

**MEETING**

**PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 4TH MARCH, 2019**

**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

Claire Farrier  
Eva Greenspan  
Brian Gordon

Kathy Levine  
Tim Roberts  
Shimon Ryde

Mark Shooter  
Stephen Sowerby  
Laurie Williams

**Substitute Members**

Val Duschinsky  
Reema Patel  
Gill Sargeant

John Marshall  
Helene Richman  
Simberg

Arjun Mittra  
Gabriel Rozenberg

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

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: [mainplanning.committee@barnet.gov.uk](mailto:mainplanning.committee@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
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3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Referral from the Finchley and Golders Green Area Planning Committee: Land To The Rear Of 1069 Finchley Road (Garden Suburb)	11 - 44
7.	Referral from Finchley & Golders Green Area Planning Committee: Land West of Beechwood Ave (Finchley Church End)	45 - 92
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10.	Deed of variation - National Institute for Medical Research (Colindale)	213 - 216
11.	Land In The Vicinity Of Claremont Way, Brent Cross Cricklewood Regeneration Area North West London	217 - 282
12.	Brent Cross Cricklewood Regeneration Area (Golders Green)	283 - 354
13.	3rd Deed of variation - West Hendon Estate, London (West Hendon)	355 - 358
14.	Land formerly known as Homebase, Rookery Way, London, NW9 6SS (Colindale)	359 - 362
15.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee

11 December 2018

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)  
Councillor Melvin Cohen (Vice-Chairman)

Councillor Claire Farrier	Councillor Tim Roberts
Councillor Eva Greenspan	Councillor Shimon Ryde
Councillor Brian Gordon	Councillor Laurie Williams
Councillor Kathy Levine	Councillor Elliot Simberg (as substitute)
Councillor Val Duschinsky (as substitute)	

Apologies for Absence

Councillor Mark Shooter          Councillor Stephen Sowerby

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 5 November 2018, be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

Apologies for absence were received from Councillor Sowerby who was substituted by Councillor Simberg and by Councillor Shooter who was substituted by Councillor Duschinsky.

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

Councillor Melvin Cohen declared a Non-pecuniary interest under item 6 -Land to the rear of 1069 Finchley Road NW11, as the application site is opposite his office. Due to the interest Councillor Cohen would leave the room and not vote on this item.

Councillor Shimon Ryde declared a Non-pecuniary interest under item 6 -Land to the rear of 1069 Finchley Road NW11, as the applicant is known to him. Due to the interest Councillor Ryde would leave the room and not vote on this item.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

### 6. REFERRAL FROM THE FINCHLEY & GOLDERS GREEN AREA PLANNING

**COMMITTEE: LAND TO THE REAR OF 1069 FINCHLEY ROAD, NW11 0PU - 18/5296/S73 (GARDEN SUBURB WARD)**

Having declared an interest Councillor Cohen and Councillor Ryde left the room and did not take part in the vote for this item.

The planning officer introduced the report and addendum which related to 1069 Finchley Road.

An oral representation in objection was made by Richard Morawetz and Ron Banerjee.

An oral representation was made by the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 6  
Against - 2  
Abstain - 1

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report and addendum.

**7. CRICKLEWOOD SIDINGS, LAND REAR OF BRENT TERRACE (SOUTH) LONDON NW2 - 18/5647/EIA (CHILDS HILL WARD)**

The planning officer introduced the report and addendum which related to Cricklewood Sidings, Land Rear of Brent Terrace (South).

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 11  
Against - 0  
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report and addendum.

**8. CRICKLEWOOD SIDINGS, LAND REAR OF BRENT TERRACE (SOUTH), LONDON NW2 1BX - 18/5244/EIA (CHILDS HILL WARD)**

The planning officer introduced the report which related to Cricklewood Sidings, Land Rear of Brent Terrace (South).

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 11  
Against - 0  
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

**9. BARNET BURNT OAK LEISURE CENTRE WATLING AVENUE EDGWARE HA8 ONP - 18/5400/FUL (BURNT OAK WARD)**

The planning officer introduced the report which related to Barnet Burnt Oak Leisure Centre Watling Avenue.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 11  
Against - 0  
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

**10. DOLLIS VALLEY ESTATE (PHASE 3 ) BARNET EN5 2TS - 18/5561/S73 (UNDERHILL WARD)**

The planning officer introduced the report which related to Dollis Valley Estate (Phase 3).

An oral representation was made by Peter Esposito.

An oral representation was made for the applicant by the agent, Pearce Gunne-Jones.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 4  
Against - 4  
Abstain - 3

As the chairman choose not to use her casting vote, there was no majority for the officer recommendation so the motion fell and the application was not approved.

As a consequence of the vote, Councillor Farrier moved a motion that was duly seconded by Councillor Roberts to refuse the application with a reason for refusal: the

unacceptable change from family housing to flats. Following discussion on the motion, Councillor Farrier withdrew her motion.

Councillor Gordon then moved a motion that was duly seconded to defer the application. The committee unanimously agreed to defer the application so as to receive more information regarding the restrictive covenants contained in the leases with L&Q/Countryside for new flats on the estate which the committee had been informed by the speaker prevented leaseholders from objecting to any planning applications for the estate.

The Committee therefore **RESOLVED to DEFER** the application to receive further information.

**11. LAND WEST OF EDGWAREBURY FARM EDGWAREBURY LANE EDGWARE HA8 8QX - 18/2340/S73 (EDGWARE WARD)**

The planning officer introduced the report which related to Land West Of Edgwarebury Farm Edgwarebury Lane.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For -	11
Against -	0
Abstain -	0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

**12. BROWNFIELD LAND REGISTER**

The planning officer introduced the report which related to the Barnet Brownfield Land Register.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the updated 2018 Brownfield Land Register (BLR) (Appendix A) for publication.

Votes were recorded as follows:

For -	11
Against -	0
Abstain -	0

The Committee therefore **RESOLVED to APPROVE** the updated 2018 Brownfield Land Register (BLR) (Appendix A) for publication.


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



None.

The meeting finished at 8.30 pm

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	AGENDA ITEM 6  <h2 style="text-align: center;">Planning Committee</h2>  <h3 style="text-align: center;">4<sup>th</sup> March 2019</h3>
	<p><b>Title</b> Referral from the Finchley and Golders Green Area Planning Committee: Land To The Rear Of 1069 Finchley Road</p> <p><b>Report of</b> Head of Governance</p> <p><b>Wards</b> Garden Suburb</p> <p><b>Status</b> Public</p> <p><b>Enclosures</b> Appendix A – Report considered by Finchley and Golders Green Area Planning Committee – 1069 Finchley Road. Appendix B – Addendum to FGG Committee 12 February 2019</p> <p><b>Officer Contact Details</b> Tracy Scollin, Governance Officer Tracy.scollin@barnet.gov.uk 020 8359 2315</p>

<h3>Summary</h3>
<p>Agenda Item 9 (1069 Finchley Road, reference 18/6035/FUL) of the Finchley and Golders Green Barnet Area Planning Committee on 12<sup>th</sup> February 2019 was referred up to Planning Committee, by the Chairman in accordance with the Council’s constitution. The Planning Committee is therefore requested to consider the recommendations and take a decision on them.</p>

<h3>Recommendations</h3>
<p><b>1. That the Planning Committee consider and determine the application as set out in the report previously considered by the Finchley and Golders Green Area Planning Committee</b></p>

**1. WHY THIS REPORT IS NEEDED**

1.1 The Constitution allows the Chairman of an Area Planning Committee to refer, prior to a vote being taken, any item that that he/she feels should be determined

by the main Planning Committee. The Chairman must also give reasons for referring the item.

- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 12<sup>th</sup> February 2019.

## **2. REASON FOR REFFERAL**

- 2.1 The Chairman referred the matter to main Planning Committee on the following grounds:

The Chairman informed the Committee, that she had decided to refer the application at 1069 Finchley Road planning application to the main Planning Committee by virtue of paragraph 2.3 (e) of the Council's constitution. The reasons being that due to its large scale and potential significant impact on the community, and previous applications on this site being considered by the Planning Committee, Councillor Greenspan considered that the application would be more appropriately determined by the main Planning Committee.

It was also noted that the speakers' rights would also be automatically transferred to the main Planning Committee.

## **3. REASONS FOR RECOMMENDATIONS**

- 3.1 As set out in the substantive report.

## **4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 4.1 As set out in the substantive report.

## **5. POST DECISION IMPLEMENTATION**

- 5.1 As set out in the substantive report.

## **6. IMPLICATIONS OF DECISION**

### **6.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2 As set out in the substantive report.

### **6.3 Legal and Constitutional References**

- 6.3.1 The Council's constitution, permits a Chairman of an Area Planning Committee, to refer an application to the main Planning Committee, provided that it is referred before the vote is taken. The Chairman must give reasons for referring the application.

### **6.4 Risk Management**

- 6.5 As set out in the substantive report.

6.6 **Equalities and Diversity**

6.7 As set out in the substantive report.

6.8 **Consultation and Engagement**

6.9 As set out in the substantive report.

7. **BACKGROUND PAPERS**

7.1 None.

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**Location**                    **1069 Finchley Road London NW11 0PU**

**Reference:**                **18/6035/FUL**                    Received: 9th October 2018  
Accepted: 11th October 2018

Ward:                        Garden Suburb                    Expiry 6th December 2018

Applicant:                c/o Agent

Proposal:                    Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

**Recommendation:** Approve subject to s106

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

#### 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. 3. Highways (traffic order) £2,022.00 in addition to a monitoring contribution of £100

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the

conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

Existing:

Drawing no. 000 Rev A; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 237 Rev 0; Drawing no. 238 Rev 0;

Proposed:

Drawing no. 1827-NMA-00-00-DR-A-00100 Rev P6; Drawing no. 1827-NMA-00-01-DR-A-00100 Rev P5; Drawing no. 1827-NMA-00-02-DR-A-00100 Rev P5; Drawing no. 1827-NMA-00-03-DR-A-00100 Rev P5; Drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P6; Drawing no. 1827-NMA-00-ZZ-DR-A-00200 Rev P4; Drawing no. 1827-NMA-00-ZZ-DR-A-00201 Rev P5; Drawing no. 1827-NMA-00-ZZ-DR-A-00202 Rev P4; Drawing no. 1827-NMA-00-ZZ-DR-A-00203 Rev P5; Drawing no. 1827-NMA-00-ZZ-DR-A-00300 Rev P5; Design and Access Statement by Norton Mayfield Architects dated 20th September 2018; Daylighting Report by Norton Mayfield Architects Ref: 1827-NMA-XX-ZZ-RP-A-00002 dated 20th September 2018; Transport Statement by Vectos dated July 2018; Rooftop Terrace Noise Assessment rev3 Technical Memorandum by Environmental Equipment Corporation Ltd ref EC14746-008 dated 10th December 2018, Revised Construction Management and Logistics Plan (Nov 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 including demolition works shall take place until details of the retention of front façade hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mitigation measures to prevent damage to the front facade.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the front facade retained at all times.

Reason: To safeguard the character and visual amenities of the front 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 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. This shall include details of the proposed brise soleil and solid spandrel panels labelled on the hereby approved drawings.

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 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.

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 Before the building hereby permitted is first occupied the proposed windows in the rear elevation facing Temple Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

8 a) No development other than demolition works shall take place until details of the proposed green roof and roof landscaping as indicated on hereby approved drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P6, and how this will be maintained have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

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

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

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

10 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P6; shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

11 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the

Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

## 12 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

13 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 2016.

14 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

15 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) 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 (October 2016, and Policy 5.3 of the London Plan 2016.

16 a) No development shall take place until a scheme of proposed noise mitigation measures including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road 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 noise from traffic and adjacent residential 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 (2016) and 7.15 of the London Plan 2016.

17 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

18 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (October 2016).

19 The development shall be implemented in accordance with the measures detailed within the hereby approved document titled "Revised Construction Management and Logistics Plan".

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).

20 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.

21 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 1827-NMA-00-00-DR-A-00100 Rev P6 shall be implemented and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

22 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 35 % 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 (2016) and the 2016 Mayors Housing SPG.

23 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), in all regards other than the sections detailed in the hereby approved document Design and Access Statement by Norton Mayfield Architects. 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.

24 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.

25 No amplified music or other amplified sound shall be relayed on the roof terrace.

Reason: To protect the amenities of the occupiers of the development and nearby properties and to ensure that they are not prejudiced by the use of the communal roof terrace as amenity space for the future occupiers of the development in accordance with Policy 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.

26 The roof terrace hereby approved shall not be used before 07:00 hours or after 23:00 hours Mondays-Sundays and Bank Holidays. The roof terrace shall be limited to 24 people at any one time as detailed in the hereby approved document Rooftop Terrace Noise Assessment rev3 Technical Memorandum by Environmental Equipment Corporation Ltd ref EC14746-008 dated 10th December 2018.

Reason: To protect the amenities of the occupiers of the development and nearby properties and to ensure that they are not prejudiced by the use of the communal roof terrace as amenity space for the future occupiers of the development in accordance with Policy 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.

## RECOMMENDATION III:

0 That if an agreement has not been completed by 05/04/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/6035/FUL under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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](http://legislation.gov.uk)



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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a 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 including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed 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.
- 5 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.
- 6 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.
- 7 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.

- 8 The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then the Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 9 The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 10 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

## Officer's Assessment

### 1. Site Description

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. The building features large parapet walls to either side. To the rear, the building steps down to three storeys with basement. There was also a detached two storey block to the rear close to dwellings on Temple Gardens.

The host site benefits from planning permission under reference number 16/7565/FUL for the following development:

"Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels".

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. This scheme also benefits from variations to the original approval including the most recent approval under reference 17/2723/S73. These works have started on site and conditions pursuant to the development have been discharged. In addition, an application at this site has also been approved for variations to the approval (reference 18/2056/S73).

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

### 2. Site History

#### Relevant Planning History at the host site:

**Reference:** 18/6913/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 12 December 2018

Description: Submission of details of condition

**Reference:** 18/6079/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 21 January 2019

Description: Submission of details of condition 19 (Construction Management and Logistics Plan), pursuant to planning permission 16/7565/FUL dated 04/05/2017

**Reference:** 18/3599/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 18.09.2018

Description: Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level

and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

Reason for refusal:

1. The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an overdevelopment of the site and would fail to provide satisfactory living conditions for future residents, contrary to policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and the Adopted Sustainable Design and Construction SPD (2016).

2. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD(2012) and the Planning Obligations SPD (2013).

**Reference:** 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved subject to S106

Decision Date: 01.10.2018

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

Amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats), 2no additional cycle parking spaces, additional of balcony to third floor level, increase to size of flat rooflights and front rooflights and replacement of brise soleil on the rear elevation with solid brickwork

**Reference:** 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

**Reference:** 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

**Reference:** 17/2924/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 02 August 2017

Description: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/2934/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 30 May 2017

Description: Submission of details of condition 12 (Contaminated land- Desktop Study) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/3014/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 01 June 2017

Description: Submission of details of condition 3 (Retention of Front Facade) and condition 5 (Levels) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/3408/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 5 July 017

Description: Submission of details of condition 14, (Impact of Noise), 15, (Air Quality for Small Developments) and 16, (Noise Report for Site Plant) pursuant to planning permission 16/7565/FUL dated 04/05/2017

**Reference:** 17/4772/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 August 2017

Description: Submission of details of condition 8 (Green Roof) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/5588/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 11 October 2017

Description: Submission of details of condition 4 (Materials) pursuant to planning permission 16/7565/FUL dated 04/05/17

Relevant Planning History at adjacent site to the rear:

**Reference:** 19/0374/CON

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Pending determination

Description: Submission of details of condition 13 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 18/5296/S73 dated 03/10/16

**Reference:** 18/6913/CON

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 12.12.2018

Description: Submission of details of condition 12 (Electric vehicle charging points) pursuant to planning permission 18/2056/S73 dated 29/06/18

**Reference:** 18/5296/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 14.12.2018

Description: Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings." Variation to include entering the site from Finchley Road and exiting from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11

**Reference:** 18/2056/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 29 June 2018

Description: Variation of condition 2 (Approved Plans) and removal of condition 8 (Unit 6 Obscure Glazing) of planning permission 17/2723/S73 dated 18/07/2017 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings." Variation to include installation of roof terrace and opaque glazing to Unit 6

**Reference:** 17/2723/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18 July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings".

**Reference:** 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 30 June 2015

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

Reason for refusal:

1. The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies

Appeal Reference: APP/N5090/W/15/3136451

Appeal Decision: Appeal allowed

**Reference:** 15/07709/FUL

Address: 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

### 3. Proposal

Planning permission is sought for the partial demolition of the existing building, including alterations to front and side elevations, and associated part four part five storey rear extensions to accommodate a mix use development. The scheme would involve office space at ground floor level and 9no. self-contained flats on the upper levels (including existing roof space), with associated 14no. cycle parking spaces, refuse/recycling provision and amenity space. In addition, the applicant seeks consent for the relocation of the entrance, new fenestration at front and front rooflights, in addition to the marginal increase of 0.5m of the ridge height to obscure the existing handrail and balustrade for the roof level. The scheme would not offer any off-street parking.

The proposed office would have a floor area of 124sqm at ground floor.

The proposed flats would be comprised of:

- 6 x 1 bed (2p) flats;
- 3 x 2 bed (4p) flats.

The extensions and external appearance of the building would be the same as previously approved by the Area Planning Committee as part of application 18/1947/S73, which was approved following a legal agreement.

The communal roof terrace would have an area of 132 sqm.

The rear extension would have a depth of 5.8m excluding the projecting windows, following the removal of the existing rearward wing to the southwest and external staircase. At ground floor, the extension would have a maximum width of 15.4m. At first and second floors, the side extension would have a width ranging between 25m to 21.8m, and at third floor the extension would be up to 6m from the northern boundary. The extension would have a height of 17.3m when measured at the rear (excluding lift); with the lift included the building would have a total height of 19.48m measured from the rear.

The building, including new rear extension would be sited 1.16m away (apart from the angled windows) from the rear boundary with the approved building at the rear.

## 4. Public Consultation

Consultation letters were sent to 187 neighbouring properties. 10 responses have been received, comprising 10 letters of objection.

A site notice was erected on the 18th October 2018.

