting the suggested ADF and NSL criteria than Block B1, Blocks D5-D8 and Block G. However, the levels achieved are still considered good for the proposed density. The rooms that do not meet the suggested ADF criteria are typically those below balconies which restrict the daylight that can be enjoyed in the room. The lower number of rooms meeting the ADF criteria is therefore not considered to be principally because of the size and location of the other proposed blocks in the near vicinity, but because of the desired internal configuration and the trade-off required between providing private balconies and good levels of daylight within a room.*

*The percentage of rooms achieving a good level of sunlight is lower than the percentage of rooms achieving a good level of daylight, but this is because all rooms, regardless of their orientation, have been assessed. Those rooms that face within 90° of north, because of their orientation, or those behind balconies, will receive lower levels of sunlight regardless of any design. The percentages achieved are considered good for the proposed density of the development.*

*When looking at the rooms which have at least 1 window orientated within 90 degrees of due south, the level of compliance improves showing that at least 62% of all rooms orientated within 90 degrees of due south will strictly meet the BRE guidelines and 99% will be able to receive some sunlight.*

More detailed calculations are provided within Appendix 1 of this report.

Considering the above, the overall development would provide a good quality of accommodation to future occupants in terms of daylight and sunlight.

#### *Outdoor amenity*

The London Housing SPG provides guidance in relation to the provision of dual aspect units and private amenity space. Housing SPG standard 4.10.1 states that 5m<sup>2</sup> of private amenity space should be provided for each one bedroom unit, with a further 1m<sup>2</sup> provided for each additional occupant. Standard 4.10.3 states that the minimum length and depth of areas of private amenity space should be 1.5m and that developments should avoid single aspect units which are north facing, have three or more bedrooms, or are exposed to a particularly poor external noise environment.

Barnet's Sustainable Design and Construction SPD sets the minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to provide 5sqm of usable outdoor communal or private amenity space per habitable room proposed and houses considerably more as detailed in Table 2.3 below of SPD Adapted from the Sustainable Design and Construction SPD and are as per the London Plan requirements. 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.

Table 2.3: Outdoor Amenity Space Requirements	Development Scale
<b>For Flats:</b> •5 m <sup>2</sup> of space per habitable room.	Minor, Major and Large scale
<b>For Houses:</b> •40 m <sup>2</sup> of space for up to four habitable rooms •55 m <sup>2</sup> of space for up to five habitable rooms •70 m <sup>2</sup> of space for up to six habitable rooms •85 m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, Major and Large scale

The houses on Block A would have no rear garden, however would have a relatively small garden to the front of the property. Details submitted with the application demonstrate that all the proposed flats would benefit from at least 5sqm or more of private outdoor amenity space by way of terraces and balconies. However additional outdoor amenity spaces is provided via central courtyards at Blocks C and G, 500sqm of Doorstep Play and 215 Local Play, as well as public open space throughout the masterplan such as that at West Street Square. Together these spaces amount to outdoor amenity in excess of what is required.

In light of this, the development would meet the required London Plan and Barnet Council quota and result in quality outdoor space.

#### **7.4 Affordable Housing and Viability**

Policies 3.8 to 3.13 of the London Plan relate to affordable housing. Policy 3.11 states that the Mayor, London boroughs and other relevant agencies and partners, should seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of the current London Plan. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.

Policy 3.12 of the London Plan further seeks the maximum reasonable amount of affordable housing when negotiating on individual housing schemes but states that the objective is to encourage rather than restrain residential development.

Policy CS4 of Barnet's Core Strategy states that the Council will seek 40% affordable on all sites capable of accommodating ten or more dwellings. In doing so, the Council will be seeking a 60/40 mix with 60% social renting and 40% intermediate. This is applicable to the current application site.

The current Phase would result in a 45% (98 units) affordable housing units with 1x intermediated rented property. However when considered against the wider site, the total affordable housing units for the development would be 28.6%, with a mix of 43% social rented and 57% intermediate/shared equity. This is in keeping with policy CS4.

Site wide tenure is as follows:

Tenure	No. Units
Private	1428

Affordable Rent	219
Intermediate	353
Total	2000

The proposed mix has been assessment independently by JL Hearn who have confirmed that the 28.6% affordable housing would result in a reasonable level of affordable housing given the agreed method of assessment as detailed within the original S106.

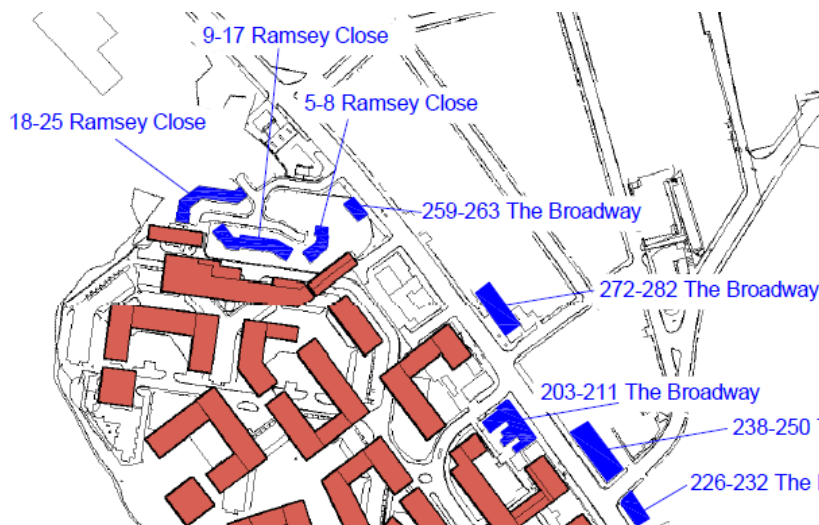
### 7.5 Impact on Neighbouring Amenity

At a national level, Chapter 11 of the NPPF has an approach based on the central principle of sustainability through the pursuit of amenity improvements, developments driven by context, long term improvements to the environment and high-quality design. Amenity is also an important consideration of The London Plan (2016) Chapters 7 and 13 which states that when determining planning applications, local planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.

Under the Local Plan, the protection of existing amenity arrangements in any area is considered to be an important aspect of determining whether a proposal is acceptable or otherwise. The protection of existing residential amenity is required through good design in new developments which intern promotes quality environments. More specifically policy DM01 states that proposals should seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms of daylight/sunlight, outlook and privacy for existing occupiers. While policy DM04 under point 'd', states that proposals that are likely to generate an excessive level of noise close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

This is further supported by Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) which provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers.

The nearest residential properties to the Phase 5 site are those at 5-8 Ramsey Close.



*Privacy, overlooking and outlook*

The application proposes windows within all its elevations. There are also balconies and terraces proposed to the north and east elevations. The application site is in the heart of a residential area. Therefore it is surrounded by residential gardens and would have shared boundary walls with several of these properties. The most affected being those at Ramsey Close. These properties would look to the rear walls of the properties within Block A. The these rear walls would have no windows and are set to the far side of the rear gardens. Therefore the design of the development results in an acceptable level of outlook and impact on privacy owing to the position of Block A. As no windows looking towards the properties at Ramsey Close are proposed there will also be no loss of privacy from increased overlooking. Therefore the development is more than compliant with the required policies governing loss of privacy and overlooking to any future neighbours.

*Daylight, sunlight, outlook and overshadowing*

The applicant's Sunlight and Daylight report looked at the site as a whole. Given the extent of the application site much of the development would have no impact on existing residential properties and any impact has already been accepted in principle in relation to the building heights and scales. The applicant's Sunlight and Daylight report confirmed that although there have been some minor changes to Phase 5 when compared to the masterplan, any loss of daylight to nearby residential units was "negligible" and related to secondary rooms. The majority of the neighbouring windows and all neighbouring gardens tested met or surpass the BRE numerical recommendations.

However at present the properties at 5-8 Ramsey Close benefit from clear views from their rear elevations across the site. The proposed Block A development would enclose these garden areas creating greater overshadowing within the garden areas of these properties. It would also result in a relatively large flank wall. However given the distance between the houses and the proposed Block A rear wall (at 10 metres), any likely loss of outlook is not considered harmful. In addition given that the Block A development is south of the these properties the likely loss of daylight would be in the afternoon and again not be significant. Due to the size of this flank wall a condition will be attached requiring its treatment with planting or a green wall in order to soften its appearance and introduce further biodiversity on site.

The sunlight report submitted by the applicant states:

*"The sunlight results show that one window [at 6 Ramsey Close] will experience a moderate adverse effect ... All other windows will experience a negligible adverse effect...each of these windows will experience an adverse effect because of the reduction in winter sunlight hours only, and they will continue to receive at least 37% annual probable sunlight hours in total*

*...taking into account the high levels of total annual probable sunlight hours that will continue to be enjoyed the sunlight effects on 5-8, 9-17 and 18-25 Ramsey Close are considered negligible.*

*The overshadowing results show that each garden will continue to be able to enjoy 2 hours of sunlight to at least 50% of its area on 21 March. "*

In light of the above, the proposed sunlight and daylight impact on existing and future residential units is considered acceptable.

#### *Noise and sound insulation*

Details of sound installation have been submitted under the reserve matters application and assessed by the Council's Environmental Health Officer. The Officer has confirmed that the details submitted sufficiently address officer concerns regarding noise and would not lead to any significantly harmful levels.

### **7.6 Landscape**

Policy DM01 requires that proposals should 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.

DM01 further 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. This is also supported by the Barnet Local Plan policy DM16, which elaborates that when considering development proposals, the Council will seek the retention, enhancement or creation of biodiversity.

Condition 22, 23 and 43 of the original application outlines the level of detail required pertaining to the landscaping of the site. These conditions were formally submitted for discharged under application 17/8159/CON and approved by officers in March 2018.

The Arboricultural Officer has reviewed the Landscape Management Details, Invasive Plant Strategy and Land Tree and Hedge Survey submitted and has commented that the proposals are acceptable. The submitted tree survey provides an accurate assessment of the 30 trees on the site or close to the red line boundary and 20 trees will be removed to facilitate Phase 5 area leaving 10 trees remaining. Details of tree planting and garden greening treatment are of an acceptable quality for the location and the general maintenance schedule for the management of the soft landscape is acceptable. However the Invasive Plant Survey was undertaken in 2017. Therefore another is required in June 2018. This will be conditioned.

### **7.7 Sustainability**

The application site falls within Flood Zone 1. The site is considered to be at low risk from all other sources of flooding. The site is also not located within a critical drainage area (CDA), as defined in the Barnet Surface Water Management Plan (2011). In light of this, it is considered that the proposed development would be appropriate at the location in accordance with Table 3 of the Planning Practice Guidance.

At the heart of the NPPF is the fundamental principle to build in favour of sustainability. It states that developments should reduce greenhouse gas emissions (paragraph 95) and in determining planning applications local planning authorities should expect developments to comply with local policies in terms of the layout of development, paying particular attention to create developments that would reduce energy consumption through building orientation, massing and landscape (paragraph 96).

In keeping with the fundamental practices of the NPPF, the Council's Local Development Plan provides policies to enforce sustainable practices. In particular, Policy CS NPPF states that a positive approach will be taken for developments that have been built to sustainable methods. Policy DM01 of the Local Plan states that all developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation.

This approach is also echoed by the London Plan Policy 5.2 which 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

The applicant has submitted details regarding the sustainability and energy efficiency of the scheme. They confirm that the development would implement the following measures:

- Photovoltaic panels would be installed at the roof level of buildings B, C1, C3, G3.
- Developer would meet Code for Sustainable Homes level 4.
- Developer would meet the LCCP Checklist for adapting to Climate Change.
- Proposed Energy Centre at the basement level of E2 would use gas-CHP and gas-fired boilers.
- Use of rainwater harvesting.
- Developer would have Green and brown roofs.

In addition, to the above conditions 4, 14, 15 and 39 of the hybrid permission also require sustainable measures are implemented and formally submitted for consideration. Therefore further details will be forthcoming.

Policy 5.2 (B) further sets minimum targets for the carbon dioxide emissions reduction to residential developments. This policy states that developments should meet these targets as per the Building Regulations requirements, by resulting in zero carbon emissions. Or at the very least result in a 35% reduction in carbon compared to the existing building with the remainder to be off-set via a carbon contribution. Regulation 26 of the building regulations states that "Where a building is erected, it shall not exceed the target CO2 emission rate for the building...". Policy CS13 of the Local Plan supports this aim by expecting all developments to be energy efficient and seek to minimise any wasted heat or power. In order to meet these targets it is required that the development submit detailed calculations to the Building Inspector in order for Officers to determine the building emission rate (BER).



Details submitted with the application show that the development would comply with the above Policy 5.2.

The London Plan Policy 5.15 requires that water consumption is minimised to 105 litres per person, per day and that details should be submitted to show how the developer aims to meet this requirement. Conditions under the original application require that sustainable measure regarding water are implemented. However a condition will be attached to ensure the London Plan water targets are adhered to.

In general, the original hybrid permission places an emphasis on sustainable building practices. Therefore offices are confident that the resulting development would encompass sustainable building materials and technologies.

### ***BREEAM***

As the development is characterised as a “major” development, it is required under the SPA for Sustainable Design and Construction, that BREEAM standards be met. Under Council policies DM01 and DM02 and the London Plan Policy 5.2 it is required that both residential and non-residential developments meet a target of BREEAM ‘Good’ (based on 2011 standards). The applicant has confirmed that the development would be able to comply with these requirements. In addition, the hybrid planning permission requires compliance under condition 15.

### **7.8 Access**

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) states that the Council will promote the delivery of appropriate transport measures to relieve pressure on the existing infrastructure and support growth, whilst maintaining the level of freedom in terms of public access to these facilities. The Council is also driven by the objective to ensure that any proposed use or development would match the current transport capacity and capabilities at the local level. If necessary these will be undertaken via the use of the Community Infrastructure Levy or S106 Legal Agreements. In doing so, the following measures will be prioritised:

- Reduction in congestion
- Continued investment in the highways network
- Working with Transport For London
- The management of parking
- Maintaining road safety
- Encouraging sustainable modes of transport

The proposed street plan represents a coherent and legible layout with continuations views from The Broadway to the Brent Reservoir. The access routes throughout the development would result in a pleasant environment with a distinct character to the overall space. There is continuity in the movement of pedestrian walkways. The use of greenery further helps generate beauty in these pedestrian corridors. The width of the main pedestrian route connecting the Broadway to the Welsh Harp Reservoir satisfies the overarching principle of designing for pedestrians. The orientation of the main pedestrian links are also aligned to increase connectivity with Station Road, which is a welcome move as it will enhance the

effectiveness of pedestrian movement and create easy visibility to the main highway. In addition, the differing characters of the streets provide a smooth transition from the urbanised environment of the Broadway to the natural greenery of the SSSI site. This has been done via the gradual greening of the landscape towards the Welsh Harp.

Policy DM17 states that the Council will expect developments to provide parking in accordance with the London Plan standards, except in the case of residential development, where given Barnet's urban character, a greater provision of car parking is required.

Policy DM17 states that the Council will ensure that there is safety for all road users and will refuse applications that may lead to safety concerns on the highway or increase risk to vulnerable users. In considering new developments the Council will require the submission of a Transport Assessment where the proposed development is anticipated to have significant transport implications. Developments should be located close to existing public transport links and should encourage their use and if necessary, new routes and services should be created. Cycle and parking provisions should be proposed in line with the London Plan standards.

The application site benefits from a PTAL rating of 3(moderate). There is an existing Network Rail station at Hendon Central and bus stops in Hendon that will continue to serve the site. In addition to this, the overall development would result in a total of 1866 (1795 residential + 71 commercial parking spaces) car parking spaces with the total amount of car parking for the Phase 5 development being 218 spaces (for a total of 216 units). Phase 5 parking is provided at the lower ground of Block C and ground level at Block G. The houses at Block A will benefit from purpose built garages located at the side of each property. The Council parking standards would expect a ratio of 0.7. That is 0.7 car space for every unit. The number of car parking spaces being provided by the Phase 5 development would be at a ratio of 1:1, which means that each property would have at least one dedicated car parking space. This is compliant with the above stated DPD policies. The Highways Officer has also commented that this is acceptable given that the overall development would have a parking ratio of 0.9. The below table provides a breakdown of the spaces for Phase 5:

<b>Phase 5</b>	<b>Regular Spaces no.</b>	<b>Disabled parking no.</b>	
Block A	4	0	
Block B	0	0	
Block C	86	12	
Block G	34	6	
<b>Total</b>	<b>192</b>	<b>21</b>	<b>218</b>

In addition, the London Plan and Barnet Council policies require the provision of 10% disabled parking spaces. As the above table demonstrates, 10% of the parking spaces would be allocated for disabled use. Therefore the development is compliant with policy.

#### *Electrical Charging points*

Point D of Policy 6.13 states that developments must:

*a. ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles*

- b. provide parking for disabled people in line with Table 6.2*
- c. meet the minimum cycle parking standards set out in Table 6.3*
- d. provide for the needs of businesses for delivery and servicing.*

In light of this, it is required that 20% of all spaces be allocated for electric vehicles with an additional 20 percent passive provision for future electric vehicles. Under policy CS9 of the Core Strategy DPD, the Council aims to encourage the provision of electric car charging points within new developments in line with the London Plan. Plans submitted with the application fail to indicate the exact position of these spaces as required. However under condition 69 of the hybrid permission, these details are required to be submitted for formal approval for the whole site. Therefore officers do not consider that a further condition is required as the provision will be enforced via the discharge of condition 69.

### ***Cycle Storage***

In line with policy DP17 of the Development Plan Documents, the Council will require the provision of a secure and adequate cycle parking space as identified in Policy 6.9 of the London Plan. All new residential units are required to be provided with secure, convenient, sheltered on site cycle parking to encourage residents to use their bicycles for everyday short journeys in line with the London Plan. New flatted development like the one proposed here, should provide some space either inside the building, in a cycle store-room or provide a separate, secure and accessible bike shed within the overall development.

Details submitted with the application demonstrate that cycle parking provision for each Block would be provided as follows:

- Building A has plot specific garages for each unit.
- Building B has 70x standalone cycle storage at ground floor.
- Building C1-C5 has four cycle stores at lower ground floor providing a total of 139 spaces (C1: 49; C2:28; C3:51; C4:43; C5:8).
- Building G3 and G5 have two cycle stores at ground floor providing a total of 68 spaces

The proposed number of cycle parking spaces is considered compliant with the above stated London Plan policy.

In light of the above discussion on access, it is considered that details submitted in relation to this element of the reserve matters are compliant with policy.

### **7.9 Refuse and Recycling Storage**

Under policy CS14 of the Local Plan Core Strategy, the Council has taken a proactive approach to dealing with waste production and disposal. It notes that a key component of dealing with waste in a more sustainable way is to find better ways of reducing the amount of waste and taking more responsibility for its disposal, instead of relying on landfill sites such as that in Bedfordshire. The London Borough of Barnet has one of the largest carbon footprints per head of population in London. However it was the first local authority to introduce compulsory recycling in March 2005. As such, it is clear that the Council employs a sustainable approach to refuse and recycling. This approach also forms part of The Mayor of London's objectives. The London Plan (see Policy 5.16 and 5.17) sets a target of working towards

managing the equivalent of 100 per cent of London's waste within London by 2031. Meeting this target will require the use of new facilities and technologies.

In keeping with the above, policy CS14 encourages sustainable waste management practices for all developments by way of waste prevention, re-use, recycling, composting and resource efficiency over landfill. All developments should seek to present waste disposal techniques which are able to meet future needs. The Sustainable Design and Construction SPD provides a detailed minimum requirement for waste provisions stating that "*All non-residential developments should provide a minimum of 10m<sup>2</sup> designated waste storage space for materials for recycling, such as paper, glass bottles and jars, cans, cardboard, and plastic bottles*" (p.30) and "*A minimum internal storage capacity of 60 litres per dwelling (flats and houses) should be provided which can accommodate containers for the temporary storage of materials to be recycled.*" (p.30).

Condition 36 of the original Hybrid permission required the submission of a Waste Management Plan to be submitted, assessed and approved by the Local Planning Authority. Details relating to this were submitted and approved under Approval of Details application reference 17/8161/CON. The details include the storage of waste and recycling, process of collection and the estimated volume of waste. As well as recycling provisions.

Refuse areas are provided at ground level or at basement level via a number of 1,100 litre and 240 litre bins. The Site Manager will be responsible for placing the bins at their collection points on collection day as well as returning them the next day. The current refuse collection for the commercial units will remain. This approach is consistent with that approved for all previous phases and thus is acceptable.

## **8. EQUALITY 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; and sexual orientation.

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

## 9. 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.

The application has considered the relevant Reserved Matters for Phase 5 as detailed in the original permission and deemed the submitted details acceptable and in keeping with the spirit of the original West Hendon Hybrid application. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality family housing, including 98 affordable units. All with a good standard of accommodation including outlook, privacy and access to daylight.

As conditioned, the proposal would not compromise the hybrid/outline planning permission (H/01054/13) for the redevelopment of the wider site. It accords with the relevant development plan policies and conforms to the overall design principles and parameters established in the approved outline application for the West Hendon Estate. There are no significant deviations from the originally approved scheme, design inspiration or parameters.

The design of the development is considered appropriate for its location, which also provides for a good level of variety and legibility in the built form. The materials, layout and building form relates well to the surrounding area resulting in a development that is permeable, well landscaped and aesthetically pleasing in its context.