The objections received can be summarised as follows:

- Object to the validity/ accuracy of the noise assessment when no building has been built.
- The proposed terrace would obviously be used by many of the new residents for social gatherings with music. The noise nuisance to the Temple Garden residents would be totally unacceptable/Noise and disturbance;
- Acoustic barriers may not work;
- Height of building more than indicated;
- Can a cap be added to the number of variations/ applications;
- Overpopulated/ overdevelopment;
- Increase in parking congestion;
- No daylight assessment has been made for roof structure;
- Loss of light;
- The recent decision to allow the one-way system for the development to be reversed will result in all traffic generated by the site exiting onto Temple Gardens, thereby ensuring all of the parking pressure generated by the development, from deliveries, residents and visitors, is placed on Temple Gardens. The exit onto Temple Gardens is dangerous as there is no visibility of oncoming traffic. This additional parking pressure and danger to pedestrian and motorists on Temple Gardens should not be allowed to be even further magnified, by allowing this proposal to increase the number of flats;
- Reality of parking on the road is different to what the reports indicate/ reports are not accurate;
- Neighbours currently petitioning for increased CPZ hours due to parking pressures.

Environmental Health officers have commented on the supporting information for the roof terrace Noise Assessment and considered that subject to conditions, the proposed enlargement of the roof terrace would be acceptable.

Highways comments remain as per the previous application. Highways officers were consulted however did not provide comments. Nevertheless the supporting information is the same as the previously refused application.

## 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 24th July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, 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.

#### Supplementary Planning Documents

Planning Obligations SPD (2013)

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures.

### 5.3 Assessment of proposals

#### Context

The current application follows on from a previously refused application on the site for a similar development. Application 18/3599/FUL sought permission for the following development:

*"Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage"*

The application was recommended for approval by Officers subject to a financial contribution (to amend the Traffic Order and for improvements to local parks due to the amenity space deficit). The application was refused by the Area Planning Committee on the 4th September for the following reasons:

1. The proposed development was considered by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, to represent an overdevelopment of the site and would have failed to provide satisfactory living conditions for future residents.
2. The development failed to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site.

It must be noted that the site does have planning permission for a similar development, although this is limited to 6 residential units (ref 16/7565/FUL).

The current proposal, like the latest refused application on the site, also seeks 9 units however the scheme has been amended to provide more outdoor amenity space by increasing the usability of the communal roof terrace and amending the mix of units. The previously proposed mixed of units included 4 x 1 bed, 5 x 2 bed, whereas the current scheme seeks 6 x 1 bed and 3 x 2 bed units. The proposal has also amended the layout of the units.

The communal roof terrace has been increased from 97sqm proposed on the refused scheme, to 132sqm.

The following assessment will generally comment on the changes between the current proposal and the refused application (18/3599/FUL).

#### Impact on the character of the area

The principle of development has already been established by the approved scheme. In terms of the external appearance of the building and extensions, these have already been considered acceptable by the prior consent on the site (notably application 16/7565/FUL, and most recently 18/1947/S73 for the form of the balconies at the rear). In addition, the latest application (18/3599/FUL) was not refused on the appearance of the building and the height, design of balustrades and overall massing has not been amended. Officers have not identified new material considerations which would now warrant refusal for the building as proposed insofar as its form, design, height and overall scale are concerned.

The first reason for refusal for application 18/3599/FUL details:

*"The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an overdevelopment of the site and would fail to provide satisfactory living conditions for future residents."*

Part of the refusal deals with the proposed density of the site (the other relates to the quality and amount of outdoor amenity space which is discussed in the relevant section below). With regards the density mix, London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The site benefits from a PTAL of 2 and is considered to fall within an urban setting as defined in the London Plan. The London Plan advises that development should be at 200-450 habitable rooms/hectare and 45-170 units/hectare. The proposal would result in 852.27 habitable rooms/hectare and 255.68 units/hectare, based on 30 habitable rooms; the previous scheme for 9 units resulted in 937.50hr/ha and 255.68 u/ha (same as currently proposed). The proposal would still result in density above the recommended range.

The building density however is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks" (paragraph 127). Development should be guided by the numerous factors including overall scale, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The site is located within a Town Centre location. Consent has been granted for 6 units on the site with a potential for up to 22 occupiers (and a mix of 4 x 2 bed (4p) flats and 2 x 2 bed (3p) flats as part of application recently approved pending a S106); the current proposal would accommodate up to 24 occupiers. Officers do not raise any objection to the increase in density given that this would result in two additional occupiers on the site and as mentioned the site is located within the Town Centre where higher densities are encouraged. Although the number of units has remained at 9, the changes to the layout and unit mix of the flats has reduced the intensity in terms of number of occupiers. The reduction in habitable rooms and combined increase in the outdoor amenity space provision results in a scheme that meets the relevant standards. It is therefore concluded that the reduction in number of occupiers/ habitable rooms addresses the previous objection and officers do not consider that the proposal is an overdevelopment of the site for these reasons. The design of the building, as mentioned, has already been established and therefore officers do not raise an objection to the proposed density given the site-specific circumstances.

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would

seek to retain the front building, particularly the street frontage. Therefore paragraph 193 of the NPPF would apply. The applicant proposes to retain the front elevation as part of the redevelopment.

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area.

#### Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

It must be noted that application reference 18/3599/FUL raised no objection to the scheme for 9 dwellings on the impact to neighbouring occupiers.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance. Whilst the increase in the size of the roof terrace would be closer to Temple Gardens, a considerable distance to these properties would remain and therefore it is considered to be unjustified to refuse the application on visual impact to occupiers on Temple Gardens.

Furthermore, there is an approval development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL and subsequent revisions). Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking. The proposal would be the same as the building previously considered to be acceptable, it is therefore considered that the relationship between neighbouring occupiers has been previously assessed and there are no material considerations which would now alter this judgement. No additional windows are proposed to the rear. Whilst the terrace would be closer to the new building, there are no habitable windows of the rear building fronting the application site/ roof terrace. It is therefore not considered that there would be any additional levels of overlooking to warrant refusal. Officers are therefore satisfied that whilst the number of households that the building is proposed to accommodate would increase, the visual/ privacy amenities of neighbouring occupiers would not be compromised in this regard.

Environmental Health officers were consulted on the supporting noise assessment and the proximity of the increased terrace to neighbouring residents. EH officers were satisfied that subject to the installation of acoustic fencing, the communal area would provide a suitable

outdoor amenity area and would not result in unacceptable levels of noise and disturbance to neighbouring residents both on Temple Gardens and those on the new development to the rear. Two additional conditions have been added which limit the hours of use and number of people on the terrace (as detailed in the supporting noise report) and restriction on amplified music. It is considered that subject to these conditions, the impact of noise and disturbance can be mitigated against.

Environmental Health officers have also requested that previous conditions relating to air quality and noise mitigation to the overall building due to traffic on Golders Green Road are attached if permission is granted.

In light of the considerations above, the proposal is recommended for approval insofar as the impact on neighbouring occupiers is concerned.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposed flats would all comply with and exceed the minimum space standards as stipulated in the London Plan.

The applicant has demonstrated that all rooms would have suitable daylighting. The proposal does not rely on any additional or increase in window sizes to accommodate the changes to the layout. Officers are therefore satisfied that each habitable room would be adequately lit. This has been supported by a Daylight and Sunlight Assessment.

Most of the units are dual aspect and therefore would be considered to provide suitable outlook to future occupiers. It is noted that part of the outlook for flats 1, 4, and 7 is towards a flank wall of the rear approved development, however these units are dual aspect and the outlook is considered to be acceptable 'on balance'. Units 2, 5 and 8 are single aspect however front Finchley Road where they benefit from suitable outlook towards the road. This is also considered to be acceptable on balance; this outlook has already been established by the previous consent and no objection was raised as part of the last application on these grounds.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision communally around buildings or on roofs or as balconies.

Part of the first reason for refusal referred to the "inadequate level of amenity space to serve future occupiers" combined with the number of units being indicative of an overdevelopment of the site. It is considered that the proposal has addressed this reason for refusal. The proposal would involve the provision of outdoor amenity space for 3 units through private terraces. There would also be a roof terrace which is proposed to be used as a communal facility; the communal roof terrace has been increased in area.

The cumulative outdoor amenity space provision for the development would be 150sqm through the communal terrace (132sqm) and balconies (total of 18sqm). The development would be expected to provide 150sqm based on 30 habitable rooms, therefore the outdoor amenity provision is considered to meet the relevant standards. Previously as there was a

shortfall, a financial contribution was sought for improvements to the nearest appropriate public open space to compensate for the lack of outdoor amenity space; this would no longer be sought as it cannot be justified given that the development would meet the outdoor amenity space standards.

As with the comments above relating to the general amenities of neighbouring occupiers, the Environmental Health team previously considered that subject to conditions, the noise and air quality issues due to the siting of the site could be mitigated. This would include the requirement for acoustic ventilators to both the front and rear windows to reduce noise levels between both buildings. The recommended conditions have been attached.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

The proposal would provide suitable amenities for future occupiers and is acceptable in this regard.

#### Impact on local highways

Officers consulted with the Council's Highways team as part of the refused application, who assessed the scheme in terms of the impact on highways. It must be noted that the transport supporting information has not changed since the refused application (18/3599/FUL) and therefore the previous Highways officers' comments detailed below are still applicable.

The site has an access road that was originally used for the police station, however will now be used for the approved residential development currently being built to the rear (approved under reference 15/07709/FUL, and subsequent amendments).

#### *Parking*

The PTAL is 2 (poor) with bus available as the only public transport mode available within the PTAL calculation area, it should be noted that just outside (by 10 meters) of the calculation area is Golders Green tube station. The development is located in a controlled parking zone (Zone TF). The site lies in a Town Centre location and associated local amenities.

The change of use to residential/ office represents a reduction when compared with the number of trips associated with a police station. The reduction in trip generation by the change of use would be valid during both AM and PM peaks and total daily movements.

Policy DM 17 states that limited or no parking is acceptable within a CPZ, or where sufficient on-street parking is available within a parking survey area. The applicants have done both to promote a development within a CPZ and show that there is sufficient space for vehicles associated with residents of the future development. A CPZ will be in operation to mitigate over spill parking by the future office use.

The applicants have undertaken a parking survey to review the on street situation at both peak times of residential parking demand and during times of CPZ operation to show that vehicles with permits can park on the surrounding kerb side, the survey also carefully

assessed the available on street capacity, of which within the survey area there is the availability of on street parking spaces for future residents.

During day time CPZ operation times, the CPZ future residents' permits will be eligible for roads in Golders Green CPZ H. Future residents will not be eligible for permits in Temple Fortune (TF) CPZ.

The parking survey shows that within the immediate proximity of the development the surrounding highway network is at parking capacity. The full 200m (in all directions) survey area is considered equally, however there is no "weighting" for parking pressure or available spaces close to the development. The planning inspectorate deems 200m (two minutes) a reasonable distance to walk for residents. All parking within the survey areas is considered equally.

The Lambeth parking survey methodology allows for single yellow lines to be included within the parking capacity survey as their restrictions are not in operation or enforceable at peak times of residential parking demand 00:30-05:00. Dropped kerbs and double lines have not been included within the parking capacity, but have been recorded within the survey of current on carriageway characteristics.

The applicants have interrogated census car ownership data and assumed a worst-case scenario for the number of associated vehicles with the future development (6 vehicles). The robust parking survey, undertaken at peak times of residential parking demand and during CPZ operation hours, shows that there is sufficient on-street parking spaces for all vehicles associated with the proposed development, while still protecting existing resident parking amenity. A worst-case scenario of 9 vehicles can also be accommodated.

The applicants have also submitted historic data associated with previous applications which showed no substantial change in parking demand over this time. It is accepted that planning application reference 17/7490/FUL was refused for the absence of a legal agreement to amend the Traffic Order, despite the submission demonstrating there was sufficient on-street parking.

Similarly, the latest application (18/3599/FUL) was also refused for the absence of a legal agreement to amend the Traffic Order. Highways officers did not previously consider that there is a requirement to restrict the parking permits for future occupiers, and there are no material considerations to alter this assessment. However, given concerns raised by Members of the committee, the applicant has agreed for a car-free development by exempting the occupiers of the new development from purchasing parking permits. The applicant has agreed to enter into a legal agreement, to be drafted after the committee, to restrict the issue of parking permits for the future occupiers of this development.

### *Refuse and Cycle Parking*

London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 14 cycle parking spaces for the residential units and 2no for the office use. This development proposes 16 secure cycle parking spaces, which is in line with London Plan. Cycle parking for each of the uses on the site should be segregated.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

### *Highways conclusion*

Highways offices previously considered that the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported. This assessment is based on the following:

- The proposed development will not generate a significant increase in trip generation.
- A robust parking survey has been undertaken to show that there is capacity for future residents to park on street both inside and outside of CPZ operation times.
- Cycle parking is in line with London Plan minimum standards; these can be stored in the designated ground floor storage spaces.
- Refuse stores have been provided within a close proximity to the highway.

Although the second reason for refusal specified that in the absence of a legal agreement, the scheme would heighten parking problems, the applicant has agreed to enter into a legal agreement to amend the Traffic Order and therefore restrict the purchase of parking permits for future occupiers. It is therefore considered that this reason can be overcome subject to the completion of a legal agreement.

The Demolition, Construction and Logistics Plan submitted to support this application is the same as the report approved under reference 18/6079/CON.

The proposal is therefore recommended for approval on highways grounds.

### Accessibility and Sustainability

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). As the majority of the building is a new build, the proposal would be expected to comply with M4(2) and the scheme includes the provision of a lift. A condition is attached to ensure compliance with these Policies. The applicant has confirmed that the proposed development would meet this requirement (except for height of the windows due to the retention of the front façade), and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached 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).

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

### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will



take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal would be liable for both Mayor's CIL and Barnet CIL.

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

It is considered that the comments raised by objectors have generally been addressed in the report above.

The height of the building is not different to the approved scheme (reference 16/7565/FUL) and the previously refused application 18/3599/FUL which was not refused on the siting of the balustrades at roof level.

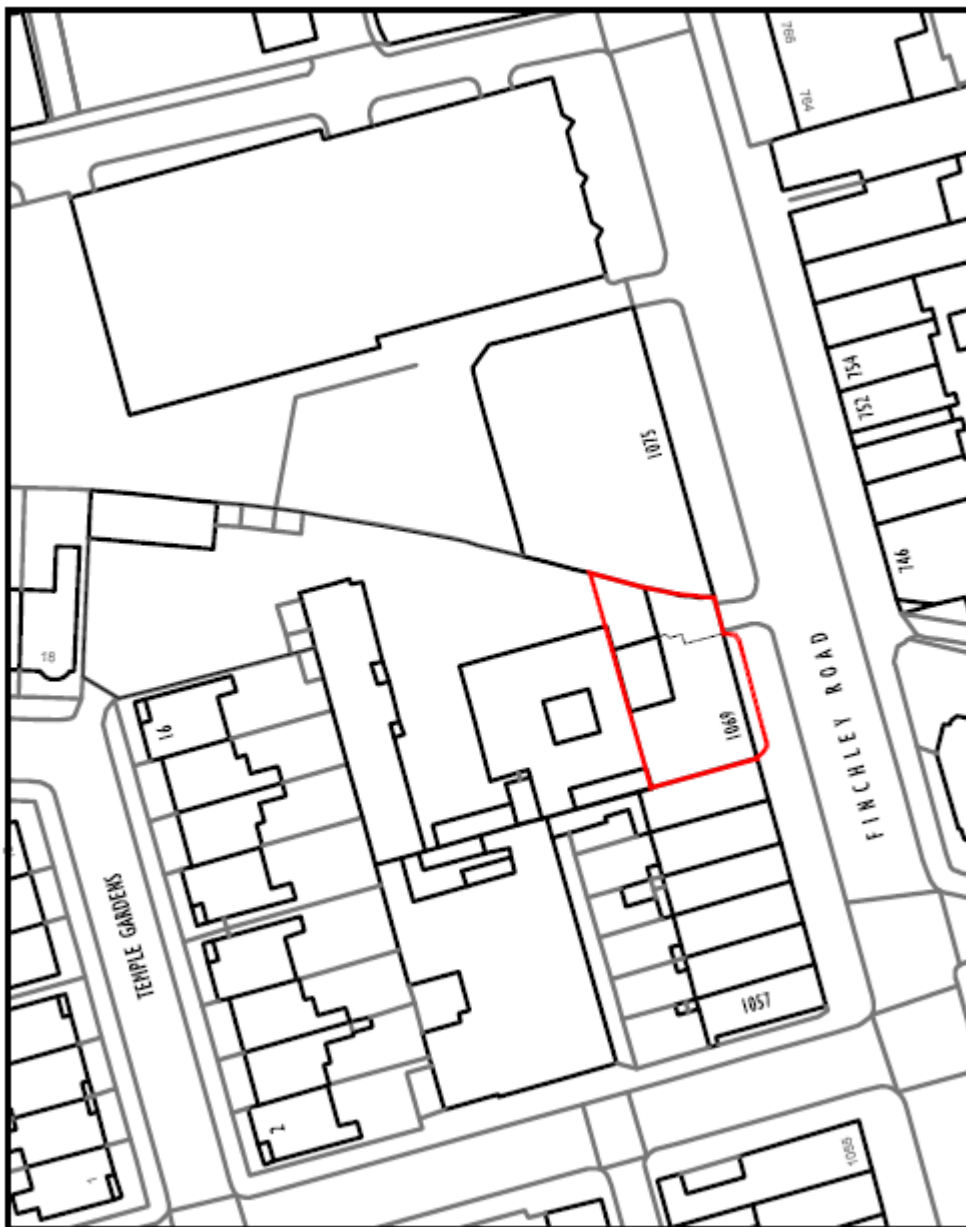
Some comments refer to recent approval at the site to the rear, however this proposal has been assessed independent of the approval at the rear on its own merits.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval. The proposal has overcome the previous reasons for refusal.



**Ref: 18/6035/FUL**

**1069 Finchley Road, London, NW11 0PU - Addendum (Appendix B)**

The Site History section of the report shall be amended on Page 62 in reference to application reference 17/7490/FUL, which was appealed and approved by the Planning Inspector on the 5<sup>th</sup> February 2019. The section shall be amended to read as follows:

**Reference: 17/7490/FUL (Appeal reference: APP/N5090/W/18/3204878)**

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused (Appeal Approved and decided 05/02/2019)

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels. Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

**Reason for refusal:**

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

The Inspector commented as follows on the refusal of application reference 17/7490/FUL due to the absence of a legal agreement:

*"6. Users of the offices would be unlikely to generate a parking demand due to the controls on commuter parking nearby. Occupants of the six flats could potentially own cars and seek parking permits. However, there are several factors that are likely to affect the number of vehicles that are associated with the development.*

*7. Firstly, as a relatively small-scale scheme, the number of additional vehicles seeking spaces on surrounding streets would be modest. Secondly, the type of residential accommodation would be more attractive to smaller households rather than families and as a result, occupants would be less likely to own or desire a car. Third, the absence of parking within the site or immediately outside the front door would put off some from owning or using a car. Fourthly, there are a range of shops and services on the doorstep which can be reached on foot. Finally, although the PTAL1 score is only 2 within a range of 0 to 6, the site is on a busy bus route and within walking distance of Golders Green and Brent Cross Tube Stations. Central London and a range of other services and facilities can be accessed by non-car modes in a little over half an hour or less. The above factors are supported by census data on car ownership rates which points to a development of this type in this location resulting in four vehicles.*

*8. For the modest number of residents seeking on-street parking, surveys conducted on behalf of the appellant using the Lambeth Methodology show that there is ample capacity in the surrounding streets both overnight and during restricted daytime periods, including in those*

side roads closest to the appeal site. Applying a worst-case demand for six on-street parking spaces from the development, 45% of potential spaces in the surveyed area would remain available overnight and 34% of spaces available during daytime periods.

9. The surveys have been described as robust by both Planning and Highway Officers. Although there are some errors in street naming I have no reason to doubt the overall veracity of the surveys. No alternative analysis is before me. When I visited the area at about midday, although there was significant on-street parking, there was a good supply of spaces available. I appreciate that this was a snapshot only but what I saw is consistent with the evidence.

10. It follows that the residents of the development would be able to find a parking space without undue difficulty. As a result, parking stress and material highway dangers would not be likely to arise from the development. There could be occasions when residents may need to drive around for a little while to find a space, but this would be no different to the situation faced by existing residents of the area or their visitors. It is likely that spaces closer to Finchley Road would be in greater demand. However, provided all drove safely and with courtesy and parked considerately and legally, the highway network would continue to be able to operate safely and efficiently. Given that residents of the flats would be familiar with on-street parking as a characteristic of the area, they would be likely to be considerate of other highway users.

11. In conclusion the parking arrangements would be acceptable with regard to the safe and efficient operation of the local highway network. There would be compliance with Policy CS9 of Barnet's Core Strategy (2012) and Policy DM17 of Barnet's Development Management Policies (2012) as the development would be mixed use and surveys demonstrate that there is sufficient on street parking capacity within the CPZ. This conclusion is consistent with the findings of the Inspector who allowed an appeal for flats at the nearby Clifton Gardens (Appeal decision ref: APP/N5090/W/16/3151707 dated 3 October 2016).

12. Planning obligations must only be sought where they meet legal and policy tests set out in the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework (the Framework). In this case the obligation is not necessary to make the development acceptable in planning terms. Therefore, granting planning permission without the car free requirement would be appropriate." (Extract from Appeal Decision APP/N5090/W/18/3204878).

It must also be noted that the Inspector awarded Costs against the Council for the same appeal due to lack of supporting evidence to substantiate or evidence the reason for refusal to restrict parking permits for future occupiers.

	AGENDA ITEM 7  <b>Planning Committee</b>  <b>4 March 2019</b>
	<p><b>Title</b> Referral from Finchley &amp; Golders Green Area Planning Committee: Land West of Beechwood Ave, N3 3BA 18/6355/FUL</p> <p><b>Report of</b> Head of Governance</p> <p><b>Wards</b> Finchley Church End</p> <p><b>Status</b> Public</p> <p><b>Enclosures</b> Appendix A: Report considered by Finchley &amp; Golders Green Area Planning Committee Appendix B: Addendum</p> <p><b>Officer Contact Details</b> Tracy Scollin, Governance Officer Tracy.scollin@barnet.gov.uk Tel: 020 8359 2315</p>

<h3>Summary</h3>
<p>Agenda Item 16 (Land West of Beechwood Ave, N3 3BA) of the Finchley &amp; Golders Green Area Planning Committee on 12 February 2019 was referred up to Planning Committee by the Chairman in accordance with the Council’s Constitution. The Planning Committee is therefore requested to consider the recommendations and take a decision on them.</p>

<h3>Recommendations</h3>
<p><b>1. That the Planning Committee consider and determine the application as set out in the report previously considered by the Finchley &amp; Golders Green Area Planning Committee</b></p>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Constitution allows the Chairman of an Area Planning Committee to refer, prior to a vote being taken, any item that that he/she feels should be determined by the main Planning Committee. The Chairman must also give reasons for referring the item.
- 1.2 The attached report was considered by the Finchley & Golders Green Area Planning Committee on 12 February 2019.

## **2. REASON FOR REFFERAL**

- 2.1 The Chairman referred the matter to main Planning Committee on the following grounds:

The Chairman informed the Committee, that she had decided to refer the Land West of Beechwood Ave planning application to the main Planning Committee by virtue of paragraph 2.3 (e) of the Council's constitution. The reason for referral is that a resident who was due to speak on the application had been misinformed that the application was deferred.

It was also noted that the speakers' rights would be automatically transferred to the main Planning Committee.

## **3. REASONS FOR RECOMMENDATIONS**

- 3.1 As set out in the substantive report.

## **4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 4.1 As set out in the substantive report.

## **5. POST DECISION IMPLEMENTATION**

- 5.1 As set out in the substantive report.

## **6. IMPLICATIONS OF DECISION**

### **6.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2 As set out in the substantive report.

### **6.3 Legal and Constitutional References**

- 6.3.1 The Council's constitution permits a Chairman of an Area Planning Committee to refer an application to the main Planning Committee provided that it is referred before the vote is taken. The Chairman must give reasons for referring the application.

6.4 **Risk Management**

6.5 As set out in the substantive report.

6.6 **Equalities and Diversity**

6.7 As set out in the substantive report.

6.8 **Consultation and Engagement**

6.9 As set out in the substantive report.

7. **BACKGROUND PAPERS**

7.1 None.

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## Appendix A

<b>Location</b>	<b>Land West Of Beechwood Avenue London N3 3BA</b>	
<b>Reference:</b>	<b>18/6355/FUL</b>	Received: 23rd October 2018 Accepted: 1st November 2018
<b>Ward:</b>	Finchley Church End	Expiry 31st January 2019
<b>Applicant:</b>	c/o Agent	
<b>Proposal:</b>	Redevelopment of the site to provide 97no residential units and 2no commercial units (Class A1/B1) with car parking and cycle parking at lower ground floor level and associated landscaping and public realm	

**Recommendation:** Approve subject to s106

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

### **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. Affordable Housing  
50% affordable housing by units across the whole development (35 units) on the basis of the following detailed mix:

Shared Ownership (20 units)

17 x 2-bed  
1 x 3-bed  
2 x 4-bed

London Affordable Rent (7 units)

7 x 4-bed

### Affordable Rent (8 units)

8 x 4-bed

An Early Stage Viability Review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted or as agreed with the LPA.

4. Carbon Off-set contribution

Payment of £200,143 towards Carbon Offset to meet mayoral zero carbon target.

5. Travel Plan

The applicant shall enter into a Travel Plan for the residential uses on the site that seeks to reduce reliance on the use of the private car.

6. Travel Plan Monitoring

Payment of a financial contribution of £10,000 to the Council towards its costs in promoting more sustainable modes of transport and monitoring the residential travel plan that will be submitted for the development

7. On site car parking

That all parking within the site shall be for residents of the development and their visitors only and for no other purpose.

8. Local Employment Agreement

- An LEA may be required should the Applicant opt to execute the Non- Financial Obligations defined within the SPD Calculation. It will determine (in partnership with the Council), how the site and The Council support these Non- Financial Obligations, during operational and development stages.

- Should the Applicant opt to offer the Financial Obligation. The LEA will not be required unless End Use Jobs are determined in the SPD Calculations.

- The LEA will always endeavour (with the support of the Council) to align with Barnet's Entrepreneurial Strategy.

9. Employment and Apprenticeship Contribution

- These can be defined within the LEA if the Applicant opts to execute the Non-Financial. Obligations.

- Or opt to offer a Financial Contribution and therefore not required to offer any Non-Financial Obligations. The Financial Contribution can be defined to align with Barnet's Entrepreneurial Strategy, in partnership with the Applicant and SPD Policy guidelines.

- Typically, Non- Financial Obligations will include;

- o Apprenticeships
- o Progressions into Employment (More than or less than 6 months)
- o Work Placements
- o Site Visits
- o Site Workshops
- o Possibly End-Use Jobs

10. Section 106 monitoring  
Monitoring of the S106 obligations

**RECOMMENDATION II:**

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

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

BW\_L\_70 P03 (Location Plan)  
BW\_L\_90 P19 (Pavement Level Plan)  
BW\_L\_100 P21 (Ground Floor Plan)  
BW\_L\_110 P19 (First Floor Plan)  
BW\_L\_120 P17 (Second Floor Plan)  
BW\_L\_130 P18 (Third Floor Plan)  
BW\_L\_140 P15 (Fourth Floor Plan)  
BW\_L\_200 P13 (Proposed Elevations and Sections Sheet 1)  
BW\_L\_201 P05 (Proposed Elevations and Sections Sheet 2)  
BW\_L\_210 P04 (Existing Elevations Sheet 1)  
BW\_L\_211 P04 (Existing Elevations and Sections Sheet 2)

BW\_L\_100\_P15 Arbtech AIA 01 A (Tree Constraints Plan)

Air Quality Assessment, Air Quality Consultants (dated October 2018)  
Construction Traffic Management Plan, Kuropatwa Ltd  
Daylight and Sunlight Report, Point 2 Surveyors Ltd (dated October 2018)  
Design and Access Statement, Peter Barber Architects (dated Jan 2019)  
Noise Impact Assessment, KP Acoustics (dated 07.08.2018)  
Outline Energy Strategy, Mendick Waring (dated January 2019)  
Overheating Analysis, Mendick Waring (dated October 2018)  
Planning Statement, DP9 Ltd (dated October 2018)  
Preliminary Ecological Appraisal, The Ecology Consultancy (dated 04.10.18)  
Scheme Internal Daylight Report, Point 2 Surveyors Ltd (dated October 2018)  
Statement of Community Involvement, London Communications Agency (dated 17 October 2018)  
Surface Water Drainage Strategy Rev D, Pitman Associates Ltd (dated January 2019)  
Sustainable Drainage Systems Assessment Form  
Tree Survey, Arbtech Consulting Ltd (18.09.2018)  
Transport Statement, Lime Transport (dated 18.10.2018)  
Travel Plan, Lime Transport (dated 18.10.2018)  
Utility Assessment Report, Mendick Waring Ltd (dated October 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 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) Before the relevant part of the works are begun, 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) Sample panels of all new facing brickwork for the new buildings, showing the proposed brick types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Council as local planning authority before the relevant parts of the works are begun.

b) The development shall thereafter be implemented in accordance with the materials and sample panels 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 or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

The Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. BW\_L\_90 P19; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 8 Prior to the first occupation of the development, the proposed cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and 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.

- 9 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

- 10 Prior to the occupation, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. the allocation of car parking spaces;
- ii. on-site parking controls and charges;
- iii. the enforcement of unauthorised parking; and
- iv. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

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.

- 11 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).

- 12 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 13 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site has 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).

14 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.

15 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

16 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 14 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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.

- 17 Prior to commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, in writing and drawing, the assessment of the flood risk to the proposed basement carpark in the event of extreme rainfall event or blockage of the SUDS control structures and from the blockage of the exiting TW sewer system on Beechwood Avenue which is located on a higher ground in relation to the proposed basement carpark.

Reason: To prevent or manage the risk of flooding of the basement carpark by ensuring the provision of a satisfactory means of flood water disposal. To ensure that the basement carpark can be used safely in accordance with the mitigation strategy set out in the SUDS strategy for the development. To limit the risk to the people using the basement carpark by ensuring the provision of a satisfactory means of warning and evacuation is incorporated into the design and maintained for the lifetime of the development.

- 18 Prior to commencement of development, the applicant shall submit in writing to the Local Planning Authority the agreement with Thames Water for surface water connection from the proposed development to Thames Water surface water drainage network at the agreed maximum discharge rate.

Reason: To ensure that the runoff from the proposed development is controlled in a manner to prevent an increase in surface water runoff and reduce flood risk in the existing Thames Water drainage network.

- 19 Prior to commencement of development, the applicant shall submit runoff calculation evidence showing that FEH design rainfall has been used.

Reason: To ensure the latest design rainfall has been used to assess the drainage system attenuation storage volumes.

- 20 a) Prior to commencement of development, the applicant shall submit detailed SUDS construction drawings to the Local Planning Authority.

b) The Development shall be carried out in full accordance with the details approved.

Reason: To ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance. To ensure the materials, including products, components, fittings or naturally occurring materials, which are specified by the designer are a suitable nature and quality for their intended use.

- 21 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed

per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 22 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.

- 23 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

b) Prior to the first occupation of the residential building a 'Secured by Design' accreditation shall be obtained for the building.

The development shall only be carried out in accordance with the approved details.

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

- 24 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).

- 25 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 units 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.

- 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 26% 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 Prior to the occupation of the development, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority detailing the type, design, lux levels of proposed external lighting as well as measures to control glare. The External Lighting Assessment submitted shall detail the existing and proposed average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to both neighbouring residential properties as well as residential properties within the proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to first occupation.

Reason: To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

- 28 No residential unit shall be occupied until the private and/or communal amenity space provision, (excluding public open space) for that unit is available in accordance with the Approved Plans.

Reason: To ensure there is adequate amenity space available for all residential units.

- 29 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy 3.6 of the London Plan.

- 30 The flexible commercial units hereby approved shall only be used in connection with Use Classes A1/B1 use).

Reason: To ensure the unit is not employed for use that is harmful to the amenity of the area and enable the Local Planning Authority to retain control of any future use of the floor space in accordance with Policies DM01, DM11 and DM13 of the Barnet Development Management Policies (adopted) September 2012.

- 31 "The approved Classes A1 and B1 units shall only be used between the hours 07:00 - 22:00.
- Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.
- 33 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.
- 33 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.
- Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.
- 34 No works in connection with the development hereby approved shall commence unless an invasive / non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Japanese Knotweed (*Fallopia japonica*) on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.
- Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.
- 35 The development shall proceed and be carried out in strict accordance with the findings and recommendation of the Preliminary Ecological Appraisal submitted in support of the application (The Ecology Consultancy, 04.10.18) and the details of ecological enhancements contained within shall be incorporated into the finished scheme.
- Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).
- 36 a) Prior to above grade works, a scheme of proposed air pollution mitigation measures for the units along the North Circular elevation shall be submitted to and approved in writing by the Local Planning Authority.

b) 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 (adopted October 2016) and Policy 5.3 of the London Plan 2016.

37 a) A scheme of offset measures based on the findings of the report by Air Quality Consultants shall be submitted to and approved by the Local Planning Authority prior to above grade works.

b) The approved measures 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 (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

38 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the Mayor's London Plan SPG on Sustainable Design and Construction and Policy 7.14 of the Mayor's London Plan in relation to air quality.

39 a) Prior to any above grade works, a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016), and 7.15 of The London Plan 2016.

40 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

9 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.

#### 41 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

#### Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.04.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

The proposed development does not include a formal undertaking to meet the costs of provision of 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).

The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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.

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

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

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- o 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.

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

- 6 Refuse collection points should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Level access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle 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.
- 7 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.  
"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
- 8 The local highway authority will seek compensation for any significant harm caused to the street tree (T06) located on Beechwood Avenue at the proposed north-eastern access point to the site. The Council uses the tree evaluation system Capital asset value of amenity trees (CAVAT) details of this system can be found at [www.ltoa.org.uk](http://www.ltoa.org.uk). The tree marked on the applicant's tree protection plan are valued accordingly; T06 (£30,186).

## **Officer's Assessment**

### **1. Site Description**

The application site comprises a vacant parcel of land, approximately 0.56ha in size which lies within the ward of Finchley Church End. The site lies immediately north of the A406 North Circular and has a long street frontage which runs parallel to this road. The site is gently curved on the south side and has a saw-toothed boundary on the northern side. The site also has frontages onto Beechwood Avenue to the east and Edge Hill Road to the west. To the north of the site are the rear gardens of the detached houses which front both streets.

The site slopes along its length from west to east with a change in level of approximately 5 - 6 metres and also slopes south to north of approximately 3 - 4 metres. As a result, there is a natural change in level of around 1 storey from pavement level next to the North Circular up to the northern boundary with the neighbouring gardens.

The site currently comprises of overgrown dense vegetation with a number of self-seeded trees within the site and along the site boundaries. The northern boundary consists of large mature trees. None of the existing trees are subject to Tree Preservation Orders (TPOs).

The site has a Public Transport Accessibility Level (PTAL) of 2 according to Transport for London's (TfL) online PTAL calculator. The closest underground station to the site is Finchley Central, which is situated approximately 1 mile to the north.

The site lies entirely within Flood Zone 1. The site is not subject to any other Local Plan designation, nor is it located within a conservation area and there are no listed buildings on-site or within close proximity of the site.

The surrounding area is predominately residential, consisting of fairly large detached dwellings of two to three storeys in height. Each property benefits from large rear private gardens. Within the curtilage of No.8 Edge Hill Road, there is a substantial 'L-shaped' outbuilding, with No.62 Beechwood Avenue also having a large glazed outbuilding. On the opposite side of the North Circular, there is Beaufort Park, a purpose-built apartment estate comprising of three-storey buildings.

### **2. Site History**

No relevant previous planning history.

### **3. Proposal**

The proposed development is as follows:

*'Redevelopment of the site to provide 97no. residential units and 2no commercial units (Class A1/B1) with car parking and cycle parking at lower ground floor level and associated landscaping and public realm.'*

The proposed scheme will comprise two rows of residential dwellings extending along either side of a central pedestrian mews street. The north side of the proposed terrace extends two to three storeys, dropping to a single-storey towards the northern site boundary shared with the neighbouring gardens. On the south side, the proposed terrace

extends from two to four storeys at mews level, momentarily stepping up to five-storeys on each corner to create a focal point where the proposed southern terrace meets the prominent junction with the adjacent roads. Due to the natural slop of the site, the North Circular elevation is a storey below the mews.

The proposed buildings will be of a red-brick construction. The proposed mews will be paved in cobble stones, with the use of trees, street furniture and planters.

Each unit will benefit from private amenity space in the form of courtyards, balconies or terraces. The proposed mews would also serve as both communal amenity space for residents and public realm for neighbouring properties. Informal play space would also be provided within the mews.

The scheme will provide 97no. residential units comprising of the following:

	Studio	1-bed	2-bed	3-bed	4-bed	Total
No. Units	2	21	51	6	17	97
%	2%	22%	52%	6%	18%	100%

Of the 97no. units proposed, 50% of the homes proposed will be affordable based on the Mayor's habitable room basis. This equates to 35 units - 20 Shared Ownership, 7 London Affordable Rent and 8 at Affordable Rent. 10 units will be wheelchair accessible.