In light of the above, the application is recommended for **Approval** subject to the attached conditions.

**RECOMMENDATION: APPROVE WITH CONDITIONS.**

## CONDITIONS AND INFORMATIVES

### APPROVED DRAWINGS

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

077 - Site - 99 Lower Ground Floor Plan P1  
077 - Site - 100 Ground Floor Plan P1  
077 - Site - 121 Roof Plan P1  
077 - Site - 301 Site Sections - East Street P1  
077 - Site - 302 Site Sections - West Street P1  
077 - 01 - 001 Phase 5 Boundary Plan P1  
077 - A - 07 - 100 Ground Floor Plans P1  
077 - A - 07 - 101 First Floor Plan 100 P1  
077 - A - 07 - 102 Second Floor Plan P1  
077 - A - 07 - 103 Roof Plan P1  
077 - A - 07 - 200 Sections P1  
077 - A - 07 - 300 Elevations P1  
077 - A - 07 - 457 3B - Houses - Type A P1  
077 - A - 07 - 500 Baystudy P1  
077 - A - 07 - 600 Bird and Bat Box Location  
077 - B - 07 - 100 Ground Floor Plan P1  
077 - B - 07 - 101 First Floor Plan P1  
077 - B - 07 - 102 Second Floor Plan P1  
077 - B - 07 - 103 Third Floor Plan P1  
077 - B - 07 - 104 Fourth Floor Plan P1  
077 - B - 07 - 105 Fifth Floor Plan P1  
077 - B - 07 - 106 Sixth Floor Plan P1  
077 - B - 07 - 107 Roof Plan P1  
077 - B - 07 - 200 Sections P1  
077 - B - 07 - 300 Elevations (1) P1  
077 - B - 07 - 301 Elevations (2) P1  
077 - B - 07 - 400 Unit Type - 1B 2P - Type A P1  
077 - B - 07 - 422 Unit Type - 2B 3P - Type A P1  
077 - B - 07 - 438 Unit Type - 2B 3P - Type B - W P1  
077 - B - 07 - 446 Unit Type - 3B 5P - Type A P1  
077 - B - 07 - 447 Unit Type - 3B 5P - Type B P1  
077 - B - 07 - 451 Unit Type - 3B 5P - Type A - W P1  
077 - B - 07 - 500 Baystudy  
077 - C - 07 - 099 Basement 99 P1  
077 - C - 07 - 100 Ground Floor Plan P1  
077 - C - 07 - 101 First Floor Plan P1  
077 - C - 07 - 102 Second Floor Plan P1  
077 - C - 07 - 103 Third Floor Plan P1  
077 - C - 07 - 104 Fourth Floor Plan P1  
077 - C - 07 - 105 Fifth Floor Plan P1  
077 - C - 07 - 200 Sections P1

077 - C - 07 - 300 Elevations P1  
 077 - C - 07 - 408 Unit Type - 1B 2P - Type I P1  
 077 - C - 07 - 409 Unit Type - 1B 2P - Type J P1  
 077 - C - 07 - 410 Unit Type - 1B 2P - Type K P1  
 077 - C - 07 - 411 Unit Type - 1B 2P - Type L P1  
 077 - C - 07 - 428 Unit Type - 2B 3P - Type G P1  
 077 - C - 07 - 430 Unit Type - 2B 3P - Type I P1  
 077 - C - 07 - 439 Unit Type - 2B 3P - Type C - W P1  
 077 - C - 07 - 453 Unit Type - 3B 5P - Duplex Type A P1  
 077 - C - 07 - 454 Unit Type - 3B 5P - Duplex Type B P1  
 077 - C - 07 - 455 Unit Type - 3B 5P - Duplex Type C 50 P1  
 077 - C - 07 - 458 Unit Type - 3B 5P - House - Type B P1  
 077 - C - 07 - 500 Baystudy (1) P1  
 077 - C - 07 - 501 Baystudy (2) P1  
 077 - C - 07 - 600 Bird and Bat Box Location A1 1  
 077 - G - 07 - 100 Ground Floor Plans P1  
 077 - G - 07 - 101 First Floor Plan P1  
 077 - G - 07 - 102 Second Floor Plan P1  
 077 - G - 07 - 103 Third Floor Plan P1  
 077 - G - 07 - 104 Fourth Floor Plan P1  
 077 - G - 07 - 105 Roof Plan P1  
 077 - G - 07 - 200 Sections P1  
 077 - G - 07 - 300 Elevations P1  
 077 - G - 07 - 401 Unit Type - 1B 2P - Type B P1  
 077 - G - 07 - 402 Unit Type - 1B 2P - Type C P1  
 077 - G - 07 - 403 Unit Type - 1B 2P - Type D P1  
 077 - G - 07 - 404 Unit Type - 1B 2P - Type E P1  
 077 - G - 07 - 406 Unit Type - 1B 2P - Type G P1  
 077 - G - 07 - 426 Unit Type - 2B 3P - Type E P1  
 077 - G - 07 - 427 Unit Type - 2B 3P - Type F P1  
 077 - G - 07 - 500 Baystudy P1  
 077 - G - 07 - 501 Baystudy  
 Site Wide Accommodation Schedule  
 Phase 5 Phase Specific Accommodation Schedule  
 Phase 5 & 6 Area Schedule Including Concluding  
 Quod Planning and Development Specification Conformity Statement (Dec 2017)  
 Statement of Community Involvement (Dec 2017)  
 Quod EIA Statement of Conformity (Dec 2017)  
 Point Surveyors Daylight, Sunlight and Overshadowing Analysis (Dec 2017)  
 Phase 5 Landscape Drawings (2017)  
 Phase 5 and Phase 6 Landscape Drawings (2017)  
 Phase 5 and Phase 6 Area Schedule Including Concluding Site Wide Accommodation  
 Schedule (Dec 2017)

**Reason:** For the avoidance of doubt and in the interests of proper planning.

## **RESTRICTION OF PERMITTED DEVELOPMENT RIGHTS - EXTENSIONS**

2. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1980 (or any Order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended in any manner whatsoever.

**Reason:** To ensure that the development does not prejudice the character of the locality and the enjoyment of existing neighbouring occupiers in accordance with policies CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

#### **RESTRICTION OF ADDITIONAL WINDOWS AND DOORS**

3. 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 additional windows or doors shall be inserted into any of the residential dwellings hereby approved, other than those expressly authorised by this permission.

**Reason:** To safeguard the privacy and amenities of occupiers of adjoining residential properties and to safeguard the character of the locality in accordance with policies CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

#### **RESTRICTIONS OF PERMITTED DEVELOPMENT - TELECOMMUNICATION**

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no 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 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 DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

#### **ARCHITECTURE**

5. Prior to the commencement of the development hereby approved, details of architectural features within this phase shall be submitted at the appropriate scale (1:10/ 1:20) to the Local Planning Authority and agreed in writing. These details should include (but are not limited to):

- Window reveals
- External finishes
- Brick detailing

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



**Reason:** To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 of Barnet Council's Core Strategy (adopted) 2012 and DM01 of Barnet Council's Development Management Policies (adopted) 2012; as well as Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan (2016, as amended).

#### **CAR PARKING**

6. The car parking spaces hereby approved including the garages to the houses of Block A shall be used for parking only and shall remain as approved in perpetuity.

**Reason:** To protect the use of the car parking facilities on site in line with policies CS9 of Barnet Council's Core Strategy (adopted) 2012 and DM17 of Barnet Council's Development Management Policies (adopted) 2012.

#### **WATER**

7. The development shall meet the water target use of 105 litres or less per person, per day, as required by the London Plan Policy 5.15.

**Reasons:** To comply with the sustainable water usage outlined by the Policy 5.15 of the London Plan (2016, with amendments)

#### **INVASIVE PLANTS**

8. The development shall be implemented as per the invasive plan study document Method Statement for the Removal of Long-term Management/Control of Invasive Native and Non-Native Species (13/12/2017). Confirmation that another survey has been undertaken in June 2018 to verify the conclusions within the report shall be submitted and approved in writing by the Local Planning Authority.

**Reason:** To prevent the spread of non-native plants, and in particular Japanese knotweed and Giant hogweed, which are invasive species, and avoid damage caused to the nature conservation value of the site in line with policy CS7 of Barnet Council's Core Strategy (adopted) 2012 and DM16 of Barnet Council's Development Management Policies (adopted) 2012; as well as Policies 7.19 and 7.21 of the London Plan (2016, with amendments) and the National Planning Policy Framework (2012).

#### **GREEN WALL TO BLOCK A**

9. Notwithstanding the details hereby approved and prior to the commencement of any works to Block A, information for the treatment and softening of the Northwest Elevation of Block A shall be submitted to and approved by the Local Planning Authority. This information shall include the following:
  - Planting Strategy
  - Faux windows
  - Any other decorative elements or treatments

**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.

## **INFORMATIVES**

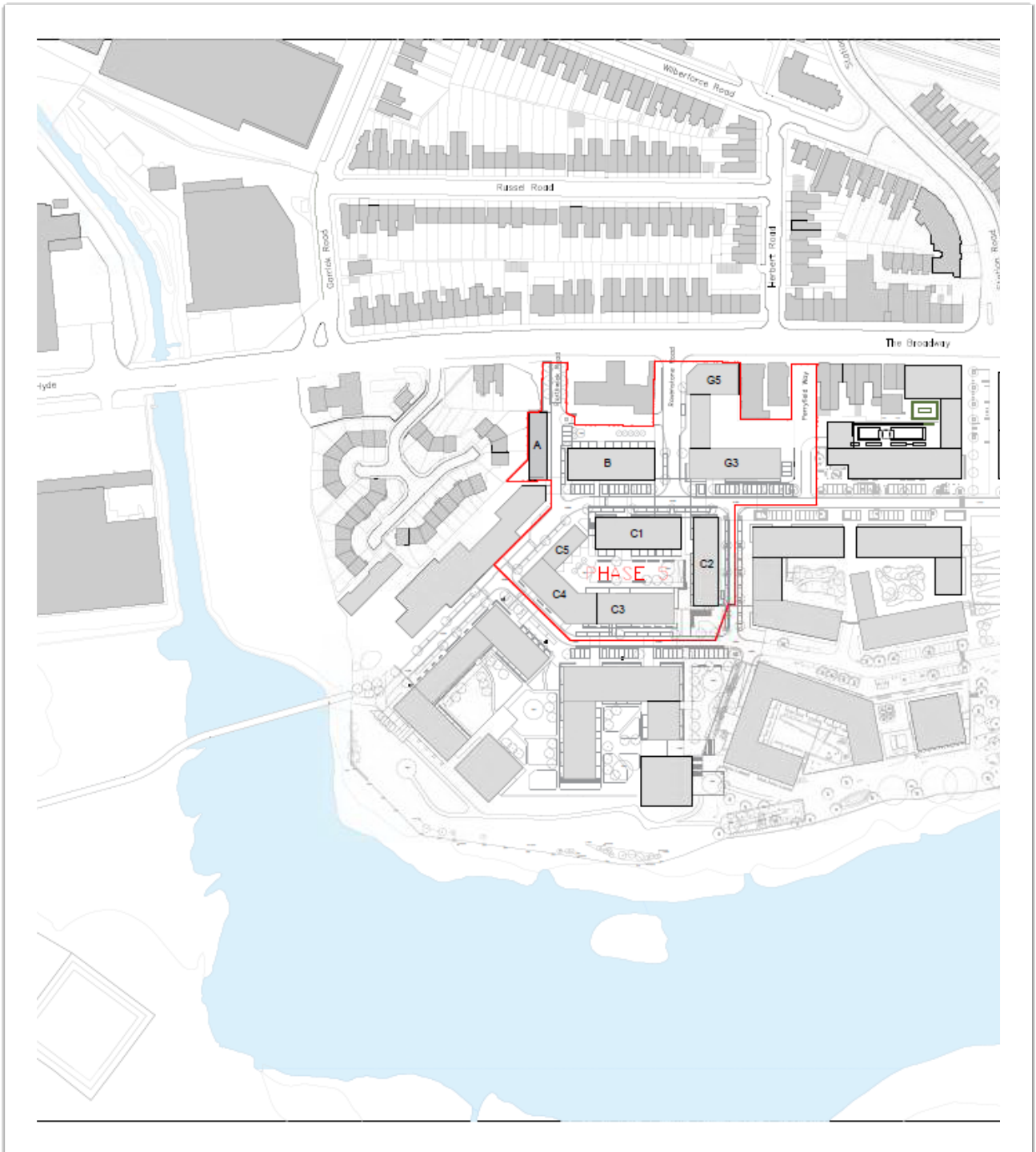
1. No chemical herbicides should be used to control weed growth around the base of newly planted trees or shrubs. Weeds in these areas should be hand weeded and then controlled with the specified woodchip or bark mulch.
2. In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (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. The LPA has negotiated with the applicant/agent where necessary however further work is required.

### **Background Documents:**

APPENDIX 1

APPENDIX 2

**SITE LOCATION PLAN: West Hendon Regeneration Area (Phase 5), Barnet NW9  
REFERENCE: 17/8134/RMA**



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## APPENDIX 1 – SUNLIGHT AND DAYLIGHT: A SUMMARY OF THE RESULTS

*Table 1: Results for Block A1*

Block A1	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	20	20	20
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	16 (80%)	19 (97%)	16 (80%)

*Table 2: Results for Block B1*

Block B1	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	126	126	126
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	126 (100%)	121 (96%)	67 (53%)

*Table 3: Results for Blocks C1-C5*

Block C1-5	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	322	322	322
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	281 (87%)	274 (85%)	119 (37%)

*Table 4: Results for Blocks D1-D4*

Blocks D1-5	Daylight ADF (No. of Rooms Assessed)	Daylight NSL (No. of Rooms Assessed)	Sunlight (No. of Rooms Assessed)
Total Rooms Assessed	716	716	716
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	635 (87%)	688 (96%)	265 (37%)

Table 5: Results for Blocks D5-D8

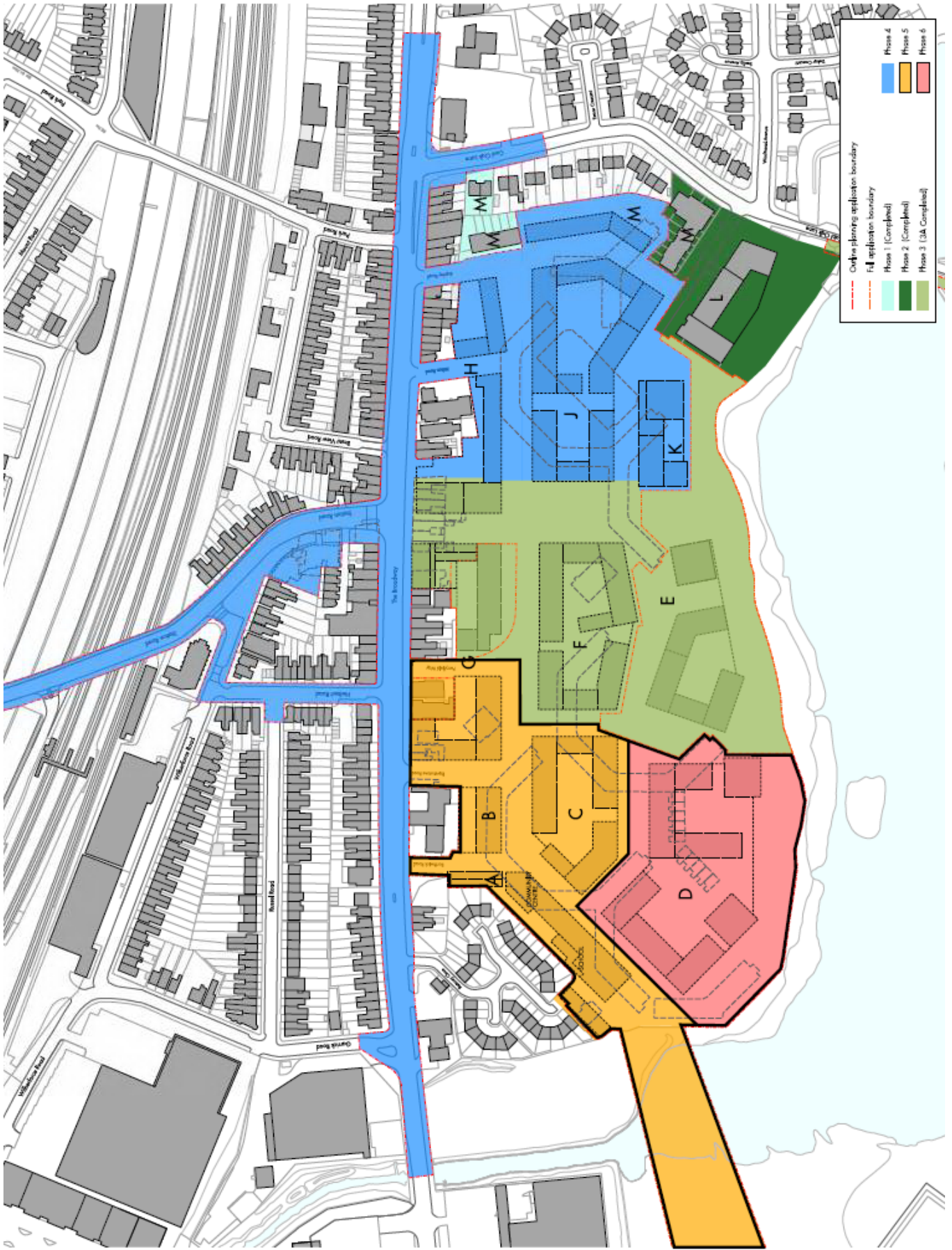
<b>Blocks D5-8</b>	<b>Daylight ADF (No. of Rooms Assessed)</b>	<b>Daylight NSL (No. of Rooms Assessed)</b>	<b>Sunlight (No. of Rooms Assessed)</b>
Total Rooms Assessed	643	643	643
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	628 (98%)	625 (97%)	270 (42%)

Table 6: Results for Block G

<b>Block G</b>	<b>Daylight ADF (No. of Rooms Assessed)</b>	<b>Daylight NSL (No. of Rooms Assessed)</b>	<b>Sunlight (No. of Rooms Assessed)</b>
Total Rooms Assessed	138	138	138
Meets Strict BRE Criteria or Secondary Criteria for Living/Dining	126 (91%)	133 (96%)	62 (45%)

## APPENDIX 2 – DEVELOPMENT CONTEXT SITE LOCATION PLANS







- Notes**
- Residential property assessed
  - Proposed buildings

<b>Date / Revision</b>	
Drawing No. 0201482 / NSC / 03	Revision
<b>Address:</b> Tyrrel Way West Hendon NW9	
<b>Title:</b> Daylight & Sunlight assessment Locations	
<b>Client:</b> BDW Trading Ltd	
<b>Date:</b> 12/02/13	<b>Scale:</b> A3
<b>Drawn by:</b> KAR	<b>File No.:</b> 0201482
<b>Scale:</b> A3	<b>Revision:</b> R15





**Location**                      **Friern Court Friern Barnet Lane London N20 0NJ**

**Reference:**                    **17/5615/FUL**

Received: 31st August 2017

Accepted: 31st August 2017

Ward:                            Totteridge

Expiry 30th November 2017

Applicant:                    Open Door Homes

Proposal:                      Demolition of 10 existing garages and erection of a three storey building plus accommodation in the roof, comprising 11 no residential units with associated car parking, access, cycle storage, refuse storage, and landscaping [Amended Description / Amended Plans]

AGENDA ITEM 9

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 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:

The provision of affordable housing for affordable rent at a proportion of 40% of all the units being provided within the development in accordance with the London Borough of Barnet Nominations Statement.

Monitoring of the Agreement £100.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

16-227 - D011 Rev D

16-227 - D050 Rev D

16-227 - D100 Rev D

16-227 - D101 Rev E

16-227 - D102 Rev D

16-227 - D103 Rev C

16-227 - D200 Rev C

16-227 - D201 Rev C

16-227 - D202 Rev C

16-227 - D300 Rev C

16-227 - D301 Rev C

16-227 - D310 Rev C

162206\_AT\_K01 Rev A

162206\_AT\_J01 Rev A

Sustainability Report (Ref: SUT-48642/Friern Issue 2 -dated: February 2018)

Transport Statement (dated: February 2018)

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and

CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

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

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

5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed on the ground terrace areas 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 Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or

other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

## 7 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development

Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

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

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

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 36% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

11 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be

included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

12 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 16-227 D-50 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 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 Before the development hereby permitted is occupied cycle parking spaces shall be provided in accordance with the London Plan Cycle Parking Standards 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

14 Prior to the commencement of the development, details of any works proposed on public highway shall be submitted to and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety 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.

15 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Reason:

To ensure that adequate public access is provided throughout the development

16 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) 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

17 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 2015.

18 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

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

19 The level of noise emitted from any mechanical ventilation plant in the 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.

20 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st September 2018, 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 the costs of monitoring the provision for affordable housing and as such, the proposed development fails to provide for affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

### Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Highways Informatives

Informative 1: 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 Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Informative 2: The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Informative 3: Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative 4: The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

Informative: The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative 5: Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Informative 6: For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Any works proposed on public highway to facilitate the development would need to be undertaken under S278 of the Highways Act. A separate application needs to be made to the Highway Authority for works under S278 of the Highways Act.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative 7: The applicant is advised that Friern Barnet Lane is Traffic Sensitive Road during Monday to Friday from 8am to 9.30am and 6.30pm to 6.30pm; deliveries during the construction period should not take place during these times.