In addition, the proposal will provide a total of 84sqm of commercial floor space (Class A1/B1) across two units at lower ground floor level. It is intended that these units will serve as small office spaces for SME or retail units to serve the local area.

The primary access would be via pedestrian entrances at either end of the mews on Beechwood Avenue and Edge Hill Avenue. A secondary access is proposed to be provided from a break in the southern terrace onto the North Circular.

Vehicular access is proposed via Edge Hill Avenue, leading to a parking area within the lower ground floor level. A total of 76 car parking spaces are proposed, including 10 wheelchair accessible bays. A total of 188 sheltered cycle parking spaces (two per unit) will also be provided at lower ground floor level.

The proposal has been amended during the application process following a request from officer to include the following changes:

- Storey removed at each end of the southern terrace (reducing the overall height of the scheme);
- Massing on lower floor has been reduced;
- Reduction in commercial floor space.

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

Consultation letters were sent to 328 neighbouring properties.

23 responses have been received, comprising 19 letters of objection and 4 letters of support.

The objections received can be summarised as follows:

- Corner tower height- excessive and not keeping with the existing area;
- Height of corner tower will spoil the outlook from my house;
- Six storeys is excessive and not in keeping with height levels of properties in the immediate area;
- Volume and design is not in keeping with the area;
- Overcrowding given the modest size of the site;
- Impact on privacy and blocking of light;
- Overlooking and loss of privacy;
- Overshadowing of properties along Beechwood Avenue;
- Insufficient private or public amenity space;
- Impact on future occupiers through noise from A406;
- Creation of additional traffic;
- Lower level parking will not be used. Residents will park on Beechwood Avenue;
- Concerns regarding vehicular access to and from the site;
- Disruption during construction;
- Lack of car parking spaces;
- Submitted Travel plan is flawed;
- No new social facilities such as recreational areas;
- Damage all the trees and green;
- Loss of view;
- Impact on property value;
- Increase to noise and dust pollution during the construction phase.

The letters of support received can be summarised as follows:

- Interesting street based housing design;
- Proposal is innovative and well designed;
- New street will be a positive addition to the area;
- It is clear that the scale of the buildings has been carefully thought through to deliver much needed housing without impacting negatively on the surrounding area;
- Significant amount of affordable housing;
- Proposal is pedestrianised;
- Underground parking is considerate to existing homes;
- It is clear a great deal of effort has been made to take into account adjacent properties.

#### Statutory and Internal bodies

**Arboricultural Officer** - Sufficient information has been provided to fully assess the impact of the application on trees. There is a loss of trees that can be mitigated with on and offsite tree planting in accordance with local planning policies DM01. The outline proposal for tree planting needs to be agreed with TfL in advance of any permission.

**Drainage** - We have received the latest Surface Water Drainage Strategy. Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. However, we request a number of conditions are imposed and recommend that prior to commencement of development, details of surface water drainage shall be submitted to and approved in writing by Barnet Planning Authority.

**Environmental Health** - Subject to the installation of mechanical ventilation across the development, no objection is raised subject to conditions

**Traffic and Development** - The applicant has undertaken the necessary highways requirements in order to demonstrate that there will be no detrimental impact on highway performance and safety. No objection is raised subject to the agreement of a legal agreement and the imposition of relevant conditions.

**Metropolitan Police** - Having reviewed the design I do not wish to object to the proposal. The Mews style design of the scheme will result in high levels of natural surveillance and activity on the street, which I believe will make this have good resiliency to crime and anti-social behaviour.

**Transport for London** - The proposed site, Beechwood Avenue, is integral to the GLA/TfL small sites/small builders' programme and TfL supports its development as it will contribute towards TfL's housebuilding and affordable house building targets. As well as this, any profit for TfL as a result of the development will be used to invest in TfL programmes, including the delivery of Healthy Streets and Vision Zero targets. Subject to a number of recommended conditions, being met the proposal would not result in an objection from TfL.

## **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 24th July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

- o Policy 1.1 - Delivering the Strategic Vision and Objectives for London

- o Policy 2.6 - Outer London: Vision and Strategy
- o Policy 2.7 - Outer London: Economy
- o Policy 2.8 - Outer London: Transport
- o Policy 2.18 - Green Infrastructure: the Network of Open and Green Spaces
- o Policy 3.1 - Ensuring Equal Life Chances for All
- o Policy 3.2 - Improving Health and Addressing Health Inequalities
- o Policy 3.3 - Increasing Housing Supply
- o Policy 3.4 - Optimising Housing Potential
- o Policy 3.5 - Quality and Design of Housing Developments
- o Policy 3.6 - Children and Young People's Play and Informal Recreation Facilities)
- o Policy 3.8 - Housing Choice
- o Policy 3.9 - Mixed and Balanced Communities
- o Policy 3.10 - Definition of Affordable Housing
- o Policy 3.11 - Affordable Housing Targets
- o Policy 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed-Use Schemes
- o Policy 3.13 - Affordable Housing Thresholds
- o Policy 4.1 - Developing London's Economy
- o Policy 4.2 -Offices
- o Policy 5.1 - Climate Change Mitigation
- o Policy 5.2 - Minimising Carbon Dioxide Emissions
- o Policy 5.3 - Sustainable Design and Construction
- o Policy 5.5 - Decentralised Energy Networks
- o Policy 5.6 - Decentralised Energy in Development Proposals
- o Policy 5.7 - Renewable Energy
- o Policy 5.8 - Innovative Energy Technologies
- o Policy 5.9 - Overheating and Cooling
- o Policy 5.10 - Urban Greening
- o Policy 5.11 - (Green Roofs and Development Site Environs)
- o Policy 5.12 - Flood Risk Management
- o Policy 5.13 - Sustainable Drainage
- o Policy 5.14 - Water Quality and Wastewater Infrastructure
- o Policy 5.15 - Water Use and Supplies
- o Policy 5.16 - Waste Net Self-Sufficiency
- o Policy 5.17 - Waste Capacity
- o Policy 6.1 - Strategic Approach
- o Policy 6.2 - Promoting Public Transport Capacity and Safeguarding Land for Transport
- o Policy 6.3 - Assessing Effects of Development on Transport Capacity
- o Policy 6.4 - Enhancing London's Transport Connectivity
- o Policy 6.5 - Funding Crossrail and Other Strategically Important Transport Infrastructure
- o Policy 6.7 - Better Streets and Surface Transport
- o Policy 6.9 - Cycling
- o Policy 6.10 - Walking
- o Policy 6.11 - Smoothing Traffic Flow and Tackling Congestion
- o Policy 6.12 - Road Network Capacity
- o Policy 6.13 - Parking
- o Policy 7.1 Building London's Neighbourhoods and Communities
- o Policy 7.2 Inclusive Environment
- o Policy 7.3 - Designing Out Crime
- o Policy 7.4 - Local Character

- o Policy 7.5 - Public Realm
- o Policy 7.6 - Architecture
- o Policy 7.13 - Safety, Security and Resilience to Emergency
- o Policy 7.14 - Improving Air Quality
- o Policy 7.15 - Reducing and Managing Noise
- o Policy 7.19 - Biodiversity and Access to Nature
- o Policy 7.21 - Trees and Woodlands
- o Policy 8.2 - Planning Obligations
- o Policy 8.3 - Community Infrastructure Levy

### *Draft London Plan*

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

The relevant policies are as follows:

- o Policy GG1 Building strong and inclusive communities
- o Policy GG2 Making the best use of land
- o Policy GG3 Creating a healthy city
- o Policy GG4 Delivering the homes Londoners need
- o Policy GG5 Growing a good economy
- o Policy GG6 Increasing efficiency and resilience
- o Policy D1 London's form and characteristics
- o Policy D2 Delivering good design
- o Policy D3 Inclusive design
- o Policy D4 Housing quality and standards
- o Policy D5 Accessible housing
- o Policy D6 Optimising density
- o Policy D7 Public realm
- o Policy D10 Safety, security and resilience to emergency
- o Policy D11 Fire safety
- o Policy D12 Agent of change
- o Policy D13 Noise
- o Policy H1 Increasing housing supply
- o Policy H5 Delivering affordable housing
- o Policy H6 Threshold approach to applications
- o Policy H7 Affordable housing tenure
- o Policy H8 Monitoring of affordable housing
- o Policy H12 Housing size mix
- o Policy S4 Play and informal recreation
- o Policy E1 Offices
- o Policy E2 Low-cost business space
- o Policy E9 Retail, markets and hot food takeaways
- o Policy G4 Open space
- o Policy G5 Urban greening
- o Policy G6 Biodiversity and access to nature
- o Policy G7 Trees and woodlands
- o Policy SI1 Improving air quality
- o Policy SI2 Minimising greenhouse gas emissions
- o Policy SI3 Energy infrastructure



- o Policy SI5 Water infrastructure
- o Policy SI7 Reducing waste and supporting the circular economy
- o Policy SI8 Waste capacity and net waste self-sufficiency
- o Policy SI12 Flood risk management
- o Policy SI13 Sustainable drainage
- o Policy T1 Strategic approach to transport
- o Policy T2 Healthy Streets
- o Policy T3 Transport capacity, connectivity and safeguarding
- o Policy T4 Assessing and mitigating transport impacts
- o Policy T5 Cycling
- o Policy T6 Car parking
- o Policy T6.1 Residential parking
- o Policy T9 Funding transport infrastructure through planning

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS8, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM11, DM14, DM16, DM17

### Supplementary Planning Documents

Affordable Housing (adopted February 2008)  
 Delivering Skills, Employment, enterprise and Training (SEET) from development through S106 (adopted October 2014)  
 Green Infrastructure (October 2017)  
 Planning Obligation (adopted April 2013)  
 Residential Design Guidance SPD (adopted October 2016)  
 Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking;
- Ecology, trees and landscaping; and
- Accessibility and sustainability.

## 5.3 Assessment of proposals

### Principle of development

#### *Residential*

The existing site currently lies as an area of overgrown scrub and vegetation and was previously contained a number of residential units which were demolished in the 1990s to facilitate works to the A406. Remains of the materials from the existing buildings are still evident on site and which have been subsequently overgrown. NPPF paragraph 118 states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. The site is located within an established residential area and can be considered a previously developed land. Therefore, the principle of a residential use is considered to be acceptable in terms of land use.

Barnet policy DM08 seeks to ensure a variety of sizes of new homes which meet housing need in order to provide choice for a growing and diverse population for all households in the Borough. Barnet's highest priorities are 3-bed units for social rented housing and 3-bed and 4-bed homes for intermediate and market housing. Of the 97no units proposed, 24% if these would fall within the highest priority demand.

#### *Residential density*

London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles of chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.

It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

The application site has an area of 0.56 ha and a PTAL level of 2. The applicant considers that the site falls within an 'urban' setting, owing to its proximity to a main arterial route and Temple Fortune town centre. Officers consider that the site context displays characteristics of both urban and suburban settings. Overall, taking into account the site's location, Officers are happy to accept the applicant's position that the site lies within an urban setting.

Based on the London Plan density matrix, the optimal density of the site would be between 55-145 units per hectare (u/ha) or 200-450 habitable rooms per hectare (hr/ha) for a site with a PTAL of 2. In this instance, the proposed residential density of the site exceeds the optimal range with a density of approximately 160 u/ha or 628 hr/ha.

Notwithstanding the application exceeding the optimal density ranges a set out within policy 3.4 of the London Plan, it should be noted that these density ranges are not

designed to be applied mechanistically. The Mayors Housing SPG sets out the exceptional circumstances where densities above the relevant density range may be justified. Exceptional circumstances include the following and which are considered relevant in the case of this application:

- Liveability
- Exemplary design and quality
- Contribution to 'place making'
- Residential mix and dwelling types including affordable housing

### Affordable housing

London Plan 2016 policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. All of the above policies seek a tenure split of 60% social rented and 40% intermediate housing.

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

The Mayor's SPG advises that the percentage of affordable housing should be measured by habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family sized homes.

The application as submitted proposes 50% affordable housing when applying the Barnet definition of habitable room (>20sqm = 2 habitable rooms). The affordable provision comprises of a mix of dwelling types, tenures and sizes. The tenure split is as follows:

- 47% shared-ownership; and
- 53% affordable rent, comprising:
  - 25% London Affordable Rent (25%); and
  - 28% Affordable Rent (285).

This equates to 20 shared ownership units (18 x 2-bed units and 2 x 4-bed units), 7 London Affordable Rent units (7 x 4-bed units) and 8 Affordable Rent Units (7 x 4-bed units).

The provision of 50% affordable housing exceeds the Barnet requirement and meets the Mayor's Fast Track Route where viability information is not required at application stage. The provision of affordable housing will be secured via a S106 obligation.

### *Commercial / Employment*

In terms of the principle of the proposed commercial use, the proposal provides two small units, of 39sqm and 45sqm respectively. Within the Design and Access Statement it is envisaged that these units will be occupied by either a corner shop, coffee shop or workshop/office. The site is not located within a town centre and therefore Barnet policies

DM11 and DM14 respectively require all out of town development to be subject to a sequential test approach.

The applicant has not undertaken a sequential test as the proposal will only provide a limited quantum of floor space mainly serving the future residents. The document states that the proposed units are only coming forward as part of the development and do not consider it necessary to consider the potential to accommodate this floor space as a separate entity in nearby centres.

Whilst the site is located within an out of town location, the combined provision of two units at approx. 84sqm is considered to have a minimal impact on the Borough's employment or retail provision. The requirement for a sequential test is not considered necessary in this instance.

### Design, layout, massing and height

The proposed design strategy incorporates a new pedestrian mews street which runs along the central length of the site, with two terraces of buildings on either side of the street.

The provision of a mews street will provide a new publicly accessible road, to which its aim is to encourage all pedestrians to travel along instead of walking along the footpath adjacent to the North Circular. This has the benefits of providing a street where pedestrians can travel safely along this part without experiencing the noise and air pollution associated with the vehicles. The siting, massing and height of the southern terrace effectively acts as a screen between the North Circular and the mews street.

On the south side, the terrace alternates in height between 1, 3 and 4 storeys rising to 5 storeys at the two ends of the terrace at the prominent corners. The terrace incorporates a curved arched façade fronting onto the A406 that alternates in height comprising of projecting and recessing elements and steps down towards the mews.

On the northern side, the terrace alternates between 1, 2 and 3 storeys fronting the mews, stepping down to a single storey at the rear and set back at the upper levels away from the garden boundaries to the north.

The majority of the proposal ranges from single storey to four storeys and has been carefully developed to take into account the context and scale of the surrounding area. The massing and height of both corners has been reduced so that they do not appear overly dominant and out of scale with the surrounding area. The elevations comprise of a range of architectural detailing including multiple front doors, stable doors, deep revealed window seats, oriel windows and terraces which provide visual interest. The alternating height of the massing creates a notched profile that reduces the overall impact of the building.

This particular design approach has been adopted by the architect to react to the site constraints in types of the topography, the A406 and the neighbouring properties. This approach has allowed for an increased density throughout the site, without the need for providing tall buildings on the site. The dwellings generally have the characteristics of mews houses with almost all having front doors to the mews street with access to public and private amenity space. The mews typology delivers the density, security and servicing coupled with the creation of community, personal space and comfort of a street based terrace of houses.

Overall, whilst the design and typology would provide a contrast to the surrounding area, Officers consider that the distribution of height and massing throughout the scheme is acceptable and through the use of a varied rustic red brick, would help blend the development into the surrounding area. The creation of a mews street creates an intriguing concept that aims to introduce social community within the development. It is considered that the facades are well articulated and the elevational treatment and fenestration add visual interest to the proposal.

#### Impact on amenity of nearby residential occupiers

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

#### Privacy, overlooking and outlook

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

The northern terrace has been carefully design in terms of footprint and massing so that there are no windows directly overlooking adjacent properties or gardens. The upper levels have been carefully designed to have habitable rooms generally facing side-ways into the private terraces or towards the mews to the south. The exception is within the central section at first floor level where there are a number of single windows. However, this section is set further back approx. 7 - 15m from the neighbouring gardens and therefore not considered to be harmful.

On the southern terrace, views from the lower levels would be partially screened by the northern terrace. However, where views would be possible through the designed notches, the distances generally meet the 10.5m requirement. There is a small section at the eastern end where the distances are smaller, however, there is a significant landscaping on the boundary with No.66 Beechwood Avenue to prevent overlooking.

As the building form rises in height, the northern terrace is stepped back from the boundary. The upper floors are sloped back from the mews to further reduce the massing on the gardens behind. The alternating height of the massing creates a notched profile that reduces the overall impact of the building with the sloping roof. As a combination of the levels change between the site and the neighbouring and the proposed alternating massing, the proposal is not considered to have a detrimental overbearing impact. Along the boundary with No.6 Edge Hill Avenue, the proposal would be extended single storey to the boundary with the first storey set back. In addition, the proposed units along this boundary are also sunken so that the height is similar to a garden wall or fence on the boundary. Therefore, the overall visual impact on No.6 will be further reduced. The same stepped approach is proposed along the boundary with No.66 Beechwood Avenue.

The neighbouring gardens are generally mature and well planted with a substantial screening of large trees and bushes within the gardens, providing screening and privacy for neighbouring amenity.

## Daylight and sunlight

The application is accompanied by a Daylight and Sunlight report prepared by Point 2 Surveyors Ltd which provides an assessment of the of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout for Daylight and Sunlight: A Good Practice Guide'.

Daylight has been assessed in terms of Vertical Sky Component (VSC), NO Sky Line (NSL) and Average Daylight Factor (ADF) 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; or

The daylight distribution, as assessed by the Average Daylight Factor (ADF) calculation which assesses the actual level of light received by a room rather than potential light. The ADF requires the achievement of values of 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.

It should be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable. A reduction of under 30% is classified as minor adverse, under 40% moderate adverse and over 40% substantial adverse.

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:

The following surrounding properties have been assessed in terms of the effects of the proposed development upon their daylight and sunlight amenity:

- 6 Edge Hill Avenue
- 8 Edge Hill Avenue
- 10 Edge Hill Avenue
  
- 52 Beechwood Avenue
- 54 Beechwood Avenue
- 56 Beechwood Avenue
- 58 Beechwood Avenue

- 60 Beechwood Avenue
- 62 Beechwood Avenue
- 64 Beechwood Avenue
- 66 Beechwood Avenue

The Daylight analysis advises that all windows and rooms in all neighbouring properties retain good, BRE compliant levels of daylight and sunlight amenity once the scheme has been constructed. An in-depth analysis has been undertaken on No.6 Edge Hill Avenue. It is expected that No.6 will experience some reduction in daylight due to the current undeveloped nature of the site, however this is limited to a ground floor dual aspect kitchen. The report advises that there will be unnoticeable changes in NSL and the retained ADF demonstrates the room will continue to enjoy good levels of internal daylight amenity once the scheme has been constructed. The report advises that No.6 will continue to enjoy good levels of daylight and sunlight amenity.