The applicant is also advised that the site is located within close proximity of a school and therefore deliveries during the construction period should avoided between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs.

Careful consideration must be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

Informative 8: The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.

Informative 9: Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage

resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

### Damage to Gullies and Sewers

Informative 10: If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

### 3 Drainage Submissions Informatives:

Informative 1: Surface Water Discharge Hierarchy - The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

Informative 2: Surface Water Drainage Strategy / Sustainable Drainage Systems Design -The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

Informative 3: Surface Water Drainage Strategy / Sustainable Drainage Systems Construction, Adoption, Operation and Maintenance - The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

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

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

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

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site is situated at Friern Court on Friern Barnet Lane which leads onto the A1000 (High Road), and is located between Whetstone and East Barnet. The Site is situated approximately 800m to the southeast of Totteridge & Whetstone Underground Station and 1.7km to the south of Oakleigh Park Station. The Site is bounded to the north by Friern Barnet Lane, by North Middlesex Golf Club to the south (designated as Metropolitan Open Land), a four-storey block of flats to the east and rear gardens associated with two-storey residential properties that front Sherwood Terrace to the west.

Friern Court is a housing estate consisting of 3 blocks of flats arranged and linked in a U-shape. The site itself sits at the opening of the U-shape - comprising of a grassed area containing a number of trees, with 10 garages to the east and hardstanding to the north which is currently in use as car parking for the existing flats. The hardstanding provides 18 demarcated spaces and no parking restrictions are currently in place.

A number of trees lie along the southern and eastern boundaries of the Site. The trees located on the eastern boundary are subject to an existing TPO. In addition, trees which lie within Links Court to the east of the Site are also subject to a TPO.

Friern Court is accessed from Friern Barnet Lane to the north, which mostly comprises 2-storey houses and small blocks of flats at 3- and 4-storey. The wider surrounding area to the north, east and west is predominantly residential in character, comprising largely of 2-storey terraced houses and 3- / 4-storey blocks of flats. Queenswell Infant and Nursey School lies 450m to the northeast. Friern Barnet Lane leads onto the A1000 High Road to the west, comprising a number of properties with retail and commercial units to the ground floor and residential units above. Whetstone Town Centre lies 500m to the northwest of the Site.

The site is not subject to any site specific policy designations or allocations. The site has a Public Transport Accessibility Level (PTAL) score of 2 (where 1 is low and 6 is high) indicating a moderate level of accessibility by public transport. According to the Environment Agency's Flood Zone Maps the Site is located in Flood Zone 1 (low risk of flooding).

### **2. Site History**

No relevant site history.

### **3. Proposal**

Originally, the application sought planning permission for the demolition of existing garages and the erection of a 4-storey block of 12 flats fronting onto Friern Barnet Lane, with associated refuse and cycling storage. In addition, landscaping improvements and the re-organisation of surface parking across the site are proposed. The scheme was proposed as one rectangular block, site up to the public pavement boundary of the site. This was deemed to be inappropriate in design due to its visually imposing appearance on the street scene, with no visual breaks in the built form, such as staggered set backs. Officers proactively engaged in discussions with the applicant to improve the design and arrive at the currently considered scheme.

Planning permission is therefore sought for the demolition of existing garages and the erection of a 3-storey block with a pitched roof, containing 11 residential units. Two units are included within the roof space, served by dormer windows to the east and west elevations. The footprint of the proposed building has been amended to set back the east and west wings from Friern Barnet Lane

The proposed accommodation comprises of the following typologies:

- 1 x 1-bed/2-person wheelchair accessible flat (*Internal Space: 56.5sqm*)
- 2 x 2-bed/3-person flats (*Internal Space: 71.7sqm*)
- 8 x 2-bed/4-person flats (*Internal Space: 6 x 72.8sqm / 1 x 77.1sqm / 1 x 79.2sqm*)

All proposed units meet or exceed the London Plan minimum internal space standards and units are designed to be dual-aspect. Pedestrian access to the proposed building is provided to the front and rear of the building

Eight of the eleven units will have private balconies (1st, 2nd and 3rd floors) and the ground floor units will feature private terraces. The scheme will ensure that there is over 2000sqm of existing external communal amenity space retained in the central, eastern and southern parts of the site for all occupiers of Friern Court. There are also a number of public amenity spaces within walking distance of the site, including Dame Alice Owen's Ground, Whetstone Stray, Swan Lane Open Space, Brook Farm Open Space and Wyatt's Farm Open Space. There are also a number of informal open spaces.

As part of the proposed development the existing vehicular crossover from Friern Barnet Lane would be removed and two new crossovers implemented. The proposed eastern crossover would provide vehicular access to the eastern refuse and recycling stores, and to 1 accessible parking space and 4 standard parking spaces. The proposed western crossover would provide access to the western refuse and recycling stores, 1 accessible parking space and 32 standard parking spaces, and the 3 existing garages which fall outside of the Site boundary. In total, the Site would provide 38 car parking spaces (including two accessible parking spaces). This accommodates the residents of the proposed flats at a ratio of 1:1 and re-provides spaces for existing residents.

Safe and secure cycle storage is proposed to the rear of the flat block to accommodate a minimum of 21 cycle spaces.

#### **4. Public Consultation**

Consultation letters were sent to 248 neighbouring properties; a site notice was displayed 22.03.2018; and, a local press notice was published 12.09.2017.

61 responses have been received, comprising 61 letters of objection.

The objections received can be summarised as follows:

- The development is out of character and appearance with the site and surroundings
- The development closes off the existing site resulting in a loss of openness
- The development will result in a loss of trees and reduction of green space
- The development will create a ghetto
- The development will increase parking pressures on the site and in surrounding area and assessment reports are inaccurate
- The development will increase road traffic congestion in the area.

- The development will block out natural light into the communal amenity space
- The development will block out natural light for neighbouring occupiers in the adjacent Friern Court dwellings
- The development will over shadow existing residential developments.
- The development will result in overdevelopment of the site
- The development will result in an overpopulated site and increased neighbour disputes
- The development will result in increased anti-social behaviour and crime within the court
- The existing utilities on site do not have capacity to facilitate further units
- The development would overload the existing drainage system
- There would be insufficient waste and recycling provisions on site.
- There would be increased noise and disturbance from comings and goings
- There would be an increase in pollution on site
- Parking mobility would be affected with residents having to park further from their homes.
- Emergency services access would be insufficient.
- The consultation meetings with OpenDoor Homes gave no flexibility on the proposals
- Lack of safety for cyclists
- Risks to residents from contaminated land on site.
- Risk of increased damage to parked cars.
- There are no cycle lanes
- Not enough space in the site for vehicle movements for deliveries and taxis, creating a health and safety risk.
- There will be a lack of affordable homes
- Increased vehicular pollution (air quality)
- Noise disturbance and nuisance during the construction phase caused by construction activities and associated vehicular movements
- Works will take place close to the highway raising health and safety concerns for pedestrians and motorists
- Overlooking and loss of privacy of existing neighbouring occupiers
- Design, bulk, mass, scale, density and overbearing form are out of keeping with the vicinity and wider area.
- Existing blocks are old and defaced and need refurbishment.
- No indication of what the CIL will be spent on
- The development will create a sense of enclosure for existing residents.
- Loss of outlook for existing residents
- Impact of the development on number of school places and appointments at Doctor surgeries and hospitals.
- Adverse impact on ecology and wildlife on site and in the surrounding area
- Loss of earnings from the construction work
- Reduction in amount of children's play space.
- Loss of natural surveillance due to enclosed nature of the development

#### **4.1 Internal / Other Consultation**

Affordable Housing: Development must secure 40% affordable housing.

Arboricultural Officer: Landscaping conditions recommended to provide detailing of further trees and planting on site to offset/mitigate the loss of these trees. (landscaping - replacement of lost planting / trees elsewhere on site)

Highways Officer: No objections subject recommended conditions (parking spaces as shown, cycle parking storage, construction management and logistics plan, works to the public highway, details of stopping up of the highway)



Environmental Health: No objections subject to recommended conditions (contaminated land, construction method statement, and noise from plant).

Ecology Officer: No objections received.

London Fire Brigade: No objections received.

Waste & Recycling: No objections received.

Local Lead Flood Authority: No objection - further information required about storage capacity, required by pre-commencement planning condition.

## **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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. 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, CS3, CS4, CS5, CS6, CS9, CS10, CS12, CS14, CS15

Policy CS3 states that On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26.

Policy CS4 states that We will aim to create successful communities in Barnet by:  
o seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.

- Seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.
- Seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.

Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- Seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.
- Delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.
- Seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.
- On sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

Policy CS9 states that the Council will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS12 states that the Council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together.

Policy CS14 sets out how the Council will encourage sustainable waste management. Promotes waste prevention, re-use, recycling, composting and resource efficiency over landfill.

Policy CS15 states that the Council will work with the Local Strategic Partnership (One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

## Development Management Objectives

- Relevant Development Management Policies: DM01, DM02, DM08, DM10, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design. Ensuring accessibility can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances.

Policy DM04 states that all major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 states that having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. It also sets out parking standards.

## Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide an acceptable level of amenity for future residents;
- Whether the proposals would have an acceptable impact on highway and pedestrian safety;
- Whether the proposals would have an acceptable impact on security in the vicinity of the site;
- Whether the proposals would make adequate provision for drainage; and,
- Sustainability & Accessibility Issues

## 5.3 Assessment of proposals

### Whether the principle of the development is acceptable

Planning permission is sought for the erection of a three storey development with habitable rooms in the roof space – accommodating a total of 11 flats.

The proposed development would comprise of a single, one-bed wheelchair accessible flat; and, ten, two-bed flats (facilitating a mix of 3-4 persons). The development would be for the benefit of Barnet Homes and all eleven units would be provided as affordable housing utilising the affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2016) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding and communal open space.

The proposal site has a PTAL rating of 2 and is located in an 'urban' area. The recommended density range for the site according to the London Plan is 200-450hr/ha.

The proposed scheme has a density of 74.9 hr/ha, which is below the London Plan recommended range. This low figure is due to the site area including the area of open space to the centre and the parking area which occupies western portion of the Site. However, Officers acknowledged that the density range given in the London Plan is intended as a guideline, and is one of a number of factors to consider when looking at the acceptability of a scheme for a site, including the accessibility of local facilities, the type and scale of surrounding developments, and the character of the surrounding area. The site is within walking distance of the Whetstone & Totteridge town centre which features an array of public services, shops and transport options making it a sustainable location for residential development. Furthermore, although considered later in this report, the design, scale and massing of the development is also a factor, which Officers deem to be acceptable – and thus – to alter this particular development for the purposes of density could resultantly harm the developments design 'fit' with the surrounding area.

In summary, the development would provide affordable housing (of which the applicant seeks to secure a sustained 40% of the proposed residential units as affordable rented accommodation through a S106 agreement, in accordance with local policy requirements) for future occupiers above and beyond affordability levels set out in regional policy, and would contribute to providing a mix of housing products for all households in accordance with Policy DM08. It is therefore considered that the principle of the development would be acceptable.

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

The northern and western parts of the site are currently occupied by an area of hardstanding used for surface car parking and garages, as well as some small areas of soft landscaping and grass verges. The remainder of the site to the south comprises open space which is currently underused but provides an element of visual amenity. Policy DM15 (Green Belt and Open Spaces) seeks to protect open space from development except in exceptional circumstances where the development is a small-scale ancillary use which supports the use of the open space, or where equivalent or better open space provision can be made.

The scheme has been subject to a lengthy design process to ensure that the proposed development responds to the street scene context including the different forms of architecture within the street, the varying scales of development. As noted in the description of the proposal section above, the scheme has been amended since its original submission to improve the development's appearance in relation to the street scene and existing Friern Court site. The height, scale and massing of the proposed development is considered appropriate relative to the existing three residential blocks within Friern Court. The east and west wings which are set back from the central principal block aid the development's fit within the street scene - creating a staggered appearance that lessens the perceived bulk and mass that was of concern in the original design submission.

Although the proposed development does not exactly replicate the existing blocks within the court in terms of architectural design, the elevations incorporate a wide variety of design

characteristics from the local area (i.e. Hipped pitched roofs, protruding bays with gables; mix of elevational materials; and, consistency in horizontal and vertical fenestration symmetry) which aid in the breaking up of built mass and facilitate the development's fit with in the street scene. The inclusion of balconies add visual interest as well as providing a further feature that breaks up the developments appearance to the front and rear. It is acknowledged that there will be change in the level of openness of the site, however the design will still be open and accessible, allowing views in and out of the central amenity area. As such it is not considered that this enclosure would be harmful to the character of the site.

Both the spacing between the buildings and height relationships are considered to have an acceptable relationship. Albeit the pitch of the developments main roof is 1.5m higher than the existing blocks, it is considered that the pitch's style and carefully designed form proportion ensures that it is not a physically overbearing and obtrusive form when viewed from the front and the rear. Being centrally sited at the opening of the existing 'U' shaped court at the front of the site, Officers consider that difference in architectural design to the other blocks is not harmfully significant and adds greater visual character, thereby respecting and enhancing the Court's local distinctiveness. The proposals are considered to represent high quality design that achieve a satisfactory visual appearance which accords with the principles of Section 7 (Requiring Good Design) of the National Planning Policy Framework.

No additional trees require removal as a result of the design amendments. Of the 10 existing trees and 6 existing groups trees on-site, 3 trees and 1 group would need to be removed in order to accommodate the proposed development. A further 4 trees and 1 group require removal due to poor condition. None of these trees are subject to TPOs. An Arboricultural Report was submitted setting out protection measures for the retained trees during the construction period. Additional planting is proposed across the site to improve the overall biodiversity and visual amenity of the site. Undeniably there is a slight loss of green space on site, however the wider site still benefits from green amenity space in excess of 2000sqm – significantly greater than what is enjoyed by most residential sites of this type. The Council's Arboricultural Officer has reviewed the submitted Arboricultural assessment report along with the proposals and has advised that there should be replacement trees and planting on site to off-set the loss of trees on site. A pre-commencement condition requiring further details will be recommended to ensure these improvements are secured.

#### Impact on the amenity of neighbouring properties

Officers recognise that the properties that are likely to be affected by the proposed development are the three existing residential blocks within Friern Court. The width of Friern Barnet Lane and the plot frontages of the residential dwellings opposite offer sufficient buffer (minimum 25m) to ensure that these neighbouring occupiers would not be demonstrably harmed by the physical built form of the proposed development. This is also a satisfactory minimum distance (>21m as recommended in the Council's adopted Sustainable Design and Construction SPD 2016) to ensure that there would be no undue overlooking and loss of privacy from the front (north) facing windows.

The distance from the rear elevation of the proposed development to the front elevation of the existing southern block is a minimum of 27m, which is considered to be appropriate to negate the potential concerns of overlooking and loss of privacy. As acknowledged in the character and appearance considerations, Officers consider that the development has been designed to respect the existing character and distinctiveness of the Court through careful design of its heights, bulk and massing, which are very similar. Consequently it is considered

that the development would therefore not appear unduly visually over-dominant or overbearing in its appearance to these neighbouring occupiers.

The existing east and west blocks, although closer to the proposed development, have a similar relationship to the southern block - i.e. sited at 90 degree angles so that there are no immediate and direct lines of sight into the neighbouring windows. It is therefore considered that the development would not give rise to any demonstrable overlooking or loss of privacy to an extent that would warrant the applications reason for refusal on these grounds.

A Daylight, Sunlight and Overshadowing Assessment has been undertaken by HTA, assessing both the light levels to the proposed development and the impact of the proposed development on light levels to surrounding residential properties. The Daylight, Sunlight and Overshadowing Assessment states that overall, the impact of the new block on the existing surrounding is considered negligible in terms of daylight and sunlight access. There are no existing windows facing south which are obstructed by the proposed development. The sunlight impact of the proposed buildings on the surroundings is therefore negligible. In terms of daylight access to the existing adjacent blocks, a total of 95% and 92% of windows met the BRE target within the blocks to the east and west.

In addition, the proposed development is not expected to significantly impact the existing amenity space in terms of overshadowing and the sunlight assessment shows that the communal amenity areas comply with the BRE criterion in terms of sunlight provision on the 21st March and 21st June. The existing condition was also assessed to evaluate the impact of the existing buildings on that area which determined the existing flat blocks to the south, east and west shade the communal space. Therefore, the proposed building which is located to the north of the communal space will not cause a major impact in terms of overshadowing.

The proposed residential development is located adjacent to existing blocks of flats in a predominately residential area. It is considered that the proposed residential use of the site is entirely compatible with the surrounding residential use, and will not generate any significant level of noise above that which would be considered reasonable for residential development.

With regard to potential noise and nuisance generated during the construction phase, this would be controlled by a planning condition requiring the submission, approval and monitoring of a Construction Management Plan and a restriction of construction working hours.

The development will increase the level of natural surveillance on site, thus it is not considered that there would be an increase in the level crime or security risks within the Court.

#### Impact on the amenity of future occupiers

The development will house the following accommodation typologies:

- 1 x 1-bed/2-person wheelchair accessible flat (*Internal Space: 56.5sqm*)
- 2 x 2-bed/3-person flats (*Internal Space: 71.7sqm*)
- 8 x 2-bed/4-person flats (*Internal Space: 6 x 72.8sqm / 1 x 77.1sqm / 1 x 79.2sqm*)

All of the proposed units have been designed to meet the minimum internal floor space standards, as set out in Table 3.3 Housing Standards Minor Alterations to the London Plan (March 2016), to provide high quality residential accommodation. The proposal is therefore

in accordance with Policy 3.5 of the Housing Standards Minor Alterations to the London Plan and the Council's adopted Sustainable Design and Construction SPD (2016) standards.

Each of the proposed units in the proposed block has access to its own private balcony, or private terrace at ground floor level, which meets or exceeds the minimum standards as set out in the Mayor's Housing SPG (2016). Residents of the proposed dwellings and nearby flat blocks will also benefit from the existing landscaped communal amenity space provided as part of the development which is in excess of 2000sqm. There are also a number of public amenity spaces within walking distance of the site, including Dame Alice Owen's Ground, Whetstone Stray, Swan Lane Open Space, Brook Farm Open Space and Wyatt's Farm Open Space.

The proposed development will not be unduly overlooked by the neighbouring blocks, and thus, it is considered that there will not be a demonstrable loss of privacy to the future occupiers of the development.

The revised Daylight, Sunlight and Overshadowing Assessment undertaken by HTA, assessing the light levels to the proposed development identifies that all 32 habitable rooms in the proposed development would satisfy the internal daylight (ADF) recommendations as set out within BRE's Guidelines. In terms of internal sunlight assessment, 75% of the assessed living rooms receive adequate sunlight throughout the year, in accordance with the Average Probable Sunlit Hours (APSH) and the Winter Probably Sunlit Hours (WPSH) target. The south-facing living rooms that do not achieve the recommended target for the winter period still achieve acceptable sunlight levels throughout the year, particularly during the summer season when the sun is higher and the sun rays reach lower parts of the building. The Annual Percentage of Sunlight Hours (APSH) of these windows is at least 37%, above the BRE target of 25%. As such, Officers consider that the development will result in satisfactory daylight and sunlight access for the future occupants with little demonstrable overshadowing impacts.

#### Highway safety, parking, cycle parking and refuse collection

The site has a PTAL score of 2, which denotes a moderate level of accessibility by public transport. There are a number of local facilities and amenities within the vicinity of the site. A Parking Survey and Transport Statement was submitted in support of the application, to consider the impact of the proposals at the site.

The scheme proposes a total of 38 surface car parking spaces. These 38 spaces comprise of 11 spaces for the new flats, 7 spaces to replace the garages, 18 spaces for the re-provision of existing parking spaces and 2 surplus spaces (one accessible space and one standard space).

There are 10 existing garages on the site, which are to be removed as part of the development proposals. Of the 10 garages, 7 are occupied by residents living within 200m walking distance of the Site. There are also 18 existing parking spaces on Site to be reorganised by the development proposals.

With regard to parking provision for new development, Local Policy DM17 sets maximum parking standards of 1 space per 1-bed unit and 1.5 spaces per 2-/3-bed unit. It is proposed to provide 12 new parking spaces at a ratio of 1:1 for the proposed units. The parking for the proposed units would not have a detrimental impact on the surrounding highways in terms of trip generation impact or parking stress in the vicinity as demonstrated through the Parking Survey and Transport Statement submitted. This has subsequently been reviewed



by the Council's Traffic and Development team who raised no objections to the schemes parking provisions and do not consider that the development will result in undue parking pressures within the surrounding area.

New safe and secure cycle storage to the rear of the proposed flat block is proposed to accommodate a minimum of 21 cycle spaces, to meet the minimum London Plan requirements for the proposed 11 flats.

New refuse and recycling stores for the proposed flat block and the existing blocks of flats would be located to the east and west of the proposed block, within a short distance from the highway for ease of collection. This is considered to be a satisfactory arrangement.

Servicing and deliveries would be made from Friern Barnet Lane to the north of the Site, as is the current situation for the existing blocks of flats.

The Transport Statement also demonstrates through swept path diagrams that sufficient access is provided for emergency vehicle access.

#### Drainage Provisions on Site

The Council's drainage consultants have reviewed the drainage submissions for the application site and have recommended a condition for full details of a drainage strategy prior to commencement of any further development.

#### Sustainability & Accessibility

The applicant has provided a sustainability statement which indicates that all residential units within the new development will achieve internal water restrictions of 105 litre/per person / per day, in accordance with Part P of the Building Regulations.

The Energy Statement within the Sustainability Statement demonstrates that the proposed scheme would achieve a 36.38% reduction in Carbon Dioxide emissions with reference to Part L1A 2013 of the Building Regulations, achieved largely through renewable energy in the form of photovoltaic (PV) panels, providing a highly sustainable development, in accordance with the objectives of the London Plan.

Previously, the London Plan and Barnet's local policy required all new dwellings to be designed to meet the Lifetime Homes standard. In March 2015, the Lifetime Homes standard was abolished. The current equivalent design standard is for compliance with Part M4(2) of the 2013 Building Regulations. The Housing Standards Minor Alterations to the London Plan (March 2016) updated the relevant London Plan policy accordingly, to require all new dwellings that are not designed to be fully wheelchair accessible or adaptable (Part M4(3)) to be designed in accordance with Part M4(2).

Part M4(2) standards include a requirement for dwellings to be provided with step-free access at the entrance point, effectively meaning that developments which include units with entrances above ground floor level now require provision of a lift. This is more onerous than the previous Lifetime Homes standards.

However, the supporting text of the updated London Plan Policy 3.8 states that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, Building Regulation Part M4(1) can be applied. This was considered by Officers at the pre-application stage (and in

other recent schemes) to be an acceptable approach, where the feasibility and viability implications are demonstrated.

The applicant confirms that due to the small-scale nature of the development proposal and the constrained nature of the site in terms of size and the positioning of existing development, providing a lift on this site is not feasible, and would have severe financial implications for the delivery of the proposed affordable units, for the reasons set out below:

- A reduction in the number and size of units within the development would be required to physically accommodate the lift;
- The higher construction costs associated with providing a lift;
- The ongoing maintenance costs associated with the lift and the need to incorporate this cost into the service charge for future residents, which in turn, impacts negatively on the affordability of the units, all of which are proposed as affordable rent units.

It is on this basis and under the provisions of supporting paragraph 3.48A of the Housing Standards Minor Alterations to the London Plan, that the proposed upper floor units are designed to meet the base Building Regulation Part M4(1) in this regard, and comply with all other requirements of Part M4(2). The ground floor wheelchair unit is Part M4(3) compliant. In this respect, the scheme would be policy compliant.

Overall it is considered that the development would be sustainable and have a good level of accessibility. Despite falling short of the desired accessibility standards within the Mayor's London Plan (2016), the applicants have demonstrated to the Council that to ensure blanket compliance with this standard across all developments would render the scheme unviable given the scheme costs. It would also necessitate an increase in service and maintenance charges which would preclude the opportunity to reduce the (affordable) rent level.

In mitigation, a condition has been imposed which would require a strategy document to be provided to demonstrate how the target or standard is being met across the range of schemes coming forward to deliver the affordable housing coming forward.

## **5.4 Response to Public Consultation**

Several of the planning issues raised are addressed in the report above.

The drainage services of the site are considered to be appropriate, however further details and clarification of the drainage strategy will be required by pre-commencement condition.

The London Borough of Barnet Regulation 123 List provides that the following projects may be funded by CIL:

Strategic Highways / Junction Improvement Projects  
Priority Town Centre Improvement Projects  
Education Facilities Projects  
Health Facilities Projects  
Community and Leisure Facilities Projects  
Parks, Open Spaces and Green Chain Projects

The development consisting of 11 residential units with little traffic generation is not considered to result in any undue pollution generation to an extent that would warrant the applications reason for refusal.

The development proposals would not explicitly make provisions for cycle infrastructure within the borough. This would be achieved through CIL.

Parking mobility on site is not considered to have changed considerably beyond the existing arrangements and is therefore not considered to be an issue.

Contaminated land has been considered by environmental health in their review of the scheme. They have recommended a pre-commencement condition to ensure that the sites existing and future residents are not at risk from potential land contamination.

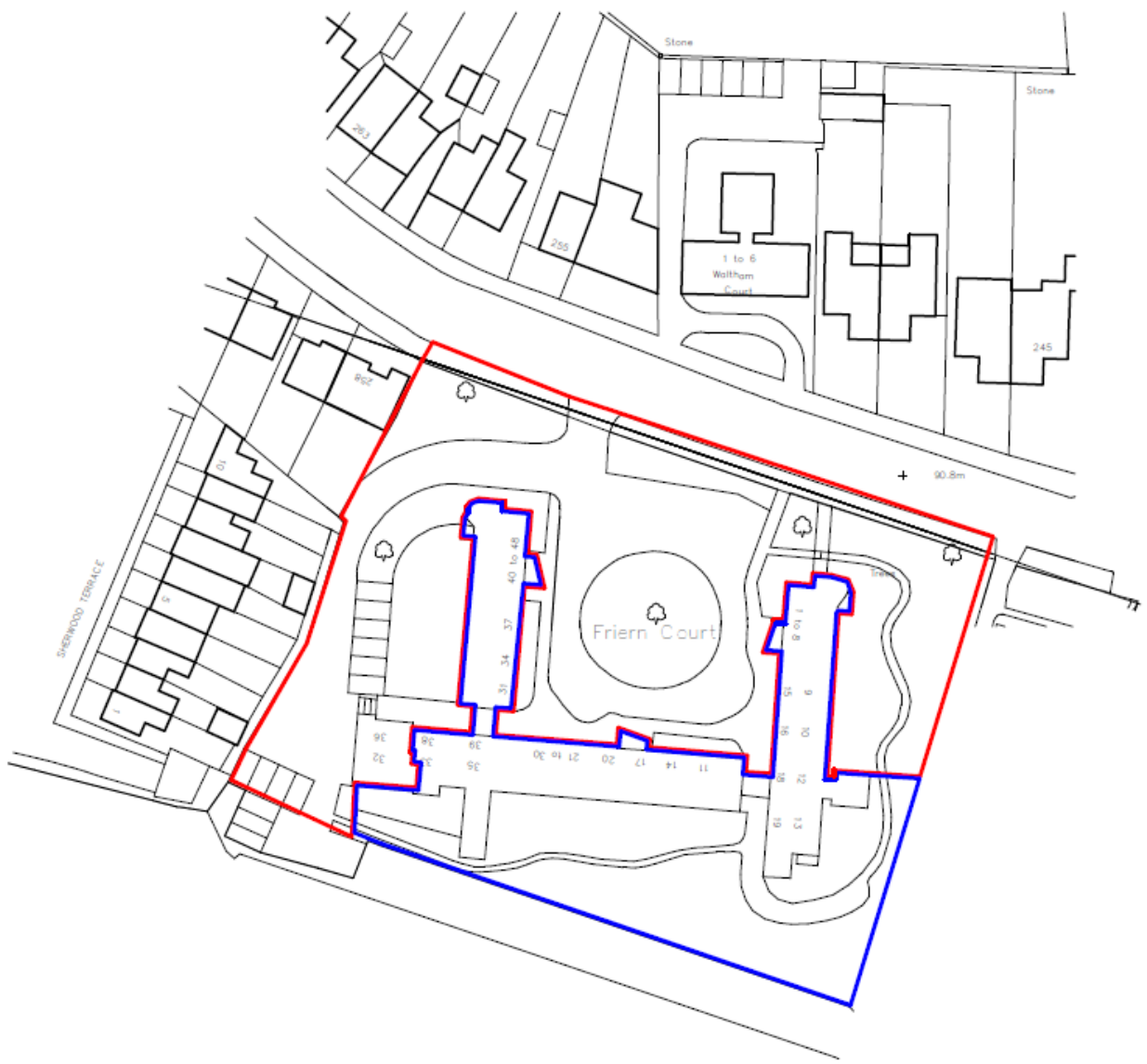
OpenDoor Homes conducted public consultation in accordance with best practice, however this is not governed by the Local Planning Authority.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development 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.



<b>Location</b>	<b>Registry Office, 182 Burnt Oak Broadway, Edgware HA8 0AU</b>	
<b>Reference:</b>	<b>17/6051/FUL</b>	Received: 22nd September 2017 Accepted: 25th September 2017
<b>Ward:</b>	Burnt Oak	Expiry 25th December 2017
<b>Applicant:</b>	Ms Christine Coonan	
<b>Proposal:</b>	Demolition of former Barnet Register Office (Class D1) and garages and the erection of a four-storey building containing 30no affordable homes (Class C3). Associated landscaping and car parking	

AGENDA ITEM 10

This application was considered by members at the Planning Committee meeting of 14<sup>th</sup> December 2017, when members resolved to approve the application subject to completion of a section 106 agreement.

The applicant has now requested amendments to conditions 1, 8, 10, 17, 18, 19 and 23 in this application, prior to planning permission being issued as determined by the Planning Committee in December. In line with the provisions in Recommendation I(ii) in the report to that meeting, the Chairman of the Committee has been consulted on the proposed changes to conditions. However due to the number of conditions for changes which are proposed, the Chairman requested that the alterations sought should first be considered by the Committee.

The matters for consideration are therefore limited to whether or not the changes sought to conditions 1, 8, 10, 17, 18, 19 and 23 are acceptable. Substantive issues as to the acceptability development, which are discussed in detail in the December 2017 Committee report, are not for debate as these principles were debated and established by the decision made by the Committee at that meeting. However, the report as presented to the 14<sup>th</sup> December meeting is copied below in full, with such amendments as were noted in the Addendum report that was published on the Council's website and distributed to Committee members prior to the meeting.

The reasons that the amendments are sought are discussed in this section. The amendments to the conditions are included as amendments in the main report, copied below, under Recommendation II, with new text underlined and deleted text ~~struck out~~. The affected conditions are also noted as **amended** in the main report.

**Condition 1 – the approved conditions:**

The requested change is the updating of two elevation drawings. The applicant's agent has advised that this is required because there was an error in two drawings that were considered at the 14<sup>th</sup> December meeting. These errors arose from internal change (the position of the service

flue riser at the northern end of the block) that were made during the application being considered. This change triggered the opening up of the end of the rear access gallery at second floor level, through the northern flank elevation wall, and this amendment was also included for the end of the gallery in the southern side gable (Elevation B-B). As such the intention is that the gallery would form an opening in both flank walls. The drawings were however not updated prior to the Committee meeting, although it was understood by officers that these openings were in fact intended.

The amendments to the flank wall as shown in the drawings in the December report are considered to be very minor in nature, and would provide some additional articulation to both flank walls, albeit that on the north side this would be largely screened from view by the adjacent building. It is however considered that the openings should be provided with full height visual screens, to ensure that no issues would arise such as objects being dropped from the sides of the buildings, in line with advice in the non-statutory guidance document 'Secure by design'. This can be provided for in the amendment to condition 8, which is considered below. Subject to that, the amendments to drawings are considered to be acceptable. The resulting amendment in condition 1 below is the updating of two drawings, A\_BA3-S24\_DR\_210 and A\_BA3-S24\_DR\_0211, from rev. C to rev. D.

### **Conditions 8, 10, 17, 18 and 19**

The changes to these conditions all relate to the timing of details on a range of issues, which in the December decision were all pre-commencement conditions - the relevant details would all be required to be submitted and approved prior to the commencement of the development. This would limit the scope for demolition of the existing building and other site preparatory works. It is considered that these conditions can all be amended to allow for demolition and, in most cases, construction up to first floor level, before the relevant details are approved by the Local Planning Authority. These conditions control the following issues:

Condition 8 - details of the materials and finishes to be used for the external surfaces of the approved building and for the hard surfaced areas

Condition 10 - levels of the building, vehicle access and footpaths

Condition 17 - details of the appearance, materials and opening mechanism for an electronically controlled access gate and of the appearance and materials of boundary treatment

Condition 18 - details of any works proposed on public highway to facilitate the development - details and statutory orders of any highways required to be stopped up

Condition 19 - details and statutory orders of any highways required to be stopped up



**Location** Registry Office, 182 Burnt Oak Broadway, Edgware HA8 0AU

**Reference:** 17/6051/FUL Received: 22nd September 2017  
Accepted: 25th September 2017

**Ward:** Burnt Oak Expiry 25th December 2017

**Applicant:** Ms Christine Coonan

**Proposal:** Demolition of former Barnet Register Office (Class D1) and garages and the erection of a four-storey building containing 30no affordable homes (Class C3). Associated landscaping and car parking

### RECOMMENDATION I:

- (i) ~~Subject to no substantive issues being raised by Historic England and / or the Council's Tree Officer,~~ to approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

### RECOMMENDATION II:

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

- 1 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. Provision of a minimum of 40% of the housing to be provided as affordable rental units in perpetuity, (the proportion to be provided to be calculated in terms of habitable room numbers in accordance with Local Plan policy DM10).
4. Provision of monitoring costs for a travel plan of £5000.
5. ~~Other than for registered disabled drivers, a restriction shall be placed on residents of the approved from eligibility to obtaining resident and visitor parking permits for the East Finchley Controlled Parking Zone.~~
65. Meeting the costs of providing appropriate play space and public amenity space improvements within the locality of the site - (~~sum to be advised £4355 towards off-site amenity space at Watling Park and / or Silk Stream Park, and £4200 for tree planting within the vicinity of the site to contribute to the wider setting of the development~~).



76. Meeting the Council's costs of monitoring the planning obligation - £2000.

**Conditions:**

**1 (amended)**

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

A\_BA3-S24\_DR\_0001  
A\_BA3-S24\_DR\_0001 rev. B  
A\_BA3-S24\_DR\_0100 rev. I  
A\_BA3-S24\_DR\_110 rev. D  
A\_BA3-S24\_DR\_111 rev. D  
A\_BA3-S24\_DR\_200 rev. D  
A\_BA3-S24\_DR\_201 rev. D  
A\_BA3-S24\_DR\_202 rev. D  
A\_BA3-S24\_DR\_203 rev. C  
A\_BA3-S24\_DR\_205 rev. C  
A\_BA3-S24\_DR\_210 rev. C D  
A\_BA3-S24\_DR\_0211 rev. C D  
A\_BA3-S24\_DR\_212 rev. C  
A\_BA3-S24\_DR\_300 rev. B  
A\_BA3-S24\_DR\_301 rev. B  
A\_BA3-S24\_DR\_302 rev. B  
A\_BA3-S24\_DR\_303 rev. B  
A\_BA3-S24\_DR\_304 rev. B  
A\_BA3-S24\_DR\_305 rev. B  
A\_BA3-S24\_DR\_306 rev. B  
A\_BA3-S24\_DR\_307 rev. C  
A\_BA3-S24\_DR\_308 rev. B  
A\_BA3-S24\_DR\_308 rev. B  
Design and Access Statement  
Planning Statement  
Sustainability Report SUT-61820 Issue 4 (September 2017)

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** No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. 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.

- 4 a) Before development commences other than for investigative work, a Method Statement detailing the any land contamination and requirements for remediation, using the information obtained from the site investigation, and post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority.

b) 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 first 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 2016.

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 6 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, telecommunications and installation of electric vehicle charging points including electricity supply cables) 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 2015).

- 7 a) No development shall take place until a scheme of noise mitigation measures to mitigate externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

8 **(amended)**

a) ~~No development other than demolition works shall take place until~~ Prior to the commencement of construction works above the approved finished ground floor level, details of the materials and finishes to be used for the external surfaces of the approved building and for the hard surfaced areas shall first have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted and approved shall include additional information on materials, detailing and finishes with particular attention to the north and rear elevations, and of the appearance and materials of the screens on the north-eastern side of the balconies serving flats within the rear wings, as set out in Section 5.3 of the Planning Officer's report for the application. The details to be approved shall also include additional full-height screening at each end of the third floor rear access walkway, on the flank wall elevations.

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

c) The screens on the north-eastern side of the balconies serving flats within the rear wings and on the flank wall ends of the third floor rear access walkways shall be maintained in good order and retained in accordance with the approved details for the lifetime of the development.

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

- 9 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site to include a further emergence / re-entry survey of all of the existing buildings, and of the

mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

10 **(amended)**

a) No development other than demolition and site clearance works shall take place until details of the levels of the building, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

11 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured 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 a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured 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 than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use 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 b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

12 No development including demolition works shall take place until a scheme of the preservation of items of heritage interest has been submitted to and approved by the Local Planning Authority.

Reason: To preserve the historic artefacts associate with the Hendon Workhouse along with any archaeological finds, in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

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

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

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

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

14 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

15 a) Before development commences, 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. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014.

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

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

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). 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.

- 16 a) Prior to the commencement of the development, scheme for air pollution mitigation measures based on the findings of the RPS Air Quality Neutral report shall be submitted to and approved by the Local Planning Authority.

b) The approved mitigation scheme shall then 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 development is air quality neutral in accordance with the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 17 **(amended)**

~~a) No development other than demolition works shall take place until~~ *Prior to the commencement of construction works above the approved finished ground floor level, details of the appearance, materials and opening mechanism for an electronically controlled access gate and the appearance and materials for boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority.*

~~b) Prior to the first occupation of the development,~~ *details of the appearance, materials and opening mechanism for an electronically controlled access gate shall have been submitted to and approved in writing by the Local Planning Authority.*

~~c) Prior to the first occupation of the development~~ *the approved details shall thereafter be implemented in accordance with the materials as approved under this condition and they shall be retained as such thereafter.*

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

- 18 **(amended)**

~~Prior to the commencement of the development~~ *Prior to the commencement of construction works above the approved finished ground floor level:*

*(i) details of any works proposed on public highway to facilitate the development shall be submitted to and approved by the Highway Authority local planning authority and the works shall only be carried out under the S184 or S278 of the Highways Act in accordance with the approved plans.*

*(ii) In the event that no works to the highway are required, a statement to that effect shall be submitted to and approved / acknowledged in writing by the local planning authority.*

Reason: To ensure that the access is satisfactory in terms of highway safety 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 **(amended)**

*Prior to the commencement of construction works in association with the development, details and statutory orders of any highways required to be stopped up to facilitate the development*

*shall made under Section 247 of the Town and Country Planning Act 1990, and these shall then have been submitted to and approved in writing with the Local Planning and Highway Authority.*

Reason: To ensure that adequate public access is provided throughout the development.

- 20 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. A\_BA3-S24-DR\_0100 Rev. I 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.

- 21 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application 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.

- 22 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been shall be submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retain for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 23 **(amended)**

The development shall not be occupied until all the four units the ground floor flats specified as WCH (Wheelchair flats) on the approved plan ~~has~~ have been constructed to meet and achieve all the criteria of Part M4(3) of Schedule 1 of the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and the remaining flats ~~↓ in~~ the development have been constructed to meet and achieve all the relevant criteria of Part M4(2) of the abovementioned regulations. The development shall then be retained as such thereafter.

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 24 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been shall be submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be permanently retained 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.

- 25 Prior to the first occupation of the approved development it shall have been constructed in accordance with the approved Sustainability Report (ref. SUT-61820 Issue 4, September 2017) incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 27 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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 2015.

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

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

#### **Informatives:**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 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:
- (i) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - (ii) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - (iii) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - (iv) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - (v) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - (vi) 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.

- 3 The Environmental Health Officer advises that the submitted Construction Method Statement shall include, in addition to the Highway Authority's requirement, the following minimum details to address Environmental Health:
- (i) Site hoarding
  - (ii) Wheel washing
  - (iii) Dust suppression methods and kit to be used
  - (iv) Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - (v) For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
  - (vi) Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - (vii) For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
  - (viii) Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS

within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

- 5 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 6 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 Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

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

- 8 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 10 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a Highways works agreement. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 11 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 12 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 13 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 14 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 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](http://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 £56,805 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 £219,105 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](mailto: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](http://www.planningportal.gov.uk/cil).

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 17 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 18 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 19 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

## **Officer's Assessment**

### **1. Site Description**

The site comprises the former London Borough of Barnet Register Office land, which is where the main part of the proposed development would be located, and a small non-contiguous area to the rear that currently comprises garages and hardstanding. The former Register Office is located at the western edge of the Borough, on the eastern side of the A5 Burnt Oak Broadway and within Burnt Oak Town Centre. South Road is directly to the rear of the Register Office, and the smaller garage site that is included in the overall site area is on the opposite side of that.

The Register Office is a single storey building, with extension and smaller buildings and structures all of which appear to have been added in a somewhat *ad hoc* fashion. The premises are understood to have been vacated early this year, when the facility moved to Hendon Town Hall.

The three-storey Appleton Court Care Home is the immediate neighbour to the south, and there is a three-storey parade of shops to the north of the site at 184-198 Burnt Oak Broadway. The closest property, at number 184, also has a car repair workshop at the rear, with its access being taken from South Road. Also on South Road, to the east and rear of the former Registry Office, there is residential development that appears to date from the late 1960s / early 1970s, in the form of terraced housing with small front and rear gardens. Access to these properties is typically from both front and rear. Numbers 2-8 South Road are located immediately opposite the registry office, with their rear elevations towards South Road and towards the proposed development. Numbers 8, 9 and 14 abut the smaller part of the site that is intended for car parking.

The A5 Burnt Oak Broadway forms the boundary with London Borough of Harrow, which lies on the opposite side of this busy arterial road, and the Town Centre designation applies therefore only to the eastern side of the A5.