Overall, the proposed development is not considered to have a harmful adverse impact in terms of overlooking, overbearing or loss of light on the amenity of neighbouring residential properties.

#### Provision of adequate accommodation for future occupiers

##### Unit 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 housing need (London Plan Policy 3.8, and Barnet Development Management Policies DPD policy DM08). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

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

	Studio	1-bed	2-bed	3-bed	4-bed	Total
No. Units	2	19	53	6	17	97
%	2%	20%	54%	6%	18%	100%

The typologies can be understood by four areas of accommodation:

A: generous dual aspect apartments (similar to a small mansion block) accessed from an intimate common stair and lift with only two flats per core (entrances located at either end of the southern terrace facing the mews);

B: stacked dual aspect maisonettes in the southern terrace, each of which have generous roof terraces or courtyards, all of which have a private entrance from the mews street (no common circulation);

C: the northern terrace is arranged as 'in and ups' with ground floor apartments stretching back in the deeper parts of the site with multiple outlooks into the mews, a central courtyard (to address the deep plan) and a rear garden; and upper floor maisonettes also accessed from a front door to the mews, often straight up to a maisonette above with a roof terrace;

D: the homes in the northern terrace vary slightly, some with a basement space with a generous courtyard, some with accommodation on all floors more akin to a house, and some as straightforward terraced courtyard houses.

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The majority of the units proposed are generous in size and comply with the required London Plan standards. However, two of the units fall short by 1sqm and 5sqm respectively. This is considered marginal and given the provision of units which are at least dual aspect with many treble aspect and the provision of external amenity space, Officers are satisfied that the units would all provide a good standard of accommodation.

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst policy DM02 sets out further specific conditions. All units should have 10% wheelchair home compliance, as per London Plan policy 3.8. The proposed accommodation schedule details that 10 units are designed to be accessible to residents in wheelchairs.

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.

All the proposed units would benefit with at least one private external space in the form of a roof terrace, courtyard or balcony. The size of each external space varies depending on each home's site, location and typology. The overall private provision adds to 1973sqm (average of over 20sqm per unit). In addition, the DAS advises that the pedestrian public mews running through the centre of the development will provide a high quality shared external amenity space for future residents but also for existing residents in the local area. This amounts to 1375sqm of space which will include a provision of 110sqm of designated play space for children under 5.

#### *Noise / Air Quality*

The application is supported by a Noise Impact Assessment which undertook a detailed assessment of the suitability of the site for residential development. The report advises



that suitable robust glazing would provide acceptable internal noise levels for all residential units. The Council's Environmental Health service are accepting of the noise level details provided.

The site is located within a poor area of air quality within the Borough, with Environmental Health Officers raising strong concerns over the provision of balconies, terraces and outdoor amenity facing onto the North Circular where future occupiers would be exposed

Environmental Health Officers had raised concerns that balconies, terraces and outdoor amenity would be facing the A406 and would be exposed to the highest pollution levels. However, the large majority of amenity areas would be inward facing towards the mews and areas facing the North Circular would be secondary spaces. However, in addition the applicant has agreed to remove a row of balconies on the third floor and to the installation of Mechanical Ventilation throughout the development. On balance, taking into account the amendments, the dual / treble aspect outlooks of the units and the main provision of amenity space inward facing, Environmental Health are accepting that future residents will not suffer significantly in terms of air quality.

### Transport / Highways

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

One bedroom units	0.0 to 1.0 space per unit
Two and three bedroom units	1.0 to 1.5 spaces per unit
Four or more bedroom units	1.5 to 2.0 spaces per unit

Based on the PTAL of the site, a policy complaint scheme would necessitate a range of between 84.5 (0.87 spaces per unit) and 143.5 (1.5 spaces per unit) parking spaces for the 97 residential units. The scheme would deliver 76 parking spaces including 10 wheelchair accessible bays.

The application is supported by a Transport Statement which assesses the impact on the surrounding transport network.

Parking beat surveys were carried out on the nights of Tuesday 26th June and Wednesday 27th June 2018 to establish the maximum residential demand for parking overnight. The surveys were carried out in accordance with the Lambeth Methodology. Surveys were carried out on two consecutive weekday nights between 12.30am and 5.30am. The surveys covered a two-minute walk from the site and covered all roads within 200m.

The survey results were as follows:

Street	Total no. of spaces available	Total no. of spaces occupied	Spaces occupied (%)	No. of spaces occupied before 85% capacity is reached
Tillingbourne Gardens	25	21	84	0
Edge Hill Avenue	26	21	81	1
Beechwood Avenue	97	70	72	12
Windermere Avenue	24	18	75	2
Kingsgate Avenue	59	41	69	9
Clandon Gardens	30	20	67	6
Beaufort Park	40	32	80	2
<b>Total</b>	<b>301</b>	<b>223</b>	<b>74</b>	<b>33</b>

The above table illustrates that 74% of all available parking within 200m of the site was utilised overnight. Within the area there are 33 spaces available overnight (of which 13 are located on Beechwood Avenue and Edge Hill Avenue).

In terms of proposed vehicle trip generation, the proposal is anticipated to generate 20 vehicle movements in the morning peak hour (8am to 9am) and 16 in the evening peak hour (5pm to 6pm).

The access to the basement car park will be provided from Edge Hill Avenue to the west of the site. This access will be a simple priority junction with the access forming the minor arm of the junction. The basement car park access will be provided as a two-way road, with no through route to Beechwood Avenue. The ramp access to the basement will operate as one-way working with traffic signal control at the top and bottom of the ramp. The traffic lights will operate with a default setting showing a green light for incoming vehicles at the top of the ramp. This is to minimise wait time for vehicles turning off Edge Hill Avenue. Vehicles exiting the car park will trigger the light at the bottom of the ramp to turn to green. There is sufficient space for a vehicle to wait off the highway at the top of the ramp in the event that a vehicle arrives when another vehicle is exiting.

It is anticipated that the proposed development site will generate a maximum of 10 delivery and service vehicle trips per day (6-days/week). There are currently no parking restrictions provided on Edge Hill Avenue or Beechwood Avenue and all day to day deliveries will be undertaken on-street. Parcel collection points will be provided in the communal areas at both ends of the development to ease the delivery process. Occasional deliveries of larger items will be undertaken from the shared surface with prior approval of the management company.

Refuse will be collected from the shared surface street at ground level by the local authority.

A swept-path analysis has been undertaken of the range of vehicles likely to access the site, including refuse vehicle (based on a 11.2m refuse vehicle), emergency services vehicle (based on a 7.7m fire tender), typical residential delivery vehicle (based on an 8m rigid vehicle).

TfL have advised that the site is integral to the GLA/TfL small sites/ small builders programme and TfL supports its development as it will contribute towards TfL's housebuilding and affordable house building targets. They comment that the proposed parking provision adheres to the draft London Plan and they are satisfied with the car parking design and access. The applicant is proposing 10 wheelchair accessible bays which exceeds the draft London Plan standards. A total of 193 cycle parking spaces are proposed which complies with the Mayor's requirements and is acceptable to TfL. Overall TfL raises no objection to the proposed and recommends that the Council should secure the provision of a Travel Plan, Construction Traffic Management Plan and a Delivery and Servicing Plan.

The Council's Traffic and Development service has reviewed the transport documents submitted and commented that while additional on-site parking would be preferable given the site's location, the applicant has undertaken the necessary parking beat survey which demonstrates that there is sufficient capacity within the surrounding roads to accommodate any overspill parking.

Overall, the proposal is considered to be acceptable and will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported.

#### Energy, Sustainability and resources

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

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

London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

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

framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Report has been support of the application. The energy report outlines that photovoltaic panels are the most feasible measure to improve sustainability and reduce carbon emissions. The development is expected to reduce regulated CO2 emissions by 26%. In order to achieve zero carbon, the applicant is proposing to make a carbon offset contribution of £200,143.

### Landscaping, Trees and biodiversity

#### *Trees*

The site is currently overgrown and unkempt with low quality scrub vegetation, bushes and self-seeded young trees. The Council's Arboricultural Officer is accepting of the low quality of the existing trees and has confirmed that the existing trees on site would not qualify for protection under TPO designation. However, it is stated that the loss of trees would represent a loss of visual tree amenity to users of the North Circular and help address air filtration. It is recommended that to overcome the loss, new street trees should be considered along the frontage of the site to improve the visual tree amenity quality in the area. At present the scheme is not considered to provide enough space for appropriate tree planting on the streets.

Initially TfL had requested that around 15 trees be planted along the North Circular. However, they have provided a further response stating that this figure was aspirational based on the suitability of the footway. However, the TfL Agricultural team have advised that there would not be sufficient room to effectively plant trees at the back of the footway. Taking into account the proposed design, it would not be possible for new tree planting to be accommodated along the footpath facing the North Circular.

To the north of the site, the neighbouring gardens are generally mature and well planted with a substantial screening of large trees and bushes within the gardens visually separating the site from the neighbouring houses. It is proposed that these trees be retained and works to take into account the Root Protection Area (RPA).

There is one street tree (T06) which is located on Beechwood Avenue at the north-eastern side of the proposed mews street entrance. The submitted tree protection plan illustrates that this tree is marked for retention and the Council's Greenspaces Team has advised that it has a CAVAT value of £30,186.

Officers have assessed the loss of the visual green space and note the comments of the Council's Arboricultural Officer and TfL, however it is considered the form of development does not have the ability to accommodate new planting along the North Circular Road. Overall, the proposed creation of a tree-lined mews is considered to be an appropriate design solution than tree planting along the A406 pavement. The aim is to encourage pedestrians along the new mews rather than walk along the A406 pavement which is acknowledged provides a public benefit.

#### *Biodiversity*

The application is supported by a Preliminary Ecological Appraisal in order to provide current baseline ecological information of the site. The appraisal consisted of a desk study

and habitat survey which was carried on in September 2018. The report concludes that the site does not form part of any statutory or non-statutory nature conservation site and that habitats present are considered of value only within the site. Specific assessment has been undertaken in relation to nesting birds, bats and reptiles.

The report advises that the site has moderate potential to accommodate nesting birds, negligible potential to support bats and negligible potential to support reptiles.

As the majority of vegetation on-site will be removed, the proposal includes a range of compensation measures such as undertaken particular works at certain times and providing new trees, green roofs and planters in order to enhance biodiversity. The roofs of the buildings on the north side of the mews will be 'green' ecology biodiversity roofs for their environmental benefits but also to improve the outlook from the higher floors of the development or from neighbouring buildings.

### *Landscaping*

The proposed landscaping strategy focuses around the creation of the central mews street which will be accessible to all new homes on-site but also for the enjoyment of existing nearby residents. The street will consist of benches, children's play equipment, new street trees and a series of planters along the edge next to the façade of the homes. It is envisaged that residents will take ownership of the planters as an opportunity to plant and grow their own herbs, flowers, vegetables, fruit, etc. The concept is intended to create a communal and collaborative garden edge which will encourage interaction and social engagement.

The substantial screening of large trees and bushes along the boundary between the site and neighbouring gardens is proposed to be maintained and not significantly disrupted.

Officers are satisfied with proposed landscape concept proposed and conditions will be attached to ensure the final landscaping details are of an appropriate design and quality and make a positive contribution to the mews street.

### *Flood Risk and Drainage*

Policy DM04 states that developments should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water runoff.

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding. The proposed development is acceptable in this zone.

The applicant has submitted a Drainage Strategy that has been reviewed by all parties concerned. Capita Drainage (which is the acting Lead Flood Authority) have no in principle objection, subject to the attachment of appropriate conditions.

## **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 site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

The site will provide 10% wheelchair adaptable units.

The development includes level, step-free pedestrian approaches into the central mews street to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lifts are provided to provide step-free access between the lower ground area to the upper levels. Dedicated parking spaces for people with a disability will be provided in locations in close proximity to the lift areas.

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.

## **7. Conclusion**

In order to make a recommendation on the application, it is necessary to take a balanced judgement based on all of the issues identified as discussed within this report. It is noted that the site's location adjacent to the North Circular and its unusual plot shape pose significant constraints. However, it is considered that the proposed design approach and typology incorporated brings a number of benefits including the provision of housing, particularly affordable, a high-quality design and units benefiting from dual/triple aspects and private amenity space. The proposal will promote social interaction through a new tined lined mews type development, providing a communal area for the benefit of future and existing residents. Whilst the design is not a reflection of the surrounding character, its scale, height and massing is considered to be acceptable and has been progressed as a direct response to the site constraints. These factors and including the use of red brick are

considered to help the proposal integrate successfully within the surrounding area. Subject to migration, measures relating to noise, air quality, transport impact and sustainability will be secured via S106 obligations and relevant conditions.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

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## **Appendix B - Addendum**

**Ref: 18/6355/FUL**

**Land West of Beechwood Avenue, London, N3 3BA**

1 further response has been received following the publication of the committee report. The objection can be summarised as follows:

- Accepted the incorrect methodology of the parking assessment. There is very little point measuring the parking for the whole of Beechwood Avenue. The immediate surrounding parts should be considered.
- The design does not consider that the site abuts the busy A406. The large ground windows are designed for permeability. However, as the noise dust and traffic shoot past they will stay closed and curtained. My largest concern is this façade will attract graffiti.
- Site exceed recommended units per hectare.

Condition 31 is amended as follows:

“The approved Classes A1 and B1 shall only be used between the hours 07:00 – 22:00.

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

The following conditions are proposed in addition to those recommended within the committee report. These conditions have been proposed by the Council’s Environmental Health service and relate to noise, air quality and pollution.

36. a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.
- b) 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 (adopted October 2016) and Policy 5.3 of the London Plan 2016

36. a) A scheme of offset measures based on the findings of the report by Air Quality Consultants shall be submitted to and approved by the Local Planning Authority prior to development.
- b) The approved measures 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 (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

37. Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the Mayor's London Plan SPG on Sustainable Design and Construction and Policy 7.14 of the Mayor's London Plan in relation to air quality.

38. a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2016.

39. 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.

40. Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of

harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

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**LOCATION:** Phase 6, Millbrook Park (Former Inglis Barracks) NW7 1PX  
**REFERENCE:** 18/6352/RMA **Received:** 23 October 2018  
**WARD(S):** Mill Hill **Accepted:** 6 November 2018  
**Expiry:** 5 February 2019

**APPLICANT:** Poly UK

**PROPOSAL:** Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 310 units in the form of 11 x 1 bedroom flats, 184 x 2 bedroom flats and 15 x 3 bedroom flats, the provision of 700 sq.m of Commercial Space, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 80, 83, and 85

**RECOMMENDATION 1**

The Committee grants delegated authority to the Service Director Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his/her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**RECOMMENDATION 2: Approve Subject to Conditions**

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

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

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

- 18057\_00\_07\_001 - Phase 6 Site Plan
- 18057\_00\_07\_099\_Tenure Plan\_Lower Ground Floor
- 18057\_00\_07\_100\_Tenure Plan\_Podium Level
- 18057\_00\_07\_101\_Tenure Plan\_Level 01
- 18057\_00\_07\_102\_Tenure Plan\_Level 02
- 18057\_00\_07\_103\_Tenure Plan\_Level 03
- 18057\_00\_07\_104\_Tenure Plan\_Level 04
- 18057\_00\_07\_105\_Tenure Plan\_Level 05
- 18057\_00\_07\_200 - Site Sections AA\_BB
- 18057\_00\_07\_201 - Site Sections CC\_DD
- 18057\_FF\_07\_099

18057\_FF\_07\_100  
18057\_FF\_07\_101  
18057\_FF\_07\_102  
18057\_FF\_07\_103  
18057\_FF\_07\_104  
18057\_FF\_07\_105  
18057\_FF\_07\_106  
18057\_FF\_07\_200  
18057\_FF\_07\_201  
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18057\_FF\_07\_300  
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18057\_FF\_07\_700  
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18057\_GG\_07\_104  
18057\_GG\_07\_105  
18057\_GG\_07\_200  
18057\_GG\_07\_201  
18057\_GG\_07\_300  
18057\_GG\_07\_500  
18057\_GG\_07\_501  
18057\_GG\_07\_700  
18057\_HH\_07\_099  
C413MPP-CTA-HH-ZZ-SK-A-98301 – Block HH East & West Elevations  
C413MPP-CTA-HH-01-SK-A-98302 – Block HH Level 01 Plan  
C413MPP-CTA-HH-02-SK-A-98303 – Block HH Level 02 Plan  
C413MPP-CTA-HH-03-SK-A-98304 – Block HH Level 03 Plan  
C413MPP-CTA-HH-04-SK-A-98305 – Block HH Level 04 Plan  
18057\_HH\_07\_105  
C413MPP-CTA-HH-ZZ-SK-A-98301 – Block HH East & West Elevations  
18057\_HH\_07\_201  
18057\_HH\_07\_202  
18057\_HH\_07\_203  
18057\_HH\_07\_300  
18057\_HH\_07\_500  
18057\_HH\_07\_501  
18057\_HH\_07\_700  
MPP6\_BHE\_XX\_XXX\_SK\_CI\_0060-0060  
MPP6\_BHE\_XX\_XXX\_SK\_CI\_0060-0061  
TOWN686(08)3001  
TOWN686(08)5001  
TOWN686(08)7001

TOWN686(08)7002  
TOWN686(08)7003  
Accommodation schedule;  
EIA Statement of Conformity;  
Planning Statement;  
Design and Access Statement (including Landscaping);  
Sustainability Statement including Code for Sustainable Homes and BREEAM Pre-Assessments;  
Energy Statement;  
Ecological Appraisal; and  
Drainage Strategy.

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

3. Before the relevant plot of the development hereby permitted is occupied the associated car parking space(s) shown on the plans hereby approved 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.*

4. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% for future use. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

5. Before the relevant plot of the development hereby permitted is occupied the associated cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and 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.

6. No above ground construction shall be undertaken until details of materials to be used for the external surfaces of the buildings and hard surfaced areas, including samples of these materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

7. The development shall accord with the provisions contained within the submitted Construction Environmental Management Plan, dated October 2018, except as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties 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 2016.

8. Prior to occupation of the relevant phase of the development hereby approved, an External Lighting Assessment of lighting proposed within that Development Phase shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

9. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).



10. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

11. 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.

12. 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 2016.

13. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas (including the proposed living fence) for a minimum period of 5 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

14. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including proposed levels and boundary treatments on the interface of Plot and the Scout camp, 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).

15. Before development hereby permitted is occupied, details of the proposed balconies including details of privacy panels where considered necessary by the Local Planning Authority shall be submitted and approved by the Local Planning Authority. The panels shall be provided in accordance with the approved details prior to the occupation of the development and retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

#### **INFORMATIVE(S):**

1. The applicant is reminded that the conditions and planning controls in the outline permission H/04017/09 for the Mill Hill East Development dated 22/09/2011 are still relevant and must be complied with. There are also conditions that require to be discharged prior to the occupation of the development.
2. The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
3. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

“An overarching recommendation is to follow *BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations* and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.”

## **1. BACKGROUND TO THE CURRENT APPLICATION**

### **1.1 The Mill Hill East Area Action Plan**

Mill Hill East is designated as an Area of Intensification in the London Plan (2011) and as a key growth area in the Barnet Core Strategy (2012). The area covered by this designation includes the former Inglis Barracks; Mill Hill East station; International Bible Students Association (IBSA House); the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Lidbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2009 adopted an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP is to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and

associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) prepared and submitted the outline application in 2009 for the comprehensive redevelopment of most of the area covered by the AAP.

## **1.2 The outline planning permission**

In September 2011 outline planning permission was granted for the redevelopment of Mill Hill East regeneration site (now also known as Millbrook Park). This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The site is divided into a number of Development Land Parcels (DLP) or otherwise known as phases. Following approval of the site wide pre-commencement requirements, reserved matters applications will be brought forward for all detailed elements of the development, which would deal with all matters not fully addressed within the outline consent – the ‘reserved matters’ (layout, design, appearance and landscaping). This is controlled by Condition 5 of the outline permission (ref H/04017/09, dated 22<sup>nd</sup> September 2011).

The current application concerns the development by Poly Group of phase 6 of the outline consent, located on the southern edge of the wider Millbrook Park Site within the southern hub character area. The application site extends to 1.7ha and is bound by the consented Phase 10 (Sanctuary) and Phase 2A (Millbrook Park School) to the north; Bittacy Hill and the Millbrook Plaza to the south; The consented Phase 9B (Barratt London) phase to the west, the Frith Grange Scout Camp to the East and the Phase 6b site (The subject of a separate Planning Application) to the south east.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

- Plot/Development Schedule;
- Affordable Housing Scheme (Appendix III of this Statement);
- Drainage Strategy;
- Ecological Appraisal;
- Construction Management Plan;
- Energy Statement;
- Sustainability Statement and Code for Sustainable Homes Pre-Assessment; and
- Design and Access Statement (incl. Landscape Details).

## **2. MATERIAL CONSIDERATIONS**

### **2.1 Key Relevant Planning Policy**

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF) 2018

The 2018 NPPF was adopted in July 2018, replacing the 2012 NPPF. The NPPF sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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

#### The Mayor's London Plan: March 2016

The London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further alterations to the London Plan published in March 2015, the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Parking Standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies most relevant to the determination of this application are as follows:

2.13 (Opportunity Areas and Intensification Areas), 3.3 (Increasing Housing Supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 3.8 (Housing Choice), 3.9 (Mixed and balanced communities), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (Contaminated land), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's neighbourhoods and communities), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.5 (Public Realm), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.15 (Reducing noise and enhancing soundscapes), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

#### 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 should continue to be determined in accordance with the 2016 London Plan.

#### Core Strategy (Adoption version) 2012

#### Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

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

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

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM02 (Development Standards), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM08 (Ensuring a variety of sizes of new homes to meet housing Need), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards).

#### Mill Hill East Area Action Plan (AAP) 2009

The Mill Hill East Area Action Plan (AAP) was adopted by the Council in 2009 and forms part of Barnet's Local Plan containing policies relevant to the determination of planning applications in the area. The AAP forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE2 (Housing), MHE6, MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE17 (Conserving Built Heritage), MHE18 (Delivering the AAP).

#### Approved Design Code

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11, 21<sup>st</sup> Dec 2011) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.

## 2.2 Relevant Planning History

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
Stat Start Date	30/10/2009
Application Type	Outline Application
Decision	Granted
Decision Date	22/09/2011

Application Reference:	H/04655/11
Case Officer:	Colin Leadbeatter
Proposal:	Demolition of existing buildings within the curtilage of the Millbrook Park development (formerly Inglis Barracks) as approved under outline application reference H/04017/09 (Approved September 2011)
Stat Start Date	12/11/2011
Application Type	Prior Notification (Demolition)
Decision	Granted
Decision Date	20/12/2011

Application Reference:	H/03548/12
Case Officer:	Thomas Wyld
Proposal:	Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at 'Millbrook Park' (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	17/09/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	31/01/2013

Application Reference:	H/03904/12
Case Officer:	Wing Lau
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space (OS2), together with details to discharge the requirements of:</p> <p>Conditions 12 (relating to Plot L only); 57 (relating to plots within Phase 2 only); and 8,26, 27, 29, 48, 52, 70, 80, 83, 85 and 91 all in relation to Phase 2 only.</p>
Stat Start Date	08/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	28/03/2013

Application Reference:	H/04080/12
Case Officer:	Wing Lau
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 1 of Mill Hill East development (Millbrook Park) pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 133 residential dwellings comprising 31 x one bed flats, 61 x two bed flats, 14 x three bed houses and 27 x four bed houses, including associated infrastructure, access roads, car parking, landscaping and approval of layout and landscaping works to Phase 1 public open space OS5, together with details to discharge the requirements of conditions 8, 13, 26, 27, 29, 32, 48, 52, 70, 80 and 85.</p>
Stat Start Date	29/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	29/04/2013



Application Reference:	H/04386/12
Case Officer:	Kevin Waters
Proposal:	Construction of a three-storey primary school (3 forms of entry) with nursery, community facilities and associated works and landscaping, including staff parking, hard play and sports games area, retaining walls, drainage attenuation measures and provision of a temporary drop off car park
Stat Start Date	10/12/2012
Application Type	Full Planning Application
Decision	Granted
Decision Date	22/04/2013

Application Reference:	H/03860/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to discharge the requirements of:  Conditions 5 (Reserved matter details), 8 (Affordable housing), 12 (Noise Survey along Boundary with IBSA House), 26(Access points), 27 (Details of Estate Roads), 29(Internal access roads), 35 (Petrol/oil interceptors), 48(Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling),85 (Green/brown roofs).
Stat Start Date	28/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	12/11/2013

Application Reference:	H/00065/14
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3a of Mill Hill East development involving the erection of 92 dwellings comprising 27 x 1 bed flats, 42 x 2 bed flats, 13 x 3 bed houses and 10 x 4 bed houses to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	23/01/2014
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/03/2014

Application Reference:	15/01546/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 114 units 6 x 5 bedroom houses, 37 x 4 bedroom houses, 12 x 3 bedroom houses, 50 x 2 bedroom apartments and 9 x 1 bedroom apartments together with details to discharge the requirements of:</p> <p>Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).</p>
Stat Start Date	20/03/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/06/2015

Application Reference:	15/03305/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated 22/9/11, involving the erection of a three storey B1 light industrial building providing 2,935m2 of gross internal floor area together with associated access, car parking and landscaping together with details to discharge the requirements of: Condition 5 (Reserved matter details), 5b (Advanced infrastructure works), 26 (Access points), 27 (Details of estate roads), 30 (Existing adopted highway), 35 (Petrol/oil interceptors), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs)</p>
Stat Start Date	29/05/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	24/09/2015

Application Reference:	15/06898/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning</p>

	permission reference H/04017/09 dated: 22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).
Stat Start Date	11/11/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	10/03/2016

Application Reference:	15/06417/OUT
Case Officer:	Andrew Dillon
Proposal:	Outline planning application for up to 66 residential units, 700 sqm of B1 floorspace, 630 sqm energy centre (CHP) and associated car parking and landscaping.
Stat Start Date	19/10/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/05/2016

Application Reference:	16/3111/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4b of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 188 units in the form of 80 x 1 bedroom flats, 89 x 2 bedroom flats, 12 x 3 bedroom flats, 3 x 3 bedroom houses and 4 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58,63, 69, 70, 80, 83 and 85
Stat Start Date	3/05/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	03/08/2016

Application Reference:	17/3304/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 5 of the

	Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 144 units in the form of 38 x 1 bedroom flats, 17 x 3 bedroom flats, x 17 x 3 bedroom houses and 16 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58, 63, 69, 70, 80, 83 and 85.
Stat Start Date	25/05/2017
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/09/2017

Application Reference:	17/7662/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phases 9a and 9b of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 355 units in the form of 145 x 1 bedroom flats, 191 x 2 bedroom flats, 9 x 3 bedroom flats, 6 x 3 bedroom houses and 4 x 4 bedroom houses, the provision of 400 sq.m of A1 retail space, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 49, 52, 69, 70, 76, 80, 81, 83 and 85
Stat Start Date	4/12/2017
Application Type	Reserved Matters
Decision	Granted
Decision Date	23/02/2018

Application Reference:	18/0635/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs)
Stat Start Date	30/01/2018

Application Type	Reserved Matters
Decision	Granted
Decision Date	03/04/2018

Application Reference:	18/2891/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 10 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 110 units in the form of 35 x 1 bedroom flats, 59 x 2 bedroom flats and 16 x 3 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 79, 80, 83 and 85.
Stat Start Date	14/05/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	02/08/2018

Application Reference:	18/6351/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phases 6 and 6b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated 22/9/2011
Stat Start Date	06/11/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	05/02/2019

Application Reference:	18/6351/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phases 6 and 6b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated 22/9/2011
Stat Start Date	06/11/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	05/02/2019

Application Reference:	18/6640/FUL
Case Officer:	Andrew Dillon

Proposal:	Full Planning Permission for the erection of 2 linked buildings ranging from 5-6 storeys in height comprising 87 residential units (Use Class C3), 700 sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping
Stat Start Date	07/11/2018
Application Type	Full Application
Decision	
Decision Date	

## **2.3 Consultations and Views Expressed**

### Public Consultation

Neighbours Consulted: 243

Replies: 255

Correspondence has been received from 255 members of the public of which 251 are in objection and 4 are neutral comments (although the content of these comments are in objection to the proposals). Objections concern the following reasons:

#### Impact on Scout Camp

Camp site has been used for many years (since 1934) by beavers, cubs, explorers, rainbows, brownies, guides etc. The proposed development poses a fundamental risk to its continued use.

Proposed 6 storey building is built up to the boundary and will dominate and destroy rural setting of camp site.

The number of windows and balconies facing the camp site will result in significant overlooking of the field which is used for camping and games.

Proximity of proposed houses would prejudice the annual firework display which brings significant income to local groups

Safeguarding issues regarding having so many residential properties on the boundary with the scout camp, making it difficult to ensure secure boundary of site.

Future conflict between new proposed residential flats and noisy scout activities leading to potential ceasing of scouting activity.

Misleading plans showing trees further from the boundary than they are, and more trees going into the scout camp which don't exist

Impact upon boundary trees due to close proximity of development to the trees.

#### Highways

Highway danger due to extra traffic in Mill hill, particularly in relation to the scout camp  
Highway congestion due to increase in residential units.

Lack of parking for development carried out to date.

Lack of parking in area particularly around school

Area should be used to provide additional parking not more units.

#### Other Matters

The Millbrook area and adjacent areas are already overdeveloped, putting pressure on green belt and environment

Millbrook Park development does not have cafes, shops, public space/parks, etc.

### Oak Lodge School

am the headteacher of Oak Lodge School and a director of the Oakbridge Specialist Education Provision which became a subsidiary company of the Barnet Special Education Trust. In September 2018.

Since 2013 Oakbridge has been using the scout camp facilities when it was working in partnership with Barnet and Southgate College providing education for up to 16 learners whose needs were too complex to be able to attend the college's own learning disability provision. Since becoming a company in its own right the places at Oakbridge are now commissioned directly by the London Borough of Barnet.

The majority of the learners attending Oakbridge have a diagnosis of autism and many display challenging behaviours. One of the reasons behind the success of the provision has been the excellent outdoor space that the scout camp provides which enables the learners to regulate their behaviours in a safe and secure environment. Without the use of this facility the Local Authority would potentially have to fund out of borough placements for the 16 learners who attend as there is no other suitable provision within Barnet.

Although the development does not impinge on the camp itself we are concerned about the closeness to the boundary line and increased proposed height of the dwellings which will overlook the site and we believe could potentially compromise the safety of the site given the vulnerability of our learners.

We are also very concerned about the extra traffic that the proposed development will have in the area. The access to the site is already difficult and again we are concerned about the increased safety hazard that an even busier road will cause to our vulnerable young people.

I would be very grateful if you could consider our concerns when the planning application is considered.

### **Barnet Borough District Scout Council**

As Chair and on behalf of the Barnet Borough District Scout Council I write regarding the above Planning Applications. My comments are relevant to all of the above Applications as they each affect Frith Grange Camp Site jointly and severally and I have found it difficult to break down our thoughts into the separate Applications namely 18/6351/RMA, 18/6352/RMA and 18/6640/FUL. I hope you find this approach acceptable.

For the sake of clarity and for the avoidance of any doubt, Barnet Borough District Scout Council is the electoral body, which supports Scouting in the District. It is the body to which the District Executive Committee is accountable and is elected by the members of Barnet Borough Scouts, in accordance with the requirements of the Charity Commission and of The Scout Association. Members of the Executive Committee must act collectively as Charity Trustees of the Scout District, and in the best interests of its members to:

Protect and maintain any property and equipment owned by and/or used by the District

Promote and support the development of Scouting in the local area and Manage and implement the Safety Policy locally.

Whilst we appreciate this has no impact upon the current planning & Reserved Matters applications, we would like to register the fact that the Charity Trustees, for reasons as yet unknown, had no knowledge of or opportunity to make submissions in respect of any of the Millbrook Park development's Planning Applications over the period of 2011 to 2015 that directly affected Frith Grange Camp Site. It should have been abundantly obvious to the planning officers at the time that, the users/occupiers of a site so dramatically and devastatingly impacted by the development would have responded most forcefully, and that the absence of any such responses over such a sustained period was worthy of investigation. On this occasion, the developers kindly made direct contact with us to discuss their plans. The correspondence address for Barnet Scouts is not Frith Grange and whilst writing may we once again draw your attention to numerous telephone calls and correspondence to various departments in which we have tried, seemingly still unsuccessfully, to get all correspondence for Barnet Borough Scouts and for Frith Grange to be addressed to The Treasurer, BBDSC, 11 The Pastures, Totteridge, London N20 8AN.

We write with regards to the above planning applications. We wish to object to the proposal on the basis of the proposed increase in height of blocks FF HH and GG which are between 22.1m and 23.6m in height. The original outline planning permission was approved to a maximum parameter of 20m and the proposed development represents an increase of circa 16% in terms of height of the proposed blocks.

It is considered that an increase of 16% is not insubstantial and the environmental assessments for the approved outline permission only tested to 20m and nothing above this height. Given that the proposed increase is outside of the original parameters by some way, it is not considered that this can be treated as a non-material amendment to the original consent. We hold some grave concerns that this increase in height will have a material impact in respect of the environmental assessments and consider that the entire scheme should be reassessed in these terms to take account of what is a significant and material change in height from the originally approved scheme.

Without this reassessment, the full implications of the proposed development cannot be assessed and the duty of care to consult on proposed development will not be met as the true impacts of the development are currently unknown. A full and detailed reassessment of the proposals is required in light of the increased height which is significantly over and above previously agreed parameters.

We also write further in respect of all of the above planning applications and wish to object to the proposal due to the increase in height of the proposed buildings from 4 storeys as approved under the outline application to 5 and 6 storeys. The increase in height will have a material and adverse impact upon neighbouring properties by virtue of increased bulk, scale and massing and will significantly increase the number of windows overlooking our campsite, resulting in a significant loss of privacy and security, a matter of grave concern to ourselves. It cannot be emphasised enough that we have a legal obligation in respect of Safeguarding – something that the Council is well engaged with and has had a relationship with us in respect of its implementation.



We take all aspects of Safeguarding extremely seriously and every adult involved in Scouting has to hold a valid Disclosure & Barring Service clearance. Frith Grange Camp Site hosts activities that involve children as young as 6 years, hosts a Special Needs facility for Vulnerable Young Adults and could at any one time have several hundred young people on the site.

To be overlooked and in plain view of hundreds of residents of tower blocks surrounding this green field site is totally unacceptable! Although Plans for Phase 6B have now made some attempt in one of the blocks to limit the extent of the view, there are still balconies and a host of windows intrusively overlooking our camping field. It should be noted that two of our buildings located quite close to the boundary line are a dormitory and a large Toilet block – totally inappropriate for these to be viewable by residents of the new properties.

The obligation placed upon us to regulate Safeguarding will be further strained by the increased risk posed by the fact that a previously inaccessible/unoccupied boundary along approximately 75% of our property will now be open to access by the residents and maybe by some members of the public who navigate their way around the estate and therefore, potentially a much higher footfall around the perimeter of our site. The risk of a breach to our security and possibly creating safeguarding issues is very much increased.

In the context of the concerns raised regarding Safeguarding, Security and Safety we would remind the Officers of the statement contained in the Council's Policy Plan DM1 and also referred to later in this submission, that "Development proposals should create safe & secure environments and reduce opportunities for crime and minimise the fear of crime."

These Planning Applications/Reserved Matters Applications impinge upon and have devastating consequences for our premises. Frith Grange Camp Site is the Headquarters of Barnet Borough Scout District and has been in continual use by them (or their predecessors Finchley Boy Scout Association and Finchley & Golder Green Scout District) for a period of 84 years (lease granted 1934) and has a further 68 years of its current lease still to run. The Scout District currently has in excess of 2000 members, of which over 1600 are Youth members. The facilities at Frith Grange are in almost continual use throughout the year and provides the only facility of its type where outdoor Scouting in the entire Borough of Barnet can be implemented. Frith Grange is a heavily used site, popular with our 28 Scout Group and 4 Explorer Units and also attracts a large number of visitors from the UK and from overseas, especially in the summer period when camping is at its peak. During this summer we hosted 120 Scouts from Israel for 2 weeks – the largest single group we have welcomed and a great opportunity for us to foster International relations. Frith Grange's unique features for a site in London – open and airy, with no neighbours to worry about, unrestricted, safe & secure is all ABOUT TO BE RUINED and the site made far less enticing and attractive to use!