In line with the site's Town Centre designation, the Burnt Oak Broadway road frontage has a strongly commercial character. Along with the parade of shops immediately to the north of the application site, there is a range of local services within the Town Centre's primary and secondary retail frontage, south of Appleton Court Care Home, and on the opposite side of the road within the London Borough of Harrow. The scale of the built form is a mix of two and three storeys in height, rising to four storeys at the Peacocks building which occupies a prominent corner site about 280 m to the south-east on the south side of the Broadway / Stag Lane junction (within the London Borough of Brent). Annex 2 in the London Plan identifies Burnt Oak Town Centre, including land on the western side of Burnt Oak Broadway that is within the two neighbouring boroughs, as being of District level importance.

The site is approximately 550m walking distance from Burnt Oak tube station. A number of major bus routes run along the A5. The Watling Estate Conservation Area is to the south, on Barnfield Road and Watling Avenue, and there is a Grade II Site of Borough Importance for Nature Conservation about 180m to the east - the Silk Stream and Burnt Oak Brook.

### **2. Site History**

There is no relevant planning history.

### **3. Proposal**

The proposal is to demolish the existing buildings at the site and to construct a four storey building to accommodate 30 flats, with car parking in two parts of the site. Ten spaces including 4 to disabled standard would be provided on the south side of the residential building, and 12 additional

spaces would be provided on the opposite side of South Road, where the existing garages would be demolished. The building concept is based on a mansion block typology, to which it bears some resemblance although in addition to the communal entrance from Burnt Oak Broadway, the six ground floor flats would have their own front access. At the rear, four storey high wings would accommodate a bicycle store, refuse and recycling bin store and a plant room at ground floor level with flats above. A 203 sq.m. Amenity space would be located to the rear, with a gated access to allow residents to access the area of car parking to be provided on the opposite side of South Road.

Each flat would be arranged to be dual aspect, and main access to the upper levels would be by lift and stairs to communal walkways located at the rear of the main element of the building at first, second and third floor levels. Terraces to the rear at ground floor level provide a second access for flats on this level. The walkways would provide a physical break in the building line between the main part of the building and the southern wings, and at ground floor level this would provide access between the rear access gate, amenity space and the smaller car parking area on the south side of the building.

Existing trees including a good quality yew adjacent to the southern boundary would be retained. The layout drawing also shows two ash trees towards the southern side of the building of the Burnt Oak Broadway frontage as being retained.

#### **4. Public Consultation**

Consultation letters were sent to 223 neighbouring properties.

Seven response letters have been received, including six objections that raised the following issues:

- There are bats and hedgehogs at the site, both of which are protected wildlife species.
- The area is overcrowded, and more flats and residents are not needed here.
- The Council should listen to the views of long-standing local residents.
- The area is overcrowded, and more flats and residents are not needed here.
- Prevalence of crime in the area.
- Parking in the area is difficult and will get worse if this development proceeds.
- Overlooking and loss of privacy will result from the proximity of houses at the rear of the proposed development.

A further letter on behalf of the Hendon and District Archaeological Society, which raised the following issues:

- There have been Roman finds at Thirleby Street nearby. An archaeological condition should be included in any planning permission.
- We note that the applicant proposes to donate to a local museum two items which survive from the former Hendon Workhouse. We welcome this, and suggest that the Barnet Museum might be a suitable place.

These issues are considered in sections 5.3 and 5.4 of this report.

#### **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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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

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

- Policy 2.15 - Town Centres
- Policy 2.18 - Green Infrastructure
- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and young people's play and informal recreation
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 4.7 - Retail and Town Centre development
- Policy 4.8 - Supporting successful and diverse retail and related facilities and services
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.7 - Renewable energy
- Policy 5.8 - Innovative energy technologies
- Policy 5.9 - Overheating and cooling
- Policy 5.10 - Urban greening
- Policy 5.11 - Green roofs and development site environs
- Policy 5.12 - Flood risk management
- Policy 5.13 - Sustainable drainage
- Policy 5.14 - Water quality and wastewater infrastructure
- Policy 5.15 - Water use and supplies
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.2 - An Inclusive Environment

- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- Policy 7.6 - Architecture
- Policy 8.1 - Implementation
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy
- Annex 2 - London's Town Centres

#### 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 DPD Policies:

- CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development
- CS1 Barnet's place shaping strategy - 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
- CS13 Ensuring the efficient use of natural resources
- CS14 Dealing with our waste
- CS15 Delivering the Core Strategy

#### - Relevant Development Management Policies DPD:

- DM01 Protecting Barnet's character and amenity
- 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
- DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people
- DM10 Affordable housing
- DM11 Development Principles for Barnet's Town Centres
- DM13 Community and education uses
- DM16 Biodiversity
- DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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 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.

#### - Mayor of London's Supplementary Planning Guidance:

- Housing
- Shaping Neighbourhoods: Play and Informal Recreation



- Affordable Housing and Viability

These Supplementary Planning Guidance documents set out a range of Standards for residential development and open space provision in London.

#### - LBB Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. 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.

- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

##### Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

#### Other relevant planning documents

##### London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

##### Burnt Oak Looking Forward - A plan for Burnt Oak Town Centre (October 2016)

- A non-statutory document sets out community aspirations for the development and revitalisation of the Town Centre.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The context of the development in the applicant's affordable housing programme.
- Whether the principle of residential development on this Town Centre site is acceptable in principle.
- Whether harm would be caused to the character and appearance of the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the living conditions of future occupiers would be acceptable.
- Whether the proposal would result in any unacceptable impacts on archaeology and heritage.

- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport.
- Whether the loss of trees on the application site is acceptable.
- Building sustainability.
- Protected wildlife.

### 5.3 Assessment of proposals

#### - The context of the development in the applicant's affordable housing programme

This development has been proposed by Barnet Homes, the Council's Arms Length (ALMO) social housing provider. Barnet Homes through agreement with the Council is in the process of acquiring land for the purposes of developing social housing for affordable rent including specialist accommodation for disabled people, and aim to deliver 720 units by 2020. The separate development arm known as Open Door Housing has now been registered with the HCA to deliver these units.

In acquiring the sites Open Door housing will deliver properties for affordable rent. These units will be let at a rental level of 65% and as such, will fall within the current National Planning Policy Guidance definition of affordable rent. Smaller schemes such as this one will generally not be secured through the planning system, but this benefit as a legal obligation imposed on the acquisition of the land. The occupation of these units will be for residents of the London Borough of Barnet using their adopted nominations procedures.

This approach has been adopted by Members at the Planning and Environment Committee in 2016, as well as by HB Law.

A section 106 agreement would need to be entered into which provides for at least 40% of the residential provision within the site to be retained as such on a permanent basis. Policy DM10 advises that affordable housing calculated on the basis of floor area or the number of habitable rooms, and it is recommended that the section 106 is completed on the basis of this policy compliant position.

#### - Whether the principle of residential development on this Town Centre site is acceptable in principle

The site is with a town centre, with a long-established community use. Policies CS6 and DM11 seek to promote and protect Barnet's Town Centres: Policy CS6 seeks to ensure an efficient use of Town Centre land, encouraging a mix of compatible uses that will add to the vibrancy and character of the area including, in addition to retail, community and residential uses. Policy DM11 (c)ii supports mixed use developments that include re-provision of employment, residential and community uses, where these would otherwise be lost. Policy DM13 protects existing community uses, and London Plan policy 3.16 sets out that additional and enhanced social infrastructure will be required to meet the needs of our growing and diverse population, and that redundant social infrastructure premises should be assessed against any defined need in the locality for other forms of social infrastructure before alternative uses are considered.

Typical patterns of residential provision in town centres with non-residential uses at ground level and flats above are found in the parade to the north of the site and to the south on Burnt Oak Broadway. Appleton Court Care Home, is a C2 residential use, which results in 60m of town centre road frontage being non-active in terms of including typical non-residential uses at ground level. In conjunction with that building, the current proposal would increase that frontage to 130m. In assessing this impact, the application cites a 2011 District Centre Survey which recommended de-designating numbers 158-198 Burnt Oak Broadway, due to shops within this address range being distant from the main retail areas within the Town Centre and because there are significant gaps in this frontage. However, this recommendation was not carried over into the Development

Management Policies DPD, and the frontage up to 198 Broadway remains within the town Centre as identified in Map 15 of this DPD.

Policy DM13 states that the loss of a community use will only be acceptable in exceptional circumstances where:

- A 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 a continued community or education use, and the site has been marketed effectively for such use. The policy supports new community uses in locations that are accessible by public transport, walking and cycling, preferably in town centres or local centres...

It is noted that the Registry Office has been re-provided elsewhere, at Hendon Town Hall. The site has not been seriously considered for other possible community needs in line with London Plan policy 3.16, and the Planning Statement notes the presence of the North Road Community Centre and other community facilities near the site.

While not a statutory planning document, *Burnt Oak Looking Forward - A plan for Burnt Oak Town Centre* (October 2016) provides some preliminary direction for the redevelopment of the wider Town Centre. It identifies development opportunities within the town centre, including as site 6.3 the Register Office site. While the content of this document is conceptual only and relies largely on examples from other locations, it notes the potential for the site to provide residential development on a small mixed residential and commercial street, with public realm improvements. This is broadly consistent with Policy DM11, where the explanatory text in the DPD advises that edge of centre development should be suitably integrated into the existing town centre and should allow easy movement to support existing town centre uses. Points to be considered for development in such locations are:

- ensure the design and siting of the development promote visual continuity with the existing street scene;
- make provision for improved pedestrian links between the development and existing facilities; and
- design the site layout to give efficient access for all modes of transport.

(para. 12.6.3 in the Development Management Policies DPD)

The proposal would be a fully residential development. The former Registry Office use has been reprovided elsewhere at Hendon Town Hall, so satisfying the requirements of alternative community uses in Policy DM13. While a robust consideration of other community needs in the area has not been provided in line with London Plan policy 3.16, the proposal is considered to be justified on grounds of providing necessary affordable housing to a high standard.

- Whether harm would be caused to the character and appearance of the street scene and the wider locality

The Design and Access Statement sets out the design concept for the scheme, which is based on the mansion block residential typology which is typical of many of London's more urbanised residential areas. In plan form the building is based on a rectangle, with three forward projecting squared bays added to the front elevation and, as already noted in the description of the proposals in Section 3 of this report, two wings to the rear.

The building would introduce a change in the scale of the prevalent patterns both at the front and rear of the site. The front elevation has been designed with two parapet lines. One of these is set at just under 10m, which is a similar height to the corresponding parapet on the building to the north (184-198 Burnt Oak Broadway). The second parapet line, across the fronts of the three forward projecting bays, would be higher at approximately 10.8 m height. The mansard roof would

be set behind the lower parapet, with a roof height just under 14m in height (14.5m on the small lift overrun), with flank walls of the two rear wings also 14m in height. Balconies would be a new element in the streetscene on the front elevation. These would be set between the bays and, for the third floor flats, behind the higher parapets of these bays. As such these are considered to be acceptable in terms of appearance. The spacing between the proposed and neighbouring building on the north side, 184 Burnt Oak Broadway, would be a minimum of 3.0 m from the lower parapet height, increasing to over 6m separation from the closest of the higher forward projecting bay elements. Separation from Appleby Court, where the height of the closest flank wall is approximately 9.5m, would be approximately 24m. It is considered that the separation on both sides and the design of the street frontage elevation of the building will result in an acceptable transition in scales that will allow the building to sit comfortably in the streetscape.

While the mansard roof sits behind the parapets around most of the building perimeter, the flank walls of the rear wings rise to 14m high. On the southern flank wall of the building the openings provided by the rear access walkways (referred to in the description of the proposals at Section 3 above) would provide a clear separation between the main part of the building and the higher flank wall of this rear wing. This visual separation along with the openings in the higher flank to be provided by windows would result in an acceptable transition in scales on this elevation. Rusticated brick work which would wrap around all four elevations for the full height of the ground floor level (approximately 3.5m) would also provide design interest here, and the height of the flank wall would be further mitigated by the presence of a large yew tree, which is discussed further below. In contrast, there are almost no openings on the northern elevation, reflecting its position facing the flank wall at 184 Burnt Oak Broadway. The flank would project approximately 7m to the rear of this neighbouring property and will be approximately 3m higher than this neighbouring building. This will require additional elevational treatment to ensure that it does not become overly dominant in the street scene, as provided for in the recommended condition regarding materials and provision of additional details of appearance and elevational treatment.

The rear elevation will be articulated by the access walkways to the rear of the main part of the building, by the projecting elements of the rear wings, and by window and door openings. As with the rear element of the northern flank wall, this elevation has the potential to be quite dominant in the streetscene and it will be important to mitigate this through careful selection of walkway railings, window frames and other detailing. While the rusticated brick work referred to above will assist in this respect, further means of ensuring that this elevation is not too "heavy" in its appearance will be required in accordance with the recommended condition.

Replacement of existing vegetation at the site with new trees both at the front and rear, and with hedges along the front boundary will be of assistance in melding the development into its surroundings. It is also considered that a hedge along the rear boundary should also be provided. Native species that encourage wildlife would be suitable for this purpose, and the recommended landscaping condition will ensure that planting is of a quality that is commensurate with the scale of the proposed building.

The larger car parking area at the rear of the site would be entirely taken up in hard surfacing. There is an opportunity here to introduce more permeable forms of paving than currently present, and this would also assist in the improvement of the character of the area.

Subject to the above conditions along with the more standard requirement for submission and approval of external materials, including hard paving materials for both parts of the site and boundary treatment, it is considered that the development will have an acceptable and positive impact on the character and appearance of the area.

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

Separation distances between facing habitable room windows would be a minimum of 27m from rear facing windows in the northern rear wing to the rear of the first floor level at number 2 South Road, and a similar distance (although angled) from the southern rear wing to number 8. Separation distance increases to over 35m from the rear walkways at each level, which would face

numbers 3-8. Distances from windows and the walkways to the rear garden boundaries at 2-8 South Road would range from 17m (from rear facing windows in the northern wing) to 35m (from the access walkways). Balconies serving the flats in the rear wing would face into the shared amenity space with the application site, and in order to avoid undue overlooking of neighbouring occupiers in their gardens it would be necessary to introduce screening to these balconies on the side facing South Road. In order to ensure that this does not impact on light into these flats, it would be necessary to use a translucent material such as toughened glass for this purpose. Subject to this being controlled by specific reference to this item in the materials condition, it is considered that the proposal will not result in any significant impacts on the privacy of neighbours on this side.

To the south, minimum distances to windows at Appleby Court would be 24m. While it is not known whether any of the facing rooms at the care home are used for accommodation, this separation is sufficient to ensure the mutual privacy of residents at the home and future occupiers at the development site.

A daylight and sunlight assessment was provided in the application, which assesses the impacts on light to neighbouring properties. Impacts on daylight and sunlight into the surrounding houses were shown to be within acceptable parameters in the relevant BRE guidance.

There are no south-facing flank wall windows at 184 Burnt Oak Broadway that would be adversely affected by proximity to the proposed building. Occupiers of flats at this address with rear facing windows could be impacted by proximity to the high flank wall of the northern rear wing in the proposal, which unless ameliorated by careful selection of materials and detailing has the potential to be overdominant in relation to this neighbour.

Subject to the conditions recommended above, it is considered that the proposal would not result in unacceptable impacts for surrounding residents.

#### - Whether the living conditions of future occupiers would be acceptable

The proposal would provide 8no. one-bedroom flats and 22no. two-bedroom flats, including four wheelchair flats on the ground floor, all achieving or exceeding the minimum floor areas set out in the Residential Design Guidance SPD.

The Building Research Establishment guidelines assess sunlight in terms of visible sky component (VSC) or "no sky view", and daylight in terms of average daylight factor (ADF). The daylight and sunlight study submitted with the development and referred to above in relation to assessment of impacts on neighbouring properties also assessed 94 habitable rooms within the development. It found that 92% of these rooms comply in terms of VSC, and 85% comply in terms of ADF. Living / kitchen / dining rooms for five of the six ground floor flats did not meet the ADF test but passed the VSC test. At first floor level six out of eight kitchen / dining rooms did not meet the ADF case but four of these met the VSC test, and in addition all of these flats would have separate dining rooms that meet both tests. This situation is largely repeated at second floor level, while at third floor level all rooms would comply with both tests. On balance, the levels of amenity provided for the non-complying flats are considered to balance the underperformance of some of the rooms.

With respect to external amenity space, four of the ground floor flats would have 14 sq.m. terraces and all of the first, second and third floor flats would have balconies of approximately 6 sq.m. One of the ground floor flats is shown as having a larger terrace (36.5 sq.m) on the northern side of the building, although the amenity value of this space would be limited by its aspect and overshadowing. The remaining ground floor flat would not have its own private amenity space, but all ground floor flats would have a small area of front garden delineated by hedges, and in addition the 203 sq.m. shared space at the rear of the building would provide in conjunction with the private terraces and balconies, an average 13 sq.m. of amenity space per flat. The overall provision including both private and communal space equates to 403 sq.m. of useable amenity space, which represents a shortfall of 67 sq.m. against the standards set out in the Residential Design

Guidance SPD. This could be made up through an off-site financial contribution towards amenity space and play space in the locality.

- Whether the proposal would result in any unacceptable impacts on archaeology and heritage

While the site is outside the Burnt Oak area of Archaeological Importance, Historic England have commented on its proximity to the route of Watling Street, a major Roman Road, and that the site formed part of the Hendon Workhouse during the nineteenth century. There is potential for a human burials that may have been carried out in association with the Workhouse. The Historic England consultation response has requested that a further desk-based assessment of archaeology be carried out, and that any planning permission be granted only following further evaluation and consultation. A desk-based assessment has been submitted and further comments are now awaited from Historic England. The recommendation is made in line with their comments.

The application has identified two remaining items in the existing building from the former Hendon Workhouse. These are a door and an ornamental exterior railing. The application statement has suggested that these be donated to a local museum. It is not known whether either of these items would be of interest to the Barnet Museum or any other museum, and a recommended condition provides for detail of the retention and preservation of these items. It may be possible to utilise the decorative railing on site in association with the landscaping scheme.

- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport

Transport for London (TfL) have confirmed that the site has a PTAL rating of 4/5. Taking this into account, the parking requirement for the site would equate to between 26 and 30 parking spaces for the proposed development. Therefore the proposed parking provision of 22 parking spaces would result in a shortfall in parking provision of 4 to 8 parking spaces. The applicant has undertaken a parking beat survey in accordance with Policy DM17. This was carried out in the early hours of 25 and 27 April and made observed of all vehicles parked on Barnfield Road, Burnt Oak Broadway.

Streets in the London Borough of Harrow were also included in the survey (The Highlands, Oakleigh Avenue, Vancouver Road and Park Road). The Highways Officer does not consider that parking availability on these streets should not be counted into the survey, although there would be nothing to prevent future residents at the development from using those spaces outside of times restricted by a LB Harrow controlled parking zone. Notwithstanding that, if the available spaces located on the above three streets are removed from the capacity assessment they result in 40-48 available spaces with Barnet. The Highways Officer accepts that this is sufficient to cover any additional car parking demand that is not met at the site.

In addition, the applicant has also submitted a Travel plan Statement. It is noted that the proposed development falls below the threshold for the provision of a Travel Plan, and the Highways Officer has welcomed the provision of a voluntary Travel Plan. This is provided for in the recommended conditions.

Refuse and recycling bins will be stored in a secure bin store on the ground floor of the southern rear wing. Collections will require bins to be moved for collection on the appropriate day, and a condition requiring a travel plan will therefore be required.

Any works on public highway to facilitate the development would be subject to submission and approval of the details to the Highway Authority and would need to be undertaken under S278 of the Highways Act. A separate application would need to be made to the Highway Authority for works under S278 of the Highways Act.

A secure communal and private cycle store would provide the required 52 cycle spaces (one per bedroom in accordance with the relevant standard). Additional detailed drawings would be

required to demonstrate that acceptable access to the store and stands are provided, as recommended in the relevant condition in Section 1 of this report.

#### - Whether the loss of trees on the application site is acceptable

The proposal would result in the loss of 10 trees, most of which are considered to be C graded and three of which are B grade. One A grade tree, a yew that is considered to be 200 years old, is to be retained, and following the Tree Officer's initial comments on the proposal, the car parking layout has been amended to provide more soft ground around this tree and so ensure its future viability. Two ash trees are also identified for retention.

Since the Tree Officer commented on the scheme, the car parking layout has again been revised and this has resulted in a strip of ground that would have remained as soft ground in the previous layout now being provided as hard surfacing. While it may be possible to provide this using a no-dig methodology and permeable paving materials, it is considered essential that the Tree Officer's further comments be taken into account before this layout can be accepted. An arboricultural method statement will be secured by way of condition.

#### - Building sustainability

An energy statement has been provided with the application, which demonstrates how the scheme would comply with London Plan policies 5.2 and 5.3 in terms of Carbon Dioxide Emissions and Sustainable Design and Construction. On-site renewable and low-carbon energy sources are proposed, including a small CHP plant to be provided in the northern rear wing at ground floor level, and photovoltaic panels on the roof of the building.

#### - Protected wildlife

Buildings and trees within the Burnt Oak Register Office site were surveyed, including a preliminary inspection and a single follow-up emergence survey (a survey using specialised detection equipment to ascertain whether bats are using the buildings and / or trees for roosting, feeding or 'commuting', undertaken during the warmer months when bats are active).

In compliance with policy DM16, an ecology survey of the remainder of the site should be carried out before any demolitions or tree felling takes place, including a second emergence / re-entry survey that should include the garage block as well as the Register Office buildings. One neighbour has commented that there are hedgehogs in the locality, and as the former ceremonial garden at the site provides potential for bird nesting and terrestrial species, it is agreed that the survey should also consider the potential and actual presence of these groups. A condition is recommended to provide biodiversity mitigation and improvements at the site, with native and wildlife friendly planting to be provided as part of the landscaping for the scheme.

#### - Other material considerations

An Unexploded Ordnance Report was submitted with the application. This included a survey of wartime records for the Borough of Hendon, and concluded that there is little to no likelihood of unexploded WW2 bombs or anti-aircraft shells at this site.

### **5.4 Response to Consultation**

The issues referred to in neighbour letters are addressed in the above discussion. Consultation response are summarised here:

#### Environmental Health:

- The reports submitted show that some contamination of soils has been found and a remediation strategy is recommended. A bespoke contaminated land condition is therefore recommended.
- The Air Quality Neutral Assessment submitted shows that the transport emissions generated are not “air quality neutral” and therefore on-site mitigation measures or emissions off-setting off site is required. A condition is recommended to achieve this.
- The standard Construction Method Statement condition is recommended, to prevent dust issues.
- The noise assessment by Cass Allen Associates shows that windows on the façade of the A5 will require acoustic glazing; bedrooms will require a very good performance. This is in addition to acoustically treated ventilation. This is down to very high noise levels due to traffic on the A5. A condition to ensure adequate noise mitigation (including glazing and ventilation). Residents on the A5 façade will have to keep their windows closed to ensure suitable internal noise levels and so the ventilation system chosen is very important – a type of whole house mechanical ventilation system may be necessary.

#### Lead Local Flood Authority:

- A sustainable drainage system will be required; a condition is recommended.

#### Highways:

- The application is recommended for approval, subject to conditions. Refer to discussion in 5.3 for further details. These are set out in this report.

#### Tree Officer:

- Supports application subject to adequate protection for existing trees and in particular the large yew tree. This has required amendments to the car parking layout. Refer to discussion in 5.3 for further details. (Further comment is awaited on the latest very recent changes to this layout).

#### Greenspaces:

- Comments awaited regarding section 106 sum for off-site provision of amenity and play space.

#### Historic England:

- The archaeological potential at the site is such that sufficient level of investigation should be demonstrated prior to permission being granted. Refer to discussion in 5.3 for further details. (Further comment is awaited on the additional information provided by the applicant).

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality. The development is not



considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to conditions.

## PLANNING COMMITTEE

14 December 2017

### ADDENDUM TO THE OFFICER'S REPORT

**17/6051/FUL**

Registry Office, 182 Burnt Oak Broadway, Edgware HA8 0AU

**Pages 13-43**

#### **Additional information:**

Consultation responses have been received from the Council's Greenspaces Partnership and Development Manager and Tree Officer.

The Greenspaces Manager has calculated a sum of £4,355 to contribute towards provision of off-site amenity space, to make up the short fall of 67 sq.m. for the development.

The Tree Officer is satisfied that the car parking layout will protect the prominent yew tree at the site and an ash tree in the south-western corner of the site. A second ash that is identified for retention, which would be close the south-western corner of the building, may need to be pruned to allow construction and to ensure adequate light for future occupiers. As already noted in the main report, a number of other trees would be lost in the site. The Tree Officer has recommended replacement outside the site, and on the basis of replacement costs for seven trees an appropriate sum has been calculated as £4200 (£600 per tree for street planting).

A further consultation response is still awaited from Historic England in regard to archaeology at the site. It is considered unlikely that any issue will be identified that could not be dealt with by the condition recommended in the main report; in the event that this proves not to be the case the actions set out in Recommendation I (ii) would be followed (this part of the recommendation below remains the same as in the Committee report).

In accordance with the above, the recommendation is amended as follows:

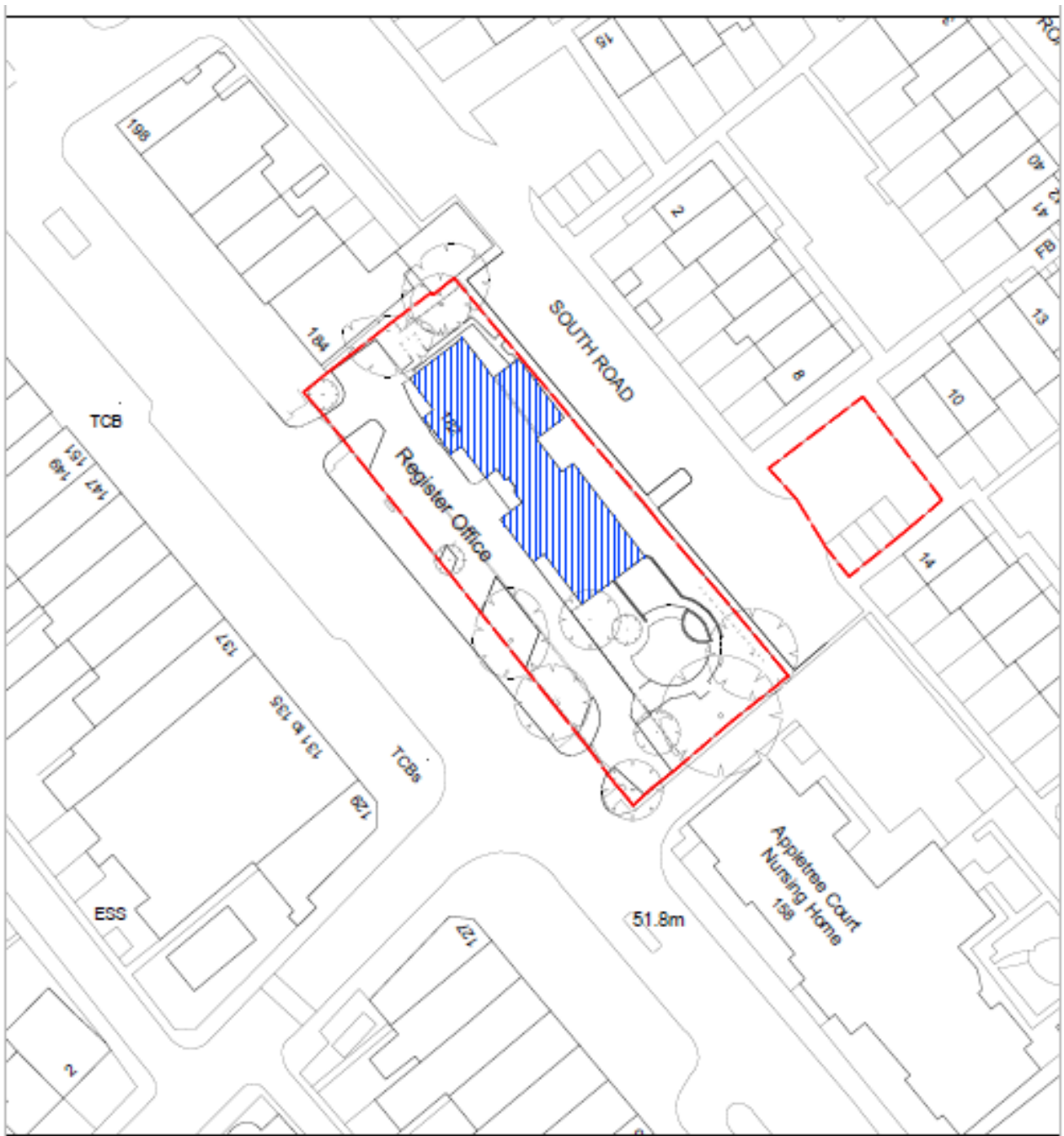
#### **RECOMMENDATION I:**

- (i) Subject to no substantive issues being raised by Historic England, to approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

#### **RECOMMENDATION II:**

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

1. 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. Provision of a minimum of 40% of the housing to be provided as affordable rental units in perpetuity, (the proportion to be provided to be calculated in terms of habitable room numbers in accordance with Local Plan policy DM10).
4. Provision of monitoring costs for a travel plan.
5. Other than for registered disabled drivers, a restriction shall be placed on residents of the approved from eligibility to obtaining resident and visitor parking permits for the East Finchley Controlled Parking Zone.
6. Meeting the costs of providing appropriate public amenity space improvements within the locality of the site (£4355 towards off-site amenity space at Watling Park and / or Silk Stream Park, and £4200 for tree planting within the vicinity of the site to contribute to the wider setting of the development).
7. Meeting the Council's costs of monitoring the planning obligation - £2000.



- 29.08.17 PSM Draft Issue
- A 03.08.17 PSM Draft Issue
- B 20.08.17 PSM Issue for planning

— Site boundary  
▨ Existing Register Office to be demolished



**Notes:**  
 Do not scale from drawings unless by agreement with HTA. Use figured dimensions only. Check all dimensions on site prior to commencing the works. Drawing to be read in conjunction with other relevant consultant information.  
This drawing is the property of LBB-SMP-300

**Existing Site Plan**  
drawing title Former Barnet Register Office

**A BA3-S24-DR\_0002**  
drawing number

**B**  
revision

**Opendoor Homes Barnet Sites**  
client / project

**1:500**  
scale @ A3

**LBB-SMP-300 PSM**  
project number originated by

**Location**                    **The Croft, East Road, Edgware HA8 0BS**

**Reference:**                **17/2304/FUL**

Received: 05 April 2017

AGENDA ITEM 11

Accepted: 21 April 2017

**Ward:**                    **Burnt Oak**

Expiry: 21 July 2017

**Applicant:**              **Barnet Homes**

**Proposal:**                Demolition of six existing blocks containing 24 studio flats and the erection of two new blocks ranging from 3 to 6 storeys in height containing 33 one, two and three bedroom homes C3 associated landscaping and a reconfigured car park.

### **Request to amend conditions prior to permission being issued:**

The applicant has requested amendments to the conditions 5, 7, 8 and 14 in this application, which members resolved to approve subject to completion of a section 106 agreement at the Planning Committee meeting of 8<sup>th</sup> February 2018. These conditions as agreed by the Committee are as published in the Committee Agenda for the meeting. (There was one additional condition in the Addendum but this does not affect any of the above four conditions as set out in the main Agenda.)

The four conditions for which changes set would, as approved, be pre-commencement conditions. The amendments seek to allow demolition prior to the details required being approved.

### **Condition 5**

#### **As approved:**

No development shall be undertaken until a flood escape plan that includes the following flood management and evacuation provisions have been submitted to and approved in writing by the Local Planning Authority:

- a) Appointment of a person responsible for co-ordinating the operation and periodic updating of the flood escape plan;
- b) Confirmation that the development has been registered with the Environment Agency Flood Warning System;
- c) Provision of a safe escape route for all occupiers of the development to be identified in accordance with the Defra/EA Technical Report ref. FD2320: Flood Risk Assessment Guidance for New Development, for use by future occupiers in the event of a severe flood event;

d) Arrangements for temporary accommodation for evacuated occupiers; and e) Provision for review and updating of the Flood Escape Plan following any severe flood event or otherwise on a regular basis that shall be at not less than ten year intervals. The approved flood management and evacuation details (as updated in accordance with (e) above) shall be maintained for the lifetime of the development.

Reason: To ensure that the development ensures the safety of the occupiers during any flood event, in accordance with Policy CS13 of the Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and advice in the National Planning Policy Framework 2012.

The requested change:

Demolition of the existing buildings prior to the above matters being determined would not prejudice the safety of future occupiers at the development or existing and future occupiers at neighbouring properties. The following amendment is therefore considered to be acceptable:

Recommended amendments:

No development other than demolition of the existing buildings and ancillary site clearance shall be undertaken until a flood escape plan that includes the following flood management and evacuation provisions have been submitted to and approved in writing by the Local Planning Authority:

a) Appointment of a person responsible for co-ordinating the operation and periodic updating of the flood escape plan;

b) Confirmation that the development has been registered with the Environment Agency Flood Warning System;

c) Provision of a safe escape route for all occupiers of the development to be identified in accordance with the Defra/EA Technical Report ref. FD2320: Flood Risk Assessment Guidance for New Development, for use by future occupiers in the event of a severe flood event;

d) Arrangements for temporary accommodation for evacuated occupiers; and e) Provision for review and updating of the Flood Escape Plan following any severe flood event or otherwise on a regular basis that shall be at not less than ten year intervals. The approved flood management and evacuation details (as updated in accordance with (e) above) shall be maintained for the lifetime of the development.

Reason: To ensure that the development ensures the safety of the occupiers during any flood event, in accordance with Policy CS13 of the Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and advice in the National Planning Policy Framework 2012.

## **Condition 7**

As approved:

a) No development shall take place until details of the levels of the buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

The requested change:

Demolition of the existing buildings prior to the above matters being determined would not prejudice the matters noted in the above reason for imposing the condition. The following amendment is therefore considered to be acceptable:

Recommended amendments:

a) No development other than demolition of the existing buildings and ancillary site clearance shall take place until details of the levels of the buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

**Condition 8**

As approved:

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, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

The requested change:

Demolition of the existing buildings prior to the above details being approved would not prejudice the matters noted in the above reason for imposing the condition. However, no excavations should be carried out within the vicinity of retained trees, and this would be provided for in the amended recommendation below, as well as by the approved tree protection condition (condition 10 in the Committee report). The following amendment is therefore considered to be acceptable:

Recommended amendments:

a) No development other than demolition of the existing buildings and ancillary site clearance and no excavations 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, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

#### **Condition 14**

As approved:

a) The development hereby approved shall not commence until a surface water drainage strategy including detailed design of the Sustainable Drainage System to be used as part of the development has been submitted to and approved in writing by the Local Planning Authority.

b) The details to be provided in accordance with part (a) of this condition must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development and evidence that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development, and that the Adopting Authority is satisfied with the suitability of the adopted SuDS prior to adoption and has sufficient arrangements in place to keep records of operation and maintenance activities for possible inspection by the Local Planning Authority. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for



Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

c) The development shall be implemented in accordance with the approved details prior to the first occupation of the development, and shall be retained and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Nonstatutory Technical Standards for Sustainable Drainage Systems); and to ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development.

The requested change:

Demolition of the existing buildings prior to the above details being approved would not prejudice the surface water management of the site. The following amendment is therefore considered to be acceptable:

Recommended amendments:

a) No development other than demolition of the existing buildings and ancillary site clearance shall commence until a surface water drainage strategy including detailed design of the Sustainable Drainage System to be used as part of the development has been submitted to and approved in writing by the Local Planning Authority.

<b>Location</b>	<b>The Croft East Road Edgware HA8 0BS</b>	
<b>Reference:</b>	<b>17/2304/FUL</b>	Received: 5th April 2017 Accepted: 21st April 2017
<b>Ward:</b>	Burnt Oak	Expiry 21st July 2017
<b>Applicant:</b>	Ms Christine Coonan	
<b>Proposal:</b>	Demolition of six existing blocks containing 24 studio flats and the erection of two new blocks ranging from 3 to 6 storeys in height containing 33 one, two and three bedroom homes C3 associated landscaping and a reconfigured car park.	

**Recommendation:** Approve following legal agreement

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

LBB-SMP-200_HTA-A_BA2-S08_DR_0001	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0002	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0050	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0100	rev.E
LBB-SMP-200_HTA-A_BA2-S08_DR_0101	rev.D
LBB-SMP-200_HTA-A_BA2-S08_DR_0110	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0111	rev.D
LBB-SMP-200_HTA-A_BA2-S08_DR_0112	
LBB-SMP-200_HTA-A_BA2-S08_DR_0120	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0200	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0201	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0210	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0211	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0220	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0221	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0222	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0223	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0230	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0231	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0232	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0301	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0302	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0303	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0304	
LBB-SMP-200_HTA-A_BA2-S08_DR_0305	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0306	
LBB-SMP-200_HTA-A_BA2-S08_DR_0307	
LBB-SMP-200_HTA-A_BA2-S08_DR_0308	
LBB-SMP-200_HTA-A_BA2-S08_DR_0309	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0310	
LBB-SMP-200_HTA-A_BA2-S08_DR_0311	
LBB-SMP-200_HTA-A_BA2-S08_DR_0312	
LBB-SMP-200_HTA-A_BA2-S08_DR_9003	
LBB-SMP-200_HTA-A_BA2-S08_DR_0500	

Flood Risk Assessment: The Croft, Newton Walk, Barnet, HA8 0BS prepared by agb Environmental Ltd (project number: P2623.3.6), Sustainability Report - Bespoke Builder Services Ltd, ref. SUT-48642/Croft Issue 3, March 2017

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 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics 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.

- 4 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

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

5 No development shall be undertaken until a flood escape plan that includes the following flood management and evacuation provisions have been submitted to and approved in writing by the Local Planning Authority:

- a) Appointment of a person responsible for co-ordinating the operation and periodic updating of the flood escape plan;
- b) Confirmation that the development has been registered with the Environment Agency Flood Warning System;
- c) Provision of a safe escape route for all occupiers of the development to be identified in accordance with the Defra/EA Technical Report ref. FD2320: Flood Risk

Assessment Guidance for New Development, for use by future occupiers in the event of a severe flood event;

- d) Arrangements for temporary accommodation for evacuated occupiers; and
- e) Provision for review and updating of the Flood Escape Plan following any severe flood event or otherwise on a regular basis that shall be at not less than ten year intervals.

The approved flood management and evacuation details (as updated in accordance with (e) above) shall be maintained for the lifetime of the development.

Reason: To ensure that the development ensures the safety of the occupiers during any flood event, in accordance with Policy CS13 of the Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and advice in the National Planning Policy Framework 2012.

- 6 No building within the development shall be occupied until details have been submitted to to and approved in writing by the Local Planning Authority that demonstrate that:

a) Minimum finished ground floor levels have been constructed at no lower than 48.58mAOD for Block A and 48.70mAOD for Block B.

b) The other floor resilience measures set out in the approved development including flood resistant exterior doors have been provided to a satisfactory standard.

The buildings shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the development will be built to acceptable standards of flood resilience, in accordance with Policy CS13 of the Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and advice in the National Planning Policy Framework 2012.

- 7 a) No development shall take place until details of the levels of the buildings, vehicle access and footpaths in relation to the adjoining land and adjacent buildings, and any other changes proposed in the levels of the site, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 8 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, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

9 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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 2015.

10 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 2015.

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

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

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

12 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site including buildings to be demolished, and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

13 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced 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 2015.

14 a) The development hereby approved shall not commence until a surface water drainage strategy including detailed design of the Sustainable Drainage System to be used as part of the development has been submitted to and approved in writing by the Local Planning Authority.

b) The details to be provided in accordance with part (a) of this condition must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development and evidence that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development, and that the Adopting Authority is satisfied with the suitability of the adopted SuDS prior to adoption and has sufficient arrangements in place to keep records of operation and maintenance activities for possible inspection by the Local Planning Authority. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

c) The development shall be implemented in accordance with the approved details prior to the first occupation of the development, and shall be retained and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems); and to ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development.

15 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the development, which shall include on-site brick and mortar panel and samples of other materials including balcony railings and screens, and for the hard surfaced areas in the approved scheme, have been submitted to and approved in writing by the Local Planning Authority.

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

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

16 a) No development other than demolition works shall take place until details of the appearance and materials of all boundary treatment and any gates, including those within the development, and including details of opening mechanisms for any electronically controlled access gates, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details and maintained as such for the lifetime of the development.



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

- 17 a) Before the development hereby permitted is first occupied, a plan for the management of recycling and refuse storage and collection shall be submitted to and approved in writing by the Local Planning Authority. Recycling and refuse may be stored only within the identified stores on the ground floors of each building, unless details including appearance, location and security of and for any additional stores are identified within the refuse / recycling management plan.

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

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

- 18 Prior to the first occupation of either building in the development, it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve the carbon reduction measures including on site renewable / low carbon energy sources as set out in the approved Sustainability Report (Bespoke Builder Services Ltd, ref. SUT-48642/Croft Issue 3, March 2017), and the development shall be maintained as such for the lifetime of the development.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan 2016 and the 2016 Mayors Housing SPG.

- 19 Prior to the first occupation of any building within the development it shall have been constructed to have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters and each new flat shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 20 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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 for the lifetime of the development.

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

21 Before any building within the development hereby permitted is first occupied, privacy screens in an opaque or translucent material shall first have been installed on any balconies at that building where overlooking of neighbours will occur, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be provided shall include:

a) primarily translucent screening of the fronts of all balconies on the front elevations of Building A to a minimum height of 1.2 metres, and

b) translucent and / or opaque screening to a minimum height of 1.8 metres for

- the north-western side of the balconies serving the four flats within the north-western sub-block at Block A,
- the south-eastern side of the balconies serving the four flats within the south-eastern sub-block at Block A, and
- the south-eastern side of the balconies serving the three flats within the south-eastern sub-block at Block B.

c) The screens shall be then being maintained and retained in accordance with the approved details, for the lifetime of the development.

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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

22 Neither building within the development shall be occupied until the identified wheelchair units in that building have been constructed to meet and achieve all the relevant criteria of 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) and until the remaining units within the building have all been constructed to meet and achieve all the relevant criteria of Part M4(2) of the abovementioned regulations. The development shall be maintained as such for the lifetime of the development.