Much of the District's income is derived from the camping fees we receive from visitors to the campsite and this will inevitably be reduced significantly when the site loses its unique green field designation and is no longer an attractive place to stay. Who wants to be hemmed in by 6 storeys of unbroken featureless vertical solid brickwork in 50% of phase 6B?

In addition, and as a point of clarity, the applicant has expressed that they have previously engaged with our representatives and have agreed the proposed changes to the development. This is frankly not true, whilst discussions were held with Allies and Morrison, GVA and the Developer Poly UK, the purpose of our meeting was to discuss the scheme

and to inform our organisation of the forthcoming plans, not to agree them. Indeed, there was no agreement to the proposals and we strongly object. Whilst on the subject of misinformation, we note that the architect's drawings showing the trees on our camp site are misleading. The trees are shown far in excess of their actual height and density.

Paragraph 124 of the National Planning Policy Framework (2018) makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. The proposed scale and massing of development accepted on the outline planning application (i.e. 4 storeys) was presumably considered to represent good design and result in a scale of development broadly acceptable to neighbouring sites and communities. The 4-storey proposal was probably just about acceptable and in recent discussions with the developers, it was mentioned that they could plant some large trees and provide other substantial screening. The outline permission was clear about design expectations and set a clear and detailed context for future development. Increasing the height, mass and bulk of the proposed buildings is wholly and totally unacceptable, does not represent good design and fundamentally does not meet the expectations and aspirations of good design as set out in the NPPF. Indeed, Paragraph 130 of this document specifically states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Attached are three images which show the views to and from phase 6B overlooking the camp site.

With specific regard to Local Planning Policy, we note relevant policies of the Barnet Local Plan (Development Management Policies) September 2012 and specifically Policy DM1 (Protecting Barnet's Character and Appearance) which sets out a number of objectives to ensure development is appropriate within the Borough notably:

b. Development proposals should be based on an understanding of local characteristics.  
Proposals

should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets;

d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime; and,

e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The increase in height of the proposed development is considered to directly conflict with Policy DM1 of the Local Plan, it would create an unacceptable development in respect of mass, scale and height, would not afford adequate privacy and outlook for our campsite as an adjoining occupier and by virtue of the increased overlooking, would not create a safe or secure environment, increasing the potential for fear of crime and perception of crime.

The proposed development represents overdevelopment of the site and an increase in unit numbers and height will impact significantly on the amenities of us as adjoining neighbours, creating an unacceptable development which is too dense and directly impacts upon our amenity through increased overlooking and a significant reduction in privacy.

It has been noted that since the first part of the Millbrook Park development and the school were open for business the traffic flow along Frith Lane has increased considerably and could be deemed to be extremely busy indeed during the rush hours. The evening rush hour does coincide with the time our Scout Groups start to use the Frith Grange site! Advices by the developers that their road layout for Phase 6 & 6B will ensure that traffic does not use Frith Lane is vacuous indeed! It can be guaranteed that as occupancy of Millbrook Park increases the traffic flow along Frith will also increase. The road is already a "rabbit run" to avoid Nether Street in particular. It is already dangerous for users of Frith Grange Camp Site to enter & exit the grounds when Frith Lane is busy – drivers are impatient when held up by our Members trying to turn in across the traffic, drive too fast to see what is happening on the brow of the hill and generally behave badly. To permit development of the Millbrook Park estate above the levels already agreed would be to place even more vehicles on the road past our site and increase the potential of a very serious accident quite considerably.

Further, we wish to place on record the fact that we are seeking legal advice in respect of the typical campsite activities that take place frequently and year around such as, fire lighting, cooking, camp fires, fund raising events, large gatherings, musical events & parties etc – all of which can be noisy, create smells (cooking) and can start as early as 6:00 a.m. and continue until late at night! Occupiers (and their successors) of the properties about to be built must be made aware of our existence, the breadth and extent of our activities and accept that they cannot initiate legal action of any type whatsoever to limit or prevent the continuance of our scouting activities. We reserve the right to return to this most important matter at a later date prior to this application going before the Planning Committee.

We strongly object to the proposed development which clearly conflicts with policies of the NPPF and Barnet Local Plan and would respectfully request that the application is refused.

#### Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below. The issues in relation to the scout camp is discussed in greater detail below.

#### Elected Representatives.

##### Andrew Dismore AM

I am writing to object to the above application in my capacity as London Assembly Member for Barnet and Camden. Principally, I am objecting to the impact of this development on the neighbouring scout camp site, Frith Grange.

The proposed new buildings would overlook the camp site, which has the potential to cause safeguarding and security issues as a number of young people are involved in outdoor activities. Specifically, the toilet and accommodation block are likely to be overlooked as a result of the change from the currently agreed 4 storey to 5 and 6 storey buildings. The taller

buildings will also result in the appearance of the camp site changing from a rural feeling to one far more urban.

The proposed block of flats in 6b will come right up to the boundary of the camp site, a 23m high brick wall. This is far too close, and will have an unacceptable outlook.

I therefore hope officers will be minded to refuse this application.

### Residents Associations and Amenity Groups.

#### Mill Hill Preservation Society

**1.0 Introduction:** The committee of the Mill Hill Preservation Society (MHPS) have examined the application on the LBB planning website; we have met the developers design team in committee and received details of their final submission. In view of the large number of documents to be reviewed in such a relatively short space of time, we have commented based on our general experience with the project and Millbrook Park – rather than on detailed clauses in all the documents. Generally the committee were pleased with the proposed interpretation of the design guide.

**2.0 Building heights:** This application is for reserved matters and has outline planning based on the design guide for Millbrook Park. Nearly every other phase has added extra floors on one pretext or another and we are concerned that this should not happen on this project. The design guide already proposes the required heights and if made higher the buildings will visually overpower the surrounding areas.

The design guide shows some 6-storey elements, and only one small area of 5-storey in block HH and the remainder 4 storeys. We feel that these heights have not been adhered to, especially in block HH which was to be predominately 4-storeys. We do not mind flexibility in the interpretation of the design guide, but we are concerned about increased height and overlooking issues relating to the scout camp (see later clause 4.0).

**3.0 Millbrook Plaza:** The committee were concerned that at street level the energy centre would obscure the ground floor views of the retail shopfronts of Block FF & GG.

Additionally, at the north-east corner of the Plaza there is a large space onto the junction of Short Street and East Street (road names on drawings used) and it is important that this corner is detailed

carefully so that the space does not 'leak out' and that the level changes and landscaping are dealt with appropriately.

The view from the underground station is important as the Plaza and building relationship will be the first impression for pedestrians on arrival to Mill Hill East. The developer told us that he was using a red brick – which we feel is appropriate and that the scheme showed a degree of cohesion with adjoining sites.

Any tree planting required to soften the south elevation of block FF would have to happen off the developer's site on the Plaza and a degree of cooperation between landscape designs on different sites is required here. We feel that such planting is required.

The pedestrian crossing from underground side to the Plaza is important. This crossing should be as close as possible to the underground, be given ample milling space on pavements as there are likely to be large numbers crossing when tube trains come in, and

there should be direct access onto the plaza from the crossing location. (It is not clear from the drawings if this access has been incorporated.)

**4.0 Child Safeguarding related to the Scout Camp:** We have looked carefully at blocks HH and these do seem to vary from the heights of the design brief. This is unfortunate as this increases the issue of overlooking the scout camp where young children of both sexes will be camping out in the open and subjected to lack of privacy.

Would it be possible for the developer to contribute to reinforcing the screen planting on the boundary of the site to improve privacy? We appreciate that there is little that can be changed on the block that is away from the boundary, however we do have concerns about the design where the block meets the site boundary. Reception windows, balconies and bedroom windows all overlook the camp site. We feel there are design options that could be considered to alleviate the issue:

- a. Balconies could be screened to prevent overlooking
- b. Overlooking reception windows could be deleted and non-offending ones enlarged
- c. Bedroom windows could have high sills to prevent overlooking – or be designed to be at an angle so they looked south away from the camp site

The Society believes it is possible to improve the overlooking challenges concerning block HH in relation to the scout camp site, and this should be addressed by the developer before the scheme is recommended for approval.

**5.0 Landscape Views:** We realise that the various landscape courtyards will be gated. In order to promote the visibility of the green spaces to all people passing through the site we suggest that security gates be designed to be as visibly permeable as possible.

In conclusion we feel this application is generally appropriate - subject to the issues we have raised in this letter. We shall be commenting on the scheme for phase 6B separately.

#### Mill Hill Neighbouring Forum

The Mill Hill Neighbourhood Forum's committee has reviewed these plans and would comment that these plans with buildings above 4 storeys will cause overlooking of the Frith Grange Scout Camp that has been in situ for 80 years. There is thus a critical safeguarding issue if these buildings are built as close to the boundary and at the heights proposed. We accept that the current tree line could be re-inforced to reduce the opportunity for overlooking from buildings up to 4 storeys but not above this height.

Naturally when the scouts are active they do make some considerable noise and it would be wholly inappropriate for new residents of the proposed properties were to complain about said noise and this should be adequately covered under "agent of change" legislation.

Further there is an on-going issue at Millbrook Primary School in relation to the ability for people to drop off and collect their children at this primary school. With primary age children, certainly in their early years it is expected that the parent or guardian will take their child into their class room and read them a story or otherwise settle them down for the day. This cannot happen with the current allocation of only 8 car spaces for drop off. This issue will be made much worse with the opening of East Street with through passage past the school. This issue needs to be resolved NOW and can be through the allocation of some additional space taken from Phase 6. 6B is a "bonus" site and as such will allow the overall number of homes to exceed the number in the original MHAAP Thus it should be possible to slightly reduce the number to be built in 6 to make this part of the estate more reasonably liveable and for the safety of the children.

### Finchley Society

On behalf of the Finchley Society, I'm writing to object to the above application for the development at Millbrook Park, NW7.

The development fails to take into account the proximity to the Frith Grange Scouting facility through overlooking and loss of privacy, as well as compromising the safeguarding of the young members.

It is an overdevelopment of the site and in particular the development for Phase 6B is too close to the boundary, overshadowing the Frith Grange Scout Camp with its scale.

### Internal /external and Other Consultations:

#### Environment Agency

No Objection

#### Transport for London

Many thanks for consulting TfL with regard to the above application, however considering the scale, nature and location of the proposal TfL has no objections. TfL's understanding is the bus stop on Royal Engineers Way will not be negatively impacted by this development.

#### Highways

No objections raised.

#### Tree Officer

No specific objections raised in relation to Phase 6, subject to tree protection, planting and landscaping conditions.

#### Scientific Services

No comments received.

## **3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

### **3.1 Site Description and Surroundings**

Site in relation to the outline consent:

The current application concerns the development by Poly Group of phase 6 of the outline consent, located on the southern edge of the wider Millbrook Park Site within the southern hub character area. The application site extends to 1.7ha and is bound by the consented Phase 10 (Sanctuary) and Phase 2A (Millbrook Park School) to the north; Bittacy Hill and the Millbrook Plaza to the south; The consented Phase 9B (Barratt London) phase to the west,

the Frith Grange Scout Camp to the East and the Phase 6b site (The subject of a separate Planning Application) to the south east.

The Design Code advises that with the Southern Hub Zone housing should be of a higher density housing with heights ranging from 3 to 6 storeys.

### **3.2 Description of Proposal**

The proposal is to seek approval of matters reserved under outline planning consent ref H/04017/09 (layout, scale, appearance and landscaping) to redevelop the site for mixed a mixed use development comprising of the following:

#### **Retail Floorspace**

The proposals comprise of a total of 700sqm of Commercial space within Phase 6, distributed across the ground floor frontages of Blocks FF, GG and HH, with frontages facing onto Millbrook Plaza. The retail space within Block FF comprises a single unit totalling 392.8 sqm, Block GG comprises a single unit totalling 147.5 sqm, and Block HH comprises a single unit totalling 159.7 sqm. The proposals are in accordance with Condition 75 (as amended by application ref: 17/7516/NMA) of the Outline Application, which restricts the maximum size of any single retail unit at Millbrook Park to 400sqm.

Whilst the total provision of Retail floorspace is in line with the Development Schedule, the proposals present a minor deviation from the approved Development Schedule (Table A6157.1 v12), with the addition of a level of retail distribution within Block HH. This does not increase the quantity of retail space proposed, increases the coverage of active frontages and is considered acceptable.

#### **Employment Floorspace**

The proposals comprise 535 sqm of Employment Space (B1) within Phase 6, distributed across the ground floor frontages to the eastern extents of Plots GG and HH, to reflect the proposals coming forward within Phase 6B. The employment space within Plot GG comprises a single unit totalling 318.4 sqm, and Plot HH comprises a single unit totalling 216.6 sqm. The proposals accord with the approved Development Schedule and is therefore fully in accordance with the outline permission.

#### **Housing:**

The proposals would be for a mix of 1, 2 and 3 bedroom units) providing a total of 310 dwellings as follows:

**Table 5.1 - Proposed Housing Amount and Mix**

	Private	Intermediate	Social Rent	Total
1 bed flat	97	7	7	111
2 bed flat	165	13	6	184
3 bed flat	0	0	15	15
<b>Total</b>	<b>262</b>	<b>20</b>	<b>28</b>	<b>310</b>

The proposed properties are all in the form of apartments set in three perimeter blocks (FF, GG and HH) with storey heights ranging between 4-6 storeys.

Discharging of conditions:

This application also involves the partial discharging of a number of planning conditions attached to the outline consent that require information to be submitted for each phase of the development. Those conditions that are to be approved in relation to Phase 10 are as follows:

- 5 – Reserved Matters Details

Sets out the submission requirements for submission accompanying each reserved matter application.

- 8 – Housing Mix and Location of Affordable Housing Units

This requires prior to commencement of the development details of the proposed amount and mix of relevant residential development within that Phase and the proposed Affordable Housing Scheme to be submitted and approved.

- Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points, estate roads and footways to be submitted and approved.

- Condition 27 – Details of Estate Roads

This requires details of lighting, pedestrian facilities, crossing points, cycle facilities, signing, bus stops/shelters, bus standing/layover facility, bus driver facilities, highway improvements and estate road layout and gradient.

- Condition 29 – Internal Access Roads

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 32 – Shared Footways/ Cycleways

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 35 – Petrol/ oil interceptors



This requires details of petrol/ oil interceptors or justification concerning why this is not required.

- Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

- Condition 52 – Children’s Play Space

This requires details of children’s play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

- Condition 70 – Design to Lifetime Homes Standards & Wheelchair Standards

This condition requires all residential units to be built in accordance with Lifetime Homes Standards. Furthermore 10% of the units shall be designed to be fully wheelchair accessible.

- Condition 80 – Code for Sustainable Homes

A statement to be submitted to demonstrate measures incorporated to achieve a minimum standard of Code for Sustainable Homes Level 4 (with a minimum level of Code Level 6) by 2016.

- Condition 83 – Greywater/Rainwater Recycling Provision

This requires details demonstrating the incorporation of either rainwater or grey water recycling facilities into each of the buildings to be submitted and approved.

- Condition 85 – Green/Brown Roofs Provision

This requires details to demonstrate the provision of Green or Brown roofs into each of the buildings to be submitted. Details shall also include a reconciliation plan or table showing how the proposed provision complies with the 10% target fixed by condition 84.

#### Amendments made during the course of the application

Amendments have been secured during the course of the application in order to improve the relationship with the adjoining scout camp. These changes in relation to Phase 6 include amending the fenestration of the proposal to avoid Juliet balconies and to provide a living landscaped fence and planting along the boundary with HH.

## **4. PLANNING CONSIDERATIONS**

### **4.1 The Principle of Development**

The principle of constructing 110 residential is established by the outline planning consent. Condition 5 (Reserved Matters Details) seeks details (layout, scale, landscaping and appearance) to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.

The reserved matters currently under consideration are:

**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 aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

**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** – The internal road layout was established at outline stage. This current application shows roads in the same location in compliance with the outline parameters for access, although the road through the middle of phases 9a & 9b has been altered to a pedestrian route only and will not be accessible to motor vehicles.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- **Parameter Plan 1: Access and Movement**  
Establishes the main vehicular and pedestrian access points and vehicular movement hierarchy.
- **Parameter Plan 2: Landscape**  
Establishes the location and extent of areas of public open space.
- **Parameter Plan 3: Land use**  
Establishes the location and distribution of land uses and open spaces.
- **Parameter Plan 4: Scale**  
Establishes the maximum height permissible across the whole Millbrook Park site.
- **Parameter Plan 5: Character Areas**  
Establishes the extent and disposition of the strategic character areas.
- **Parameter Plan 6: Levels Strategy**  
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the parameter plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The 'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;

- Phasing and Delivery Strategy
- Technical/Infrastructure Strategy
- Revised Public Realm and Open Space Strategy
- Technical and Infrastructure Strategy
- Revised Phasing and Delivery Strategy

### Design Code

In addition to the above a site wide design code has been approved in the clearance of condition 4 of the outline application and forms the guide to the assessment of reserved matters applications. This reserved matters application for Phase 10 is therefore considered within the framework of established broad development principles, Parameter Plans, and a detailed design code.

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission. There are some areas where the application does not conform and the applicant has provided justification for any deviations. These are explained in the sections below.

## **4.2 Amount of Development**

### Housing

The amount and mix of development for 310 dwellings in Phase 6 is in line with the outline consent, the latest approved phasing plan and the s.106 schedule of accommodation. 48 units are to be affordable dwellings consisting of 20 properties for social rent (7 x 1 bed, 6 x 2 bed and 15 x 3 bed flats) and 20 intermediate properties (7 x 1 bed and 13 x 2 bed flats) with the rest of the development to be private sale properties.

The proposal accords with the baseline tenure mix required under the S106 and accords with the latest agreed site wide phasing plan. Condition 8 (Housing Mix and Location of Affordable Housing Units) of the outline consent requires the submission of details of affordable housing, and the proposed submission is considered to accord with this requirement.

The proposed distribution of units within the phase (at a plot-by-plot level) does vary from the approved site wide unit mix a set out in Table A61557.1v12. These changes are as follows:

**Table 5.2 - Plot-by-Plot Distribution of Housing\***

Plot	1BF	2BF	3BF	Total
------	-----	-----	-----	-------

FF	Approved	62	114	6	182
	Proposed	59	102	15	176
GG	Approved	27	28	6	61
	Proposed	28	26	0	54
HH	Approved	22	42	3	67
	Proposed	24	56	0	80
<b>Total</b>	<b>Approved</b>	<b>111</b>	<b>184</b>	<b>15</b>	<b>310</b>
	<b>Proposed</b>	<b>111</b>	<b>184</b>	<b>15</b>	<b>310</b>

The above redistribution does not alter the total number of units either private or affordable proposed in this phase. Similar redistributions have occurred in the majority of other phases and in principle are considered acceptable subject to design and neighbouring amenity issues discussed below.