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

23 The buildings shall not be occupied until the approved vehicle parking spaces have been laid out within the site in accordance with the approved plans, and these spaces shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

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

- 24 The development shall not be occupied until the approved disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol. The disabled parking spaces shall then be 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.

- 25 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall set out sufficient measures to demonstrate the flood resilience of the charging points. The approved spaces shall be permanently retained 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.

- 26 Before the development hereby permitted is occupied, the cycle store and spaces shall be provided in accordance with details that have been submitted and approved in writing by the Local Planning Authority, which demonstrate:  
(i) that the storage meets London Plan cycle parking standards and  
(ii) Details of the appearance and materials to be used in the stores, and the means of maintaining the green roofs that are proposed for the cycle stores.  
The cycle stores shall be maintained in accordance with the approved details for the lifetime of the development, and shall not be used for any purpose other than for the parking of cycles associated with the development.

Reason : To ensure and promote cycle use and to safeguard the character and visual amenities of the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

- 28 Prior to the occupation of the development 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 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.

- 29 Before the development hereby permitted is first occupied, a plan of the amenity areas for each building shall be submitted to and approved in writing by the Local Planning Authority. The communal amenity area for Block B shall include the land to the rear of Block B, (other than where part of the land to the rear of Block B is used for biodiversity and habitat improvements in accordance with this permission). The communal amenity areas shall then remain available for the communal use of all residents for the lifetime of the development.

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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 30 No building within the development shall be occupied until details of the electronically controlled access for that building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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

- 31 Before either building in the development is first occupied, the following obscure glazing shall have been fitted in that building:

a) The following windows shall be fitted with obscure glazing to a minimum height of 1.7 metres above internal finished floor levels (FFL), and shall be permanently fixed closed with the exception of any opening being by way of an opening fanlight only at a minimum height of 1.7 metres above FFL:

- Block A: Kitchen windows on flank walls to both sides of the building;
- Block B: Kitchen windows on flank walls of the three storey element adjacent to 23 Newton Walk;

b) All windows serving a bathroom and / or w/c.

c) These windows shall then be retained as such for the lifetime of the development.

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) and the Sustainable Design and Construction SPD (adopted October 2016).

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

Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reasons: In the interests of good air quality with regard to Policies 5.3 and 7.14 of the London Plan 2016.

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

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

- 34 The development shall be constructed and thereafter operated so as to achieve Secured by Design accreditation. Evidence of such shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of either of the buildings approved, or within any other timetable agreed by the Local Planning Authority.

Reason: To ensure the future security of the development and of adjoining residential properties, in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 35 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 October 2016), the Planning Obligations SPD (adopted October 2016), Policy 3.6 of the London Plan 2016 and the Mayor of London's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance.

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within 8 metres of the top of the River Silk Stream, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk)

The applicant will need to demonstrate:

- That access to the watercourse is not restricted for future maintenance or improvement works.
  - That works will not obstruct flood flows thereby increasing the risk of flooding to other properties within the locality of the site.
  - That works will not adversely affect the stability of the river bank.
  - That all of the conditions / requirements of the Flood Risk Activity Permit are met.
- 3 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
  - 4 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
  - 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

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

- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via [developmenttravelplans@barnet.gov.uk](mailto:developmenttravelplans@barnet.gov.uk) or tel: 020 8359 7603.



## 1. Site Description

The application site consists of six two-storey buildings on a site of 910 sq.m., located between East Road and Newton Walk. It forms part of a 1970s housing estate located some 200m to the east of the A5 Burnt Oak Broadway, which provides frequent bus services close to the site as well as being an arterial traffic route. The existing buildings accommodate 24 flats, including two wheelchair units. First floor level flats are accessed by external access steps, with walkways linking pairs of buildings at first floor level.

Site boundaries are defined by:

- To the front of the site, on its south-western side: East Road and a single storey house, "The Bungalow".
- To the south-east: Houses and shared amenity along with parts of Newton Walk.
- To the rear (north-east), the Silk Stream, with the Northern Line (Edgware branch) beyond that.
- To the north-west: More recent development at Jupiter Court, a five-storey building over a basement car park, with the 6-storey Domus Court and Flora Court beyond that. These neighbouring buildings are separated from the application site by a row of mature trees, most of which are outside the application site. Towards the A5 the built scale drops to 3-storey townhouses along Cameron Crescent

Jupiter Court and Cameron Crescent are further separated from the application site and the estate by a brick wall that closes the end of East Road from Cameron Crescent. This separation amounts to no more than about 3m, but there is no access between these two streets for either pedestrians or vehicles. This closed nature of the estate is replicated around most of the estate boundaries, with just one vehicle access to and from the A5 which is North Road, with little in the way of additional pedestrian access points. This results in access to a number of key facilities around the site being much less direct than would be the case with a greater degree of pedestrian permeability around the site boundaries: Burnt Oak tube station is 440m straight line distance to the south-east but almost a kilometre (950m) walking distance from the site via Burnt Oak Broadway and Barnfield Road, while the Edgware Community Hospital while 150 - 250m from the application site can only be accessed from the site via the A5, at a distance of 350 - 450m.

Pedestrian access within the estate is however good, being facilitated by a network of paths through the adjacent estate. The remainder of the estate consists mainly of two-storey terraces arranged around communal garden areas, with some more recent three-storey redevelopment further south within the estate.

Site levels across the main part of the site drop by approximately 1.6m from the East Road frontage towards the Silk Stream at rear, and continue to fall along Newton Walk towards its intersection with Roscoff Close. The site's location close to this waterway together with falling grounds levels towards the stream results in most of the site being within Flood Zone 3. The implications of this for the redevelopment of the site are further discussed in Section 5 of this report. The Silk Stream itself is a Site of Nature Conservation Interest (SINC).

The site is not located in a conservation area and the buildings situated immediately adjacent to the site are not listed or locally listed. There are no tree preservation orders in place at the site.

## 2. Site History

The site has no relevant planning history.

### 3. Proposal

The application is for the demolition of the existing building and provision of two new buildings to accommodate 3 no. 1-bedroom, 28 no. 2- bedroom and 2 no. 3- bedroom flats, including five wheelchair units. The flats to be replaced consist of 19 no. 1- bedroom and 4 no. 2- bedroom units. These would be provided as follows:

Block A would be a four-storey building accommodating eight flats towards the East Road frontage to the site. The mix of flats to be provided would be as follows:

- 1no. 1-Bedroom 2 person Wheelchair Flat (59.5 sq.m.)
- 1no. 2-Bedroom 3 person Wheelchair Flat (70.1 sq.m.)
- 6no. 2-Bedroom 4 Person Flats (70.1 sq.m.)

Six car parking spaces would be provided for future residents of this building on the East Road frontage, two to disabled access standards, and there would be a 120 sq.m. communal garden at the rear. The two wheelchair flats would be at ground floor level, and both would have terraces to the front and rear. Above-ground level flats would have balconies, each measuring 5 to 7 sq.m. in area.

Block B would be a part-three, part-four and part-six storey building, located towards the northern-eastern part of the site, and would provide the following mix of units:

- 1no. 1-Bedroom 2 person Flat (55.9 sq.m.)
- 1no. 1-Bedroom 2 person Wheelchair Flat (57.7 sq.m.)
- 1no. 2-Bedroom 3 person Wheelchair Flat (72.7 sq.m.)
- 1no. 2-Bedroom 4 person Wheelchair Flat (87.4 sq.m.)
- 11no. 2-Bedroom 4 person Flat (71.0 sq.m.)
- 3no. 2-Bedroom 4 person Flat (72.5 sq.m.)
- 5no. 2-Bedroom 4 person Flat (72.7 sq.m.)
- 2no. 3-Bedroom 5 person Flat (91.9sqm)

The main entrance to Block B would be from Newton Walk, with a secondary access into the communal garden area on the south-western side of the building. There would also be a third entrance / exit to the rear (towards Jupiter Court). 35 car parking spaces would be provided adjacent to Newton Walk, including three to disabled access standards. The site also includes five additional spaces which would be allocated to residents at Newton Walk. Access into Block B has also been improved in the amended layout being considered in this report, with a ramped and stepped accesses into this main entrance incorporating soft landscaping.

Each flat in Block B would have its own balcony measuring between 5 and 9sq.m. in area, and there would be a 295 sq.m. communal garden on the south-western side of the building. A further area to the south of the building could also be used as communal space, possibly with part of this area also to be provided with wildlife-friendly planting as part of a biodiversity strategy for the site

Space between the buildings would also include a play area (150 sq.m.) which would be available for existing as well as future residents. This access would be secured by inclusion of an appropriate clause in a section 106 agreement. Cycle storage within this area would also include cycle storage, with 16 spaces for Block A and 50 spaces with Block B.

Building heights would be as follows:

Block A would be a maximum of 12.5m high along the highest roof ridgelines, dropping to 12m on the flank walls and 10m over the stair core, which would be located to the centre of the building as viewed from front and rear elevations. Existing building heights adjacent to Block A as scaled from the submitted drawings are:

- Jupiter Court 17m
- Typical terrace houses at East Road 6.7m
- "The Bungalow" 4.5m

Block B would vary from 10.8m high at the flank wall adjacent to 23 Newton Walk, rising to 12m and up to 14m for the four-storey element and then to 18m to 20m for the six-storey element on the north-western side of the building (closest to Block A and to Jupiter Court). Measuring from the lower ground level at the rear of the building, the higher six-storey element would be a maximum of 22.5m high. Existing building heights adjacent to Block B as scaled from the submitted drawings are:

- Jupiter Court, rear elevation 17.5m
- Typical terrace houses at Newton Walk 8.0m

The rear of Jupiter Court is located on higher ground and further from the Silk Stream than any part of the proposed Block B, the north-west, such that the difference in height between the rear lines of the two buildings would be approximately 1m higher than suggested by the above maximum heights, resulting in a maximum height difference as viewed on the rear elevation drawings of 4.5m.

The proposal has been amended during the course of the application, first by deleting a third building from the proposal, Block C which was originally proposed as two flats over garages. This would have been provided close to the Silk Stream boundary. The second amendment was to the heights of the buildings, which was provided to ensure that the finished floor levels within the buildings would provide an acceptable level of protection for residents in the event of extreme flood event. This resulted in an increased height for Block A of 0.05m, and for Block B of 0.67m, and this in turn resulted in a rearrangement of the ramped and stepped access to Block B from the end of Newton Walk.

#### 4. Public Consultation

Initial consultation letters were sent to 369 neighbouring properties on 24 April 2017, and these owners and occupiers were written to again on 5 December 2017, following the submission of amended drawings that increased the building heights as noted above.

Twelve letters of objection and one further neighbour representation letter were received, which raise the following issues:

- The proposal will increase traffic congestion on the A5, which has increased with the number of apartments already built in the area.
- The proposals will reduce car parking for existing residents. This is an outer London suburb and the majority of the houses noted in the Transport Statement have at least two vehicles each. LB Brent have restricted parking on the other side of Edgware Road and the Estate is now used as a car park overflow for the hospital and also for the car showrooms and car repair garages in the area.
- The area will not be able to cope with the proposed increase in properties and people.
- Residents have not had responses to the questions we raised at the public consultation, particularly with regards to the height of the new development and the result of the study into possible loss of light to the neighbouring buildings. No detail has been provided on how far the new buildings will be from the boundary fence.
- The way in which the application documents are presented on-line makes it hard to understand the application. This makes it hard to see the proposals as being transparent and open.
- The existing structures should be renovated without adding any new dwellings.
- Trees and shrubs fronting the fence at Jupiter Court and Cameron Crescent should not be way cut down, cut short or destroyed if the development does proceed.
- The proposal has not considered the impact on the neighbouring properties.
- The pollution, noise and general disruption from the proposed building works will be unbearable.
- A lot of neighbours were not told about the proposals.

- Loss of sunlight for the east / south-east facing flats at Jupiter Court, which only receive sunlight in the morning due to their orientation. The proposed development will obstruct this.

One neighbour requested a condition to require any flank windows on the south-east elevation of Building A to be obscure glazed and non-opening, to safeguard privacy and the future development potential of the neighbouring land ("The Bungalow").

## 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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

- Policy 2.18 - Green Infrastructure
- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and young people's play and informal recreation
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.7 - Renewable energy
- Policy 5.8 - Innovative energy technologies
- Policy 5.9 - Overheating and cooling
- Policy 5.10 - Urban greening
- Policy 5.11 - Green roofs and development site environs
- Policy 5.12 - Flood risk management
- Policy 5.13 - Sustainable drainage
- Policy 5.14 - Water quality and wastewater infrastructure

Policy 5.15 - Water use and supplies  
Policy 6.9 - Cycling  
Policy 6.10 - Walking  
Policy 6.13 - Parking  
Policy 7.2 - An Inclusive Environment  
Policy 7.3 - Designing Out Crime  
Policy 7.4 - Local Character  
Policy 7.5 - Public Realm  
Policy 7.6 - Architecture  
Policy 8.1 - Implementation  
Policy 8.2 - Planning Obligations  
Policy 8.3 - Community Infrastructure Levy

#### Consultation Draft London Plan December 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### Barnet's Local Plan (2012)

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

#### Relevant Core Strategy DPD Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development  
CS1 Barnet's place shaping strategy - 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  
CS13 Ensuring the efficient use of natural resources  
CS15 Delivering the Core Strategy

#### Relevant Development Management DPD Policies:

DM01 Protecting Barnet's character and amenity  
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  
DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people  
DM10 Affordable housing  
DM16 Biodiversity  
DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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 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.

#### Mayor of London's Supplementary Planning Guidance:

- Housing
- Shaping Neighbourhoods: Play and Informal Recreation
- Affordable Housing and Viability

These Supplementary Planning Guidance documents set out a range of Standards for residential development and open space provision in London.

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. 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.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

##### Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

#### Other relevant planning documents

##### London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The context of the development in the applicant's affordable housing programme.
- Whether the redevelopment of the site is acceptable in principle
- Whether harm would be caused to the character and appearance of the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the living conditions of future occupiers would be acceptable.
- Whether flood impacts would be managed satisfactorily.
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport.
- Whether the impacts on trees is acceptable.
- Building sustainability.
- Biodiversity.
- Security issues.

## **5.3 Assessment of proposals**

The context of the development within the applicant's affordable housing programme

This development has been proposed by Barnet Homes, the Council's Arm's Length (ALMO) social housing provider. Barnet Homes through agreement with the Council is in the process of acquiring land for the purposes of developing social housing for affordable rent including specialist accommodation for disabled people, and aim to deliver 720 units by 2020. The separate development arm known as Open Door Housing has now been registered with the HCA to deliver these units.

In acquiring the sites Open Door housing will deliver properties for affordable rent. These units will be let at a rental level of 65% and as such, will fall within the current National Planning Policy Guidance definition of affordable rent.

It is noted that the application would replace 24 existing units with a mix of 1, 2 and 3 bedroom units which would be more energy efficient and provide a higher standard of amenities. Policy DM07 sets out that loss of residential accommodation will be permitted in a limited number of circumstances, including "identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units". While this is not an identified regeneration area, the proposals provide for small scale demolition within this estate, which provides for the replacement of the residential units lost and for a net increase in nine units at the site. This is considered therefore to be in accordance with this policy.

Policy DM10 provides for a borough-wide target of 40% of housing provision to be affordable, and states that the maximum reasonable amount of affordable housing will be required, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more. Affordable housing calculations should be made in terms of habitable rooms or floorspace. For this site, the proposal is that 40% of the total would be secured as affordable housing. In order to comply with Policy DM10, it would necessary for this to be secured in a section 106 planning obligation. The provision of the balance of the development for affordable rent is also being secured, by way of a legal obligation imposed on the acquisition of the land. The terms of the land transfer are that the occupation of these units will be for residents of the London Borough of Barnet, using adopted nominations procedures. This approach was approved by Members at the Planning and Environment Committee in 2016, as well as by HB Law.

#### Whether redevelopment of the site is acceptable in principle

The site is currently occupied by residential development. The application documentation sets out that this is currently in poor condition and below the current London Plan and LBB space standards. Its replacement by higher-quality accommodation with the additional provision of a net increase of nine additional units at the site is therefore welcomed. However, development in this location is constrained by the site's proximity to the Silk Stream and the site's high risk of flooding from the stream. The Silk Stream is classified as a primary river and is a Site of Importance for Nature Conservation (SINC).

During the course of the application the proposals have been subject to significant amendments, which has resulted in initial objections that were made on grounds of flood risk and nature conservation impacts having now been overcome. This was achieved by deleting one of the buildings as initially proposed, which would have accommodated two flats over garages close to the Silk Stream, and by raising floor levels and improving flood resilience for the other two buildings proposed. The proposals as amended have now satisfactorily addressed these key site constraints, and the principle of redevelopment of the site is therefore acceptable.

#### Character and appearance

The proposal would involve the replacement of the existing flats with two new buildings, as described at Section 3 in this report. The height of both of the proposed new buildings is intended to respond positively to the heights and scale of the adjacent buildings, which comprise predominantly two-

storey terraced dwellings within the estate and taller apartment buildings that are five to six storeys in height at Jupiter Court (five storeys over a raised basement car park) and Domus Court and Flora Court which are six storey buildings.

The proposed buildings are considered here in turn:

*Block A:*

This would be a 4-storey building sited between "The Bungalow" on East Road and the site's boundary with Jupiter Court. Its design consists of three elements, the main elements being two 4-storey sub-blocks, each of which would incorporate one flat at each level, with the third element being the access and stair core which would be located between the two habitable elements to either side of it. The accommodation sub-blocks would be set in a staggered arrangement on either side of the central stair-core, each having shallowly-pitched roofs sloping down from approximately 12.5m high where they join the access core of the building, down to 12m high on each side, while the stair core would be the lowest part of the building at 10m high. Each of these elements would be faced in a different colour brick, with one of the sub-blocks of habitable accommodation in a cream buff brick and the other in a darker brown, with a dark grey or charcoal brick for the stair core. Beige toned balcony metalwork and panels would be used for balconies at front and rear, and dark grey window frames and rainwater goods would complement the charcoal brick of the stair core.

The closest neighbouring building to Block A would be "The Bungalow", with approximately 4.8m separation between flank walls. However this building is atypical of the surrounding built context. It is noted that there was a recent planning application for the redevelopment of this property (LBB ref. 17/1314/FUL), and while that was refused it is understood from the owner's written representation for the current proposal that a further application will be submitted. It is not considered therefore that the size of Block A should be constrained by the scale of this neighbouring dwelling, and that subject to there being no impacts on privacy of that building (which is considered further below), the scale of Block A is acceptable in regards to this neighbour. Separation from the next closest dwelling on this side, the two-storied terrace house at 9 Newton Walk, is just over 10m, and the two-storey terraces houses on the opposite side of East Road are 21m - 23m distant. Jupiter Court would be 20m distant from Block A.

Scaling of the three elements as discussed above results in an arrangement of built forms that, despite being greater in height than the neighbouring houses, would be compatible with that of the surrounding buildings. The East Road streetscene includes in addition to the fronts of terraces, flank walls of the same terraces which are often adjacent to street corners. These are wider than each of the two elements of habitable accommodation in Block A, so that the design of this building subtly echoes the scale of the surrounding development in this respect. The breaking-down of the building façade into the smaller scaled elements and the transition in heights referred to above is considered to achieve a building of appropriate size, which would add considerable design interest to this part of the site and to the East Road streetscene.

*Block B:*

In plan form, Block B would be an 'L' shaped building which incorporates five main elements including four sub-blocks of mainly habitable accommodation, ranging from three to six storeys in height in a blocked arrangement. The layout of the building would use a similar arrangement to Block A for the tallest elements of the building, albeit on a larger scale, with this higher part of the proposal arranged parallel to the north-western boundary at a distance of approximately 6.5m. This orientation results in the front entrance facing towards the end of Newton Walk, and as with Block A the main service core would consist of a flat-roofed element with two higher elements to either side of it. In Block B, the "footprint" of these two six-storey elements is less evenly matched than in Block A, resulting in the sub-block closest to the Silk Stream having two flats at each level while the second (and slightly lower six-storey sub-block) would accommodate a single flat at each level. This element would also form the right-angled corner of the 'L'. From here, the building would graduate down in height, first to a four storey element and then to the lowest (three-storey) sub-block which would be located adjacent to the boundary with and alongside 23 Newton Walk. Each of the individual elements noted



above would be off-set from the adjoining sub-blocks across each of the elevations, and at the front entrance to Newton Walk, the access core would add further design interest in that it steps back at the fifth and sixth floor levels - the greater depth from ground up to fourth floor levels provides the access corridor from the core to the three and four storey sub-blocks but this is not required above that. Further articulation is provided by the balconies that would be provided for each of the flats, and the same palette of materials described above for Block A would be used, alternating around the building with the main access core in grey or charcoal.

Separation distances to neighbouring properties to either side would be approximately 6.3m between the three-storey sub-block to 23 Newton Walk, and approximately 19m to Jupiter Court. While the relationship to 23 Newton Walk would be such that the three-storey element would be located alongside this neighbouring dwelling, the proposed building Block B would be aligned to site it to the rear of Jupiter Court. This would mean that no windows at this neighbouring building would face directly towards the proposed Block B. Given the scale of Jupiter Court, which provides five stories of accommodation over a high basement car parking level, and the six-storey scale of the other apartment blocks in the adjacent development, it is considered that Block B provides an appropriate transition in scales for this part of the site. It is also considered that, by closing the end of Newton Walk as compared to the existing building closest to the Silk Stream, the proposal will form much more of a "destination" at the end of this cul-de-sac.

While Block B represents a marked change in density and building style from the existing estate, the overall density of the development is comparable to the buildings to the north. It picks up and builds on modern elements in the design of other recent development within the estate at East Road, approximately 180m to the south-east. Subject to conditions, it is considered that the proposed buildings will contribute to the quality of the built environment in this area, such that the application can be supported. Due to the prominence of the buildings, particular attention will however be required to the quality of exterior materials, particularly bricks and balcony railings and screens, and this is specifically provided for in the recommended condition.

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

Properties at 1-4 East Road and in the front part of Jupiter Court would be the only neighbouring residential occupiers within the estate that would have direct outlook towards the development. For occupiers at 1-4 East Road, separation from the front of Block A would be a minimum of 19m to the balconies and 21m to the front windows.

As viewed from flats at Jupiter Court, the flank wall at Block A would be just over 20m distant. This part of the building would be 12m in both height and width. This is considered to be satisfactory in terms of both bulk and proximity. There would be two small windows facing Jupiter Court at each level in the flanks wall, and while the distance is considered sufficient to protect the privacy of the neighbouring occupiers it is considered that their amenity could be further protected by fitting

- windows with translucent glass to a minimum height of 1.7m above finished floor levels, with any opening to be only above that height; and
- translucent or opaque screens to the same minimum height to the sides of the balconies.

These features would be required by condition 21 as recommended above.

On the south side of this proposed building, distances to the flank wall of "The Bungalow" would be approximately 5 metres, and to 9 Newton Walk approximately 17.5m to the side garden boundary and 20.5m to the flank wall of the dwelling itself.

At Block B, 23 Newton Walk would be a little over 6m from the adjacent 3-storey element. There would be a kitchen window on the adjacent flank wall at each level, and balconies would project marginally beyond the rear corners on this side. In order to protect the amenities of residents at 23 Newton Walk and adjacent properties, these features would only be acceptable if the flank wall kitchen windows are fitted with translucent glass with any opening to be at a minimum height of 1.7m,

and with translucent or opaque screens are fitted to the sides of the balconies, again to a minimum of 1.7m high, as recommended above for the northern side of Block A.

Separation distance from this three-storey sub-block to the rear of "The Bungalow" and adjacent properties at East Road would be at least 32m, with more acutely angled views from the higher elements at Block B being towards these properties. This is sufficient to protect the amenities of these neighbouring occupiers. For the apartment buildings to the north-west, the minimum distance between Block B and Jupiter Court would be approximately 19m, measured corner to corner, and as noted above the front of the proposed building would be aligned so that it sits to the rear of Jupiter Court's rear building line. Any views between habitable room windows to the closer of the two would be angled, with the very closest being 20m apart and for the rooms to the rear of Block B this increases by up to 32m. Direct views from south-east facing windows at Jupiter Court would be to the space between the two buildings which apart from cycle storage would largely consist of amenity space, removal of the existing buildings in this space would open up views and light penetration for the flats on this side of Jupiter Court with particular improvements for those at the lower levels.

Some of the living room and bedroom windows on the Block B's north-west elevation would face the amenity area at the rear of Jupiter Court. Direct views to this area would be mitigated and filtered through the trees along the common boundary. These windows in Block B would also face the six storey building at Flora Court, with a minimum separation of 48m which is ample to protect residents at both sites from any impacts on privacy. The filtering of views to the amenity area and separation distances to Flora Court are considered satisfactory in terms of protection of privacy. However, it will be important to protect the trees along this boundary for their contribution to the amenities of neighbours; this is dealt with in more details under Tree Impacts, below.

A daylight and sunlight study was submitted, which assesses any impact on light at the adjacent dwellings. This demonstrates that any loss of light would be minor and in compliance with Building Research Establishment (BRE) published guidance. Following amendments to the scheme that resulted in marginally increased building heights, (0.05m for Block A and 0.67m for Block B,) the findings of the daylight / sunlight study remain unchanged.

Overall, it is considered that the proposed development has been carefully designed to protect the living conditions of neighbouring residents.

#### Whether the living conditions of future occupiers would be acceptable

The internal spaces within the flats are designed to comply with standards within the London Plan and Barnet Residential Design Guidance SPG, exceeding the minimum internal area requirements for the flat sizes proposed here, which are as follows:

- 1-bedroom flat for two people (1B2P) 50 sq.m.
- 2-bedroom flat for three people (2B3P) 61 sq.m.
- 2-bedroom flat for four people (2B4P) 70 sq.m.
- 3-bedroom flat for four people (3B4P) 74 sq.m.
- 3-bedroom flat for five people (3B5P) 86 sq.m.

The units would all exceed the London Plan's minimum internal space standards, with internal floor areas range from 54.5 sq.m. for some of the one-bedroom flats up to 91.9 sq.m. for 3 bedroom units.

A daylight and sunlight study was submitted, which assesses internal light for the proposed dwellings. This demonstrates acceptable levels of compliance with Building Research Establishment (BRE) guidance for all of the proposed flats.

Based on habitable room numbers, minimum amenity spaces should be 10 - 15 sq.m. for the single bedroom flats up to 25 sq.m. for the three bedroom flats. In Block A, the ground floor wheelchair units would have garden terraces both at both front and rear, with the more private rear terraces measuring 15 sq.m. for the 1 bedroom flat and 20 sq.m. for the 2 bedroom units. The remaining six

flats (all two-bedrooms) would all have a 7 sq.m. balcony, and there would be a communal garden of approximately 160 sq.m. - a further 20 sq.m. per flat.

For Block B, balconies vary in size from 5 to 9 sq.m., with the larger balconies being for the larger flats. A 295 sq.m. communal space would be located on the south-western side of the building, and an additional 120 sq.m. would be located to the rear.

Taken together, the private terraces, balconies and private amenity space will make acceptable provision for private amenity space at the development. In addition, a 170 sq.m. play space would also be provided, between Block B and "The Bungalow". This is intended for the use of residents both within the development and from elsewhere on the estate; its use as such would be controlled by a clause in a section 106 agreement.

Standard 13 of the Mayor of London's Housing SPG requires that any access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. This is provided for by a condition in the recommendation.

#### Whether an appropriate mix of residential accommodation would be provided

The accommodation mix would include five wheelchair accessible flats on the ground floors of the buildings, two at Block A and three at Block B. This would also contribute towards Open Door Homes providing at least 10 per cent of all its housing stock to this standard. The mix of other units provides predominantly two-bedroom units (28 including wheelchair accessible flats) with 3 no. single bedroom and 2 no. three-bedroom units. It is noted that this results in a marked change in the balance of flats from the existing 19 no. single bedroom and 4 no. four-bedroom units. This reflects the requirements of nominated residents of the Borough as part of the overall provision by Open Doors Homes in their current tranche of developments. It is noted that two 3-bedroom units will be provided and that 27 of the 28 two-bedroom units are specified as four-person flats. While a broad range of unit sizes and configurations would be provided, there is therefore a particular weighting towards flats that would be suitable for accommodation smaller and / or young families, and it is considered that the proposals would provide an acceptable mix of accommodation sizes and types.

#### Flood risk and resilience and potential flood impacts

Much of the application site is at risk from both river flooding from the Silk Stream ("fluvial flood risk"), and from surface water flooding ("pluvial flood risk"). As a result the proposal has been subject to significant amendments during the course of the application in order to address these issues.

It is recognised that the significance of flood risks can be obscured by the technical nature of the language used in describing the flood characteristics of development sites, so in order to set this issue in context, this report sets out in addition to the policy context for the issue, a description of the key parameters within which flood risk is assessed.

Policy CS13 seeks to minimise the potential for fluvial and surface flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems, while the NPPF and NPPG seek to direct more vulnerable land uses, including residential development, to land with the lowest possible risk of flooding. London Plan Policies 5.9, 5.10 and 5.11 sets out a framework for managing flood risk and improving flood resilience for development within London.

For the purpose of assessing flood risk of flooding from rivers ("fluvial flood risk"), all land is defined within one of several flood zones (Flood Zones 1-3). Flood Zone classifications in this location relate specifically to flooding from the Silk Stream. Flood Zone 3 is land that is assessed as having a high flood risk, with a 1 in 100 or greater annual probability of river flooding (>1%AEP). This is further classified into

- Flood Zone 3a, which is land that is considered to have a high probability of flooding, and
- Flood Zone 3b - the functional floodplain - which is land where water has to flow or be stored during flood events. The functional floodplain is further defined as land with 1 in 20 chance of flooding in any one year.

More vulnerable forms of development, including residential development, are encouraged to locate within Flood Zone 1. Conversely, development in Flood Zone 3 is discouraged by national and local planning policy as it can result in risks to life and to property, both within the sites where development takes place, and downstream as a result of loss of flood storage capacity through the displacement of that capacity by new buildings. However, where development cannot be provided within Flood Zone 1, residential use and other more vulnerable land uses may be considered within higher flood risk areas, provided that a sequential assessment of other sites is provided that demonstrates that there are no other available sites where the development can be provided. For sites within Flood Zone 3, residential development proposals must also pass the "exceptions test", which require applicants to

- demonstrate that development proposals will provide wider sustainability benefits to the community that outweigh flood risk, and
- provide a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The sequential and exceptions assessments for the proposal are considered below. As the consideration of the flood risk assessment is central to satisfying the overall acceptability of the proposals, the two parts of the "exceptions test" as noted above from the NPPF will be discussed there in reverse order.

Surface water flooding ("pluvial" flooding) is considered and mapped separately from fluvial flood risk. This can occur in locations that are not classified at risk from fluvial flooding, on occasions when rainfall exceeds the capacity of drains and of infiltration into permeable ground for surface water to be disposed of.

The Environment Agency (EA) provides mapping for both forms of flooding. Flood zone mapping for fluvial (river) flooding indicates that almost the whole of the site is within Flood Zone 3, with the exception being the extreme north-west corner of the site, which is indicated as being within Flood Zone 2. This is a small car park adjacent to the East Road frontage of the site. The EA's "Risk of Flooding from Rivers and the Sea" database provides a more site specific indication of flood risk, and indicates that the risk of flooding across the site from fluvial sources is classified as 'High' (greater than or equal to 1 in 30 [3.3%] in any given year). EA Flood Maps for Surface Water (pluvial) flooding indicate a 'Medium' risk for surface water across most of the site, indicating between a 1 in 100 (1%) and 1 in 30 (3.3%) chance of pluvial flooding in any given year. A small area of Roscoff Close (parallel to the eastern perimeter) is indicated to be at 'High' risk, which is defined as a greater than 1 in 30 (>3.3%) chance of flooding by surface water in any year. This is however outside the area for built development as proposed in the amended application.

### *The sequential test*

As noted above, where development cannot be provided within Flood Zone 1, residential use and other more vulnerable land uses may be considered within higher flood risk areas, provided that a sequential assessment of other sites is provided that demonstrates that there are no other available sites with a lower risk of flooding, where the development can be located. A sequential assessment of other sites was submitted with the application, which considers a range of other sites within the Borough where the development could potentially be accommodated. It is noted that this considered a range of sites that are unlikely to be available for the purposes of providing the levels of affordable rental accommodation that would be provided by the current applicant, and that the actual range of sites available for this purpose within the Borough is more limited than those considered in the sequential assessment. For this reason, it is considered that the sequential test has established that the site would be required in order for the Borough to meet its housing land supply, with particular consideration having been given to the capacity of those sites to accommodate affordable rented accommodation.

## *The exceptions test*

### (i) Site specific Flood Risk Assessment:

The application provided a Flood Risk Assessment which was however not sufficient to demonstrate that the proposals as first submitted were fully acceptable in flood risk terms. Modification of the scheme by deleting Block C and providing for raised floor levels for the two larger buildings has however overcome objections from officers and the Environment Agency to the initial proposals. The removal of Block C eliminated the most vulnerable element of the proposals as first submitted, and this has also helped significantly in ensuring that any loss of flood storage capacity within the functional flood plain is properly managed. While Block A would be at less risk from flooding due to its location on higher ground, Block B would however be located within Flood Zone 3. The Environment Agency in their most recent consultation response has recommended that finished floor levels for the proposed development should be set as high as is practically possible, ideally 300mm above the 1 in 100 year with an allowance for a 35% flood level increase due to climate change. Remodelled of both Blocks A and B during the course of the application by raising their proposed ground floor levels are now accepted by the EA as providing appropriate levels of protection against flooding (with the caveat that the Agency "...has not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.") This has slightly increased the heights of both buildings, with the more significant raising of levels being for Block B. While the floor level increase recommended by the EA has not been fully achieved in the amended proposals, additional flood resilience and resistance measures would be provided and the Environment Agency has commented that this is an acceptable approach to protecting the proposed development from flooding. The minimum finished floor levels recommended by the EA are set out in the relevant condition as recommended above.

The FRA sets out flood resilience provisions that would be secured by condition 6 and 31 as recommended above. The required provisions include a Flood Emergency Plan to ensure that future residents remain safe in a flood event. While the possibility of retreating to a safe place of refuge within the development during a severe flood event was advanced in the application and has been considered, this is not considered practical due to the limited areas of communal space within the development and the fact that occupiers would not have adequate facilities for this to be a practical option for more than very short periods. Flood waters can take several days to recede, and this option cannot therefore be relied on. Instead, and given the proximity of less floodable areas approximately 100m from the site, residents would need to be able to leave the development by a safe access route to dry ground beyond the flooded area that is within Flood Zone 1. The Flood Plan Emergency would therefore be required to manage any necessary evacuation of residents by this means, with the identification of a safe escape route being of particular importance in this respect. Technical guidance on safe means of escape advises that a dry escape route is preferable and, if that cannot be achieved, well-defined parameters of depth and velocity of flood waters together with a factor for any debris carried by flood waters are contained within the technical guidance (Defra/EA Technical Report FD2320: *Flood Risk Assessment Guidance for New Development*). It should be noted that, for shallow water at the edge of a flood, velocity and debris are frequently of low significance, and it is likely that this would be the case here; however, physical hazards would need to be avoided, and these need to be taken into account in mapping a safe escape path.

An indicative flood escape route has been provided, and while the EA has commented that it remains to be demonstrated that a safe means of access and egress in the event of flooding can be provided, collation of the indicative flood escape route with the existing topographical plan show that a safe route is achievable. To ensure that this is worked up to a sufficient level of detail, a condition is recommended that would ensure that no works shall commence until a Flood Emergency Plan, to include details of a safe access / egress route from the site that is demonstrably safe for all occupants including the elderly and infirm, has been submitted to and approved by the Local Planning Authority. The Flood Emergency Plan (FEP) would also need to include details of a suitable evacuation destination and arrangements for the care of occupiers of the development at that destination. The site is located within an Environment Agency Flood Warning Area, so the condition would also require the development to register with the EA to provide flood warnings.

While it remains for aspects of this approach to be fully demonstrated, it is considered that a combination of the recommended conditions and provisions recommended for a section 106 agreement would provide an acceptable level of safety for future residents.

The FRA also sets out that the overall building footprint will be reduced, although it is noted that the footprint will be more concentrated in the more floodable parts of the site than is the case at present. However, the EA has withdrawn initial objections, and it is considered that the Flood Risk Assessment has now addressed the remaining concerns. Subject to the development being carried out in accordance with the revised FRA, as recommended in the conditions in Recommendation II, it is considered that this aspect of the development has been satisfactorily addressed.

(ii) The wider sustainability benefits to the community:

The second arm of the FRA is to demonstrate that the proposal would provide wider sustainability benefits to the community. The development will provide two benefits to the wider community within the estate; (i) access to an improved means of escape during a major flood event, and (ii) a new children's play area.

The safe means of flood escape that is required for new residents will also be available to neighbouring residents at Newton Walk and Roscoff Way, as provided for in Recommendation II above, providing improved benefits to those neighbouring residents as well as to the additional residents who will be able to live at the site. Similarly, the provision of a new children's play area will also provide wider sustainability improvement for the whole community.

While a wide range of other benefits has been advanced within the application towards the exceptions test, many of these are however in line with what would be required on a site with low risk of flooding. However the neighbourhood play area and flood escape route noted above are considered sufficient for the exceptions test to be passed. Nevertheless, the benefits that are provided are considered to be sufficient to allow the proposals to pass the exceptions test.

*Lead Local Flood Authority (LLFA)*

The LLFA has reviewed the flood management submissions, and has recommended a condition regarding management of the Sustainable Drainage System, which is included above.

*Conclusion to consideration of flood risk issues*

Taking the above points into consideration, it is considered that the application has demonstrated that the flood risk issues associated with the development have been satisfactorily addressed, and no objection is therefore raised in respect to this aspect of the proposals.

Impact on car parking at and highways safety

The site has moderate accessibility with a PTAL score of 3. In accordance with Barnet's parking standards the development as submitted should have between 33-53 parking spaces. However this number has reduced with the reduction of two flats. The provision of 41 spaces remains at the lower end of the adopted standards of provision, and any overspill is likely therefore to be limited to 2 spaces. A parking survey was submitted with the application that showed that 34-50 spaces were available on the surrounding streets on two consecutive nights. The proposals would slightly reduce the spaces on Newton Walk and East Road by 7, to 9 spaces in total; in the worst case 25 on-street spaces would be available to meet the potential residual car parking demand. Five spaces to disabled design standard would be provided, and cycle parking would provide for 70 bicycles, exceeding the minimum requirement as set out in the London Plan. Electric charging points would be provided, with 20% active and 20% passive charging points to be provided in accordance with the recommended condition. Refuse would be stored in secure binstores and wheeled to the footway

for collection on Newton Road and East Road. Subject to conditions and informatives, there are no objections on highways grounds.

### Impacts on trees

A number of trees would be removed to facilitate the proposed development including one 'B' category tree. The Tree Officer has commented on the application, and considers that the loss of these trees could be mitigated by transplanting some of the smaller trees that would otherwise be lost, and through replanting. This would be provided for by the recommended landscaping condition.

The Tree Officer has commented that the loss of T1 a identified in the submitted tree survey, a category B tree, will have a moderate impact on visual tree amenity in the local area. This is a good quality flowering cherry close to the East Road frontage. The Tree Officer has commented that this could be offset with replacement and enhancement planting. In addition, both blocks are located alongside a semi mature row of trees along the north-western boundary. There is a high risk of post development pressure as the trees will overhang the proposed properties leading to pruning and felling requests, and a crown reduction of 4.5m on the development side has already been proposed in the application. A reduction of this magnitude will reduce the tree group's life expectancy and visual amenity considerably. It is therefore recommended that a detailed pruning and removals schedule be provided for by condition, in addition to an arboricultural method statement and tree protection plan. In accordance with the Tree Officer's recommendations a long term management plan would also be required to address the risk of post development pressure on trees close to the building along the north-western boundary. The long-term landscape management plan would need to be provided for in the Section 106 planning obligation.

While a landscaping plan has not been submitted, it appears that 21 new trees have been provided on the proposed site layout plan. A landscape plan would be required to demonstrate that these can be provided within the development. A long term management plan (25 years) would also be required to address the risk of post development pressure on trees close to the building along the north-western boundary.

### Building sustainability

The applicant's Sustainability Report has demonstrated that the proposed development would result in a decrease of over 35% of carbon dioxide above and beyond the requirements of the 2013 building regulations. The substantial part of the proposed saving arises from the use of roof-mounted photovoltaic panels. The photovoltaic panels are illustrated on a roof plan that was provided with the application.

The Sustainability Report also confirms that the proposed development would accord with the London Plan and Barnet SPD standards in relation to water usage per occupant.

Both emission savings and water usage can be secured by appropriate conditions.

The Sustainability Report also sets out that all homes would meet the Level 4 of the Code for Sustainable Homes (CSH) in terms of overall building sustainability. While this high standard would be welcomed, the CSH has been cancelled by the government, and it would not therefore be appropriate for this standard to be imposed by a condition.

The Environmental Health Officer has commented that there is potential of land contamination and that air quality is likely to fall below minimum standards on occasions. Appropriate conditions were requested for any planning permission, and these are included in those recommended in this report.

### Biodiversity

The site is in an ecologically sensitive location, adjacent to the Silk Stream SINC. In order to ensure that the ecological values of the site and surroundings are protected and enhanced, it is recommended that a biodiversity strategy be provided and implemented. This could allow for wildlife

friendly plantings as part of the landscaping, as well as other wildlife features such as bat and bird boxes and log piles.

#### Security issues

The development will comply with Secured by Design standards. A condition as recommended above will ensure that this is secured.

### **5.4 Response to Public Consultation**

The issues referred to in neighbour letters and also in the Council's other consultations are addressed in the above discussion.

Consultation comments from the Environment Agency, Lead Local Flood Authority, and the Council's Highways, Trees and Environmental Health Officers are also discussed above. Issues raised during the course of consultations have been resolved and are dealt with by conditions and in the section 106 requirements for the development.

### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality, and provided that sufficient landscaping is provided both at the road frontage and to the rear of the site, it is considered that the loss of amenity space can be sufficiently mitigated. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. It can be concluded that the proposal is compliant with the key policies of the development plan, and the application is therefore recommended for approval, subject to conditions.