### 4.3 Scale

Parameter Plan 4 (Scale) sets out the maximum permissible dimensional height and maximum level of storeys throughout the wider Millbrook Park Development. In relation to Phases 6 the approved storey heights range between 4 and 6 storeys.

**Table 5.6 - Approved Scale Parameters**

Plot	Approved Building Dimensions (Minimum-Maximum)			Approved Maximum Building Height (storeys)
	Width	Length	Height (to ridge)	
FF	6 – 17m	40 – 110m	12 – 20m	6 storeys on the south and west boundaries and 4 elsewhere.
GG	6 – 17m	30 – 65m	12 – 20m	6 storeys on the west boundary fronting the plaza and 4 elsewhere.
HH	6 – 17m	40 – 90m	9 – 20m	5 storeys on the corner fronting the plaza and 4 elsewhere.

### Height

As a result of changes in levels and commercial unit heights, all the buildings have been designed to minimise breaches to maximum building heights, as specified above. The scheme includes the following minor breaches to height:

- Block FF: Parameter Plan 4 allows for six storeys fronting the Millbrook Plaza and adjacent to Phase 9, with the remainder of the Block made up of four storeys. The storey height is breached by one storey in the North East corner of the block, fronting Millbrook Park CE Primary School. This responds to the approved breach of additional height in the south east corner of Phase 10 opposite this block.
- Block GG: Parameter Plan 4 allows for six storeys fronting the plaza to the west and four storeys across the rest of the phase. The block has been amended to allow for views through the site and to minimise north orientation of units. This reconfiguration has resulted in a one storey increase to the Parameter Plan to the east of the block.
- Block HH: Parameter Plan 4 allows for five storeys to the south west corner, fronting Millbrook Plaza, with four storeys for the remainder of the block. The storey height is breached by one storey in the to the north of the block, fronting the Millbrook Park CE Primary School to respond to Block FF and Phase 10. There is also an additional storey height breach of one storey to the south east corner with Block GG to allow for solar orientation and to relate to the surrounding blocks.

There are minor breaches to the maximum building heights identified within the parameter plans for this Phase (20m). The principle breach is to Blocks FF and GG. This is due to the need to incorporate commercial floor to ceiling heights (which are greater than residential floor to ceiling heights) in addition to the pitched roof form to provide a high quality design at the plaza as the entrance to Millbrook Park. These minor deviations are non-material in the context of the overall development as follows:

- Block FF: 23.2m (+3.2m)
- Block GG: 23.6m (+3.6m)
- Block HH: 20.m (+0.2m)

No heights exceed the maximum six storeys identified by the Parameter Plans.

The Planning Authority is able to use its discretion to approve minor breaches to approved parameter plans where justified, in this particular instance the changes to block's FF and GG do not raise any significant planning issues due to their location. In relation to block HH the main issue arising out of the changes are in relation to the scheme's relationship to the scout camp. In this regard, while the southern part adjoining the scout camp is 5 rather than 4 storeys, it only exceeds the heights parameter by 0.2m. This exceedance is minimal and would not be noticeable to the naked eye. As such it is not considered that this departure would result in any significant increased impact over and above the approved parameters. Therefore in principle this is acceptable.

### **Width**

Within Blocks FF, GG and HH there are building widths of 12-20.5m, 13.5-25.5m and 15-24.2m respectively, presenting breaches up to 3.5m, 8.5m and 7.2m in relation to the maximum 17m stated in the parameter plans. Again similar to the heights parameters the changes to blocks FF and GG are immaterial, and the only breach which needs to be

considered in greater detail is the parameter breach to HH. The reason for the breach was to provide a gap between the blocks on the southern frontage of the development, which has the effect of increasing the length of the flank wall facing the scout camp. In relation to the impact of this change, it is noticed that this portion of the scout camp is more heavily wooded than the southern edge of the scout camp facing the proposed phase 6b. As such views of this flank are softened and screened from the neighbouring scout field. Due to this it is not considered that the change in width creates any significant visual harm over and above the approved parameters.

It is also noted that the side facing windows (which have been amended post submission to remove the proposed Juliet balconies) are no greater in extent than they would be if the building was shorter in width and as such would not cause any increased loss of privacy than the extant scheme.

The approved design code allows departures from the approved parameters where such departures are justified in planning terms and will result in the delivery of a better-quality scheme. The Local Planning Authority is therefore able to use its discretion to approve minor breaches to approved parameter plans, where justified.

The proposed departures are considered acceptable for the reasons listed above which are discussed below under the design section of this report.

#### Density

The amount of development and minimum/maximum building dimensions have already been approved at the outline stage and therefore the target residential density is also established with the development providing 310 dwellings at a density of 850 habitable rooms per hectare.

#### **4.4 Layout**

Policies CS5 and DM01 require development to be of a high-quality design and should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should also create safe and secure environments, reduce opportunities for crime and minimise fear of crime.

The approved Parameter Plans define 'development zones' within which new buildings can be built, which in turn frame 'corridors' within which new access roads can be laid out and 'spaces' for public open space provided.

The proposed layout accords with these parameters in terms of the general positioning and spatial extent of streets, development zones, access points and areas of open space. This detailed layout follows extensive design discussions with the LPA and is considered to provide a legible layout in broad accordance with the Illustrative Masterplan and the Access and Movement Parameter Plan with the exception of the afore mentioned changes.

#### Parking

The application proposes the provision of 264 car parking spaces within this of which 237 are for the residential uses along with 4 visitor and 2 spaces for the commercial units.. Spaces will be allocated at the ratio of 0.58 space for each 1 bed unit and 1 to 1 provision for

the 2-3 space units (0.85 on average). 10% of parking will be for disabled persons, 20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan. The majority of the spaces are provided in the form of a secure basement car parks built the centre of the development plots, along with some twelve on street car parking spaces (8 of which are for the residential properties).

Condition 23 attached to the outline consent (as amended under application (ref. H/02977/12) limits the amount of car parking on the site to 2,522 spaces for residential uses, 54 for non-residential uses, plus limited visitor spaces. As such the parking proposals on this phase has to take account of the number of car parking spaces approved to date and the number of spaces which need to be provided in relation to the future phases 7 and 8, plans for which are being drawn up by the same applicant (Poly Group) and are due to be submitted shortly.

Overall the Millbrook park development will be built out near to the maximum number of spaces allowed under the outline approval. While the car parking proposed under this phase is lower than other phases, located further north in the site, account needs to be taken of the fact that this is the most accessible part of the development being located directly opposite from Mill hill station and the overall level of parking provision is considered acceptable in this instance.

Cycle Parking and mobility scooter parking is also proposed within the development within communal cycle stores for the apartments at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 bed units and above. In total provision for 325 spaces along with additional short term visitor spaces.

### Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood

The proposed layout accords with these parameters in terms of the general positioning and spatial extent of streets, development zones, access points and areas of open space. There is a minor deviation from the parameters where the secondary street that runs through the phase (East Street and Short Street) has been reduced from 20m to 16m to further optimise block dimensions.

### Open space

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works.

While the proposed southern square is located within Phase 6, consent for this was granted under an earlier advanced infrastructure permission and falls outside the redline boundary of the site.

### Crime

The proposed layout follows a perimeter block approach, which ensures that all street and public open spaces benefit from being overlooked by active frontages, including the central

pathway leading through the site. Secure access will also be provided to the proposed underground car park. Nevertheless, it is considered that a condition should be attached requiring the development to achieve Secured by Design accreditation.

## Levels

Parameter Plan 6 (Levels Strategy) approved under the outline consent sets out the existing contours of the site and proposed spot levels at street junctions as well as the maximum permissible gradients.

In relation to Phase 6 there is a site level change of approximately 4.8m. All Blocks have been designed in compliance with the levels Parameter Plan. However due to the set levels of North Street and Millbrook Park plaza it has been necessary for the development to build up to and breach the approved heights parameters in some instances in order to achieve necessary floor to ceiling heights. This matter is discussed above in section 4.3 and in relation to the proposed site levels, these are in accordance with the approved levels strategy as set out in Parameter Plan 6 approved as part of the Outline Planning Approval and the approved Design Code.

## **4.5 Appearance**

The National Planning Policy Framework 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.

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 mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are 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 approved design code for Millbrook Park also proposed detailed design guidance for development within this development. The approved design code breaks down the site into three separate character areas, 'Green Belt Edge', 'Central Slopes' and the 'Southern Hub'. Phase 6 is located entirely within the Southern Hub character zone which is expected to be of the highest density (in relation to levels across the wider Millbrook Park site) and envisages designs of an 'Urban Court' layout, with apartment buildings ranging between 4-6 storeys set around a landscaped courtyard.

#### Scale, massing and detailed design

The proposal follows the general design principles set out in the approved Millbrook Park Design Code, and with the exception of minor breaches described above accords with the principles of the original outline approval. The broad structure of 4-6 storey blocks with basement car parking and podium deck gardens, is similar to other developments approved within the southern hub character area and relates satisfactory in scale to its surrounds. Unlike the adjoining phase 9, the proposal also incorporates pitched roofs over the apartment buildings providing a more traditional appearance with a contemporary style.

In relation to the detailed design of the proposals, the development has been designed to allow for active frontages to all roads and the public square, providing active ground floor uses and projecting balconies in some instances inset roof terraces help to provide visual interest to the street scene and help to frame the entrance into Millbrook Park.

In relation to materials the application proposes a simple material palette consisting of red stock bricks, standing seam roofs, metal balconies and recessed timber windows. While the final details will be secured by condition the overall material approach is considered acceptable, in keeping with the character of Millbrook Park, while providing suitable variety between phases.

#### Conclusion for External Appearance

Overall, the proposal successfully incorporates various architectural elements within a coherent design and is considered acceptable in principle resulting in a high-quality development in accordance with the requirements detailed within the Design Code and Policies CS5 and DM01.

### **4.6 Landscaping**

The 'Revised Public Realm and Open Space Strategy' approved at outline stage sets out the principles for a landscape and open space strategy for Millbrook Park and provides detailed

design guidance for reserved matters applications. The approved Design Code adds another layer of detail and requires a number of landscaping features in Phase 6.

The current site is currently cleared and does not include any trees. In relation to the proposed landscaping, the application proposes acceptable levels of green space and related activities for all ages. From a design perspective the landscape proposal is well rounded and provides accessible spaces for future residents. Millbrook Plaza, is located on the southern edge of the phase and the landscaping proposals works well in stitching the urban square with Phase 6. Defensible spaces are proposed in a variety of forms to address the different street environments. The defensible space strategy is not detracting from the quality of the streetscape. Additional Planting and boundary treatment in the form of a green fence has been negotiated on the boundary of HH facing the Scout Camp in in order to improve the visual relationship between the two sites and to provide mutual privacy.

### Play space

Policy 3.6 of the London Plan states that housing development proposals should make a provision for play and informal recreation for children and young people. According to Housing SPG standard 1.2.2, the development is required to make appropriate play provisions in accordance with a GLA formula and calculation tool, whereby 10 m<sup>2</sup> of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG and 'Providing for Children and Young People's Play and Informal Recreation' SPG'.

The play space provision in this proposal is one that relies on the landscape to promote informal natural play for children and teens. The total provision where young children can play is 270 m<sup>2</sup> for 0-5 year olds and 300 m<sup>2</sup> for ages of 5 and up, which is compliant with Policy.

### Street Lighting

The application has provided limited details of proposed street lighting locations. While this is partly covered by previous advanced infrastructure consents, a condition is attached requesting the submission and approval of these details.

### Conclusion for Landscaping

The landscaping approach is considered to be in accordance with design principles set in the Design Code and parameter plans. It will help to introduce a human scale to the frontages of the proposed buildings and will frame and complement the architectural approach whilst increasing the overall biodiversity of the site's environment and safeguards the interface with the scout camp. It complies with Policies CS5 and DM16.

## **4.7 Amenities of Future Occupants**

### Dwelling outlook and daylighting

Development plan policy requires that new dwellings are provided with adequate outlook.

The layout proposed for Phase 6 avoids any single aspect north facing units through orientating the development on an east-west axis. The majority of units in all blocks are dual aspect, with single aspect units limited where possible. All apartments were designed with generous floor to ceiling windows in order to maximise the amount of light entering rooms.

### Privacy

The layout of the development has been designed to ensure the protection of residential privacy and the avoidance of overlooking between units, with good separation between elevations and use of level changes and landscaping. through staggered window placement and utilising level changes and landscaping to maximise privacy and to ensure an appropriate level of privacy for new residential units.

### Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards.

All of the units proposed would have a gross internal floor area which would exceed the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

### Amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance as well as the Millbrook Park Design Code requires the provision of 5 sq.m of amenity space for each habitable room for flats, and between 40 and 85 sq.m for houses depending on the number of habitable rooms.

Every dwelling has access to some form of private amenity space in the form of balconies with access to the shared communal gardens proposed in the centre of the blocks. All of the proposed units meet or exceed the minimum standards outlined in the as stated and the proposal is acceptable on grounds of private and communal amenity space provision.

## **4.8 Impacts on amenities of neighbouring and surrounding occupiers and users**

The periphery of the site is delineated by the consented Phase 10 development to the north, the consented Phase 9 Barratts development to the west, the 6b site (subject to a separate application) and the Frith Grange Scout camp to the east and Bittacy Hill to the south. In relation to the adjoining phases the buildings are located over 21m from the windowed elevations of these properties across public highways and as such it is not considered that the proposal would result in any significant material impact on the amenities of these properties in terms of daylight, sunlight or privacy.

The main sensitive adjoining use is the scout camp to the east of plot HH. The relationship of plot HH to the scout is not as sensitive as the relationship of Phase 6b to the scout camp. Officers have requested amendments to this application which is why this application is not being reported simultaneously with this report. The majority of received objections are joined objections which objected to both applications together and a lot of the issues raised are more relevant to the 6b application than this application for Phase 6.

In relation to the interface with HH and the scout camp there are two instances where the blocks back onto the scout camp at the northern edge near the school and at the southern portion of the woodland area to the west of the camp. The buildings are set back 1.6m from the boundary. The presence of this woodland helps to some extent to screen this part of the proposal from the main scout field and as such would not generate any significant overbearing impact or privacy issues to the camp. The woodland is however accessible to the scouts and is likely to be used for daytime activity. Due to these reasons officers have negotiated amendments to the fenestration removing the proposed Juliet balconies and replacing them with normal windows, which reduces the interaction between the two sites and prevents the situation that say a bedroom Juliet balcony would have to be fully opened from the bedroom windows to provide ventilation. Suitable boundary treatment including planting and the installation of a living fence between the uses has also been negotiated. Subject to these changes it is considered that in conjunction with the improvements being negotiated in relation to the 6b application would represent an appropriate relationship which would not adversely affect the continued operation of the scout camp.

#### **4.9 Transport, parking and highways matters:**

##### Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood. In relation to the development the primary access routes that run along the northern, western, southern and eastern boundaries of Phase 10 which have already been granted consent under previous Advanced Infrastructure Works applications.

##### Pedestrian Facilities

Access and movements for pedestrians were established as part of the outline application, with access available through and to the sides of this phase. It is considered that the proposal would provide a satisfactory pedestrian environment in accordance with the aims of the design code.

##### Parking

Parking Standards set out in the Local Plan Policy DM17 is as follows:  
Maximum Standards will be:

- (i) 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)
- (ii) 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms) and
- (iii) 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Condition 23 of the outline consent limits the number of residential parking spaces to 2,522 (plus limited visitor parking) across the whole site.

The table below shows the typical parking requirement as set out in the Design Code and that set out in the outline planning permission for the proposed development.

No. of units	Parking Ratio Permission	Parking Ratio Design Code	Parking Req.
1 Bed (35)	1	1.1	35
2 Bed (59)	1	1.1	59
3 Bed (16)	1.2	1.5/2	19.2- 32
Total (110)			113.2- 126

There is some flexibility in the provision but the total development should not exceed 2522 spaces so that individual phases may contain a higher number of spaces providing that the total number of spaces does not exceed the maximum number.

The application proposes the provision of 264 car parking spaces within this of which 237 are for the residential uses along with 4 visitor and 2 spaces for the commercial units.. Spaces will be allocated at the ratio of 0.58 space for each 1 bed unit and 1 to 1 provision for the 2-3 space units (0.85 on average). 10% of parking will be for disabled persons, 20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan. The majority of the spaces are provided in the form of a secure basement car parks built the centre of the development plots, along with some twelve on street car parking spaces (8 of which are for the residential properties).

Overall the Millbrook park development will be built out near to the maximum number of spaces allowed under the outline approval. While the car parking proposed under this phase is lower than other phases, located further north in the site, account needs to be taken of the fact that this is the most accessible part of the development being located directly opposite from Mill hill station and the overall level of parking provision is considered acceptable in this instance.

A Parking Management Strategy has also been submitted as part of the supporting documents the content of which is considered acceptable.

#### Accessibility and Inclusivity

31 properties within Phase 6 are required to be wheelchair adaptable, which equates to 10% in compliance with Condition 70 (Design to Lifetime Homes Standards and Wheelchair Standards) of the outline consent. A third of these i.e. 10 units will be designed to meet the requirements of the Wheelchair Housing Design Guide (WHDG).

All of the proposed dwellings are designed to comply with the design criteria necessary to meet Lifetime Homes standards and it is considered satisfactory to meet Condition 70. The scheme has followed principles of inclusivity and accessibility.

#### Cycle Parking

Cycle Parking is proposed within the development within communal cycle stores for the apartments at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 bed units and

above. In total provision for 325 spaces along with additional short term visitor spaces. This is considered acceptable.

#### Waste Management

The application supporting documents propose communal basement refuse and recycling storage areas used by all properties which will be moved to collection points adjacent to the public highway on collection days. This is considered acceptable and accords with Barnet standards.

#### Conclusion for Transport, Parking and Highways

In summary, the application provides for adequate parking without harming the local highway network and promotes sustainable modes of travel and complies with Policies CS9 and DM17. The proposed parking levels are in accordance with the parameters of the Outline Consent and as such have already been agreed in principle by earlier approvals.

### **4.10 Environmental issues**

#### Construction management

A Construction Management Plan for the whole of Millbrook Park was approved pursuant to Condition 17 of the outline consent (ref H/04183/11). The document incorporates the view that succinct method statements will be required for each reserved matter application. A Construction Management Plan has also been submitted with the current application which accords with the site wide policy and is considered acceptable.

#### Contamination

A contamination strategy for the whole site has been dealt with under Condition 63 of the outline consent (ref H/00643/12, approved April 2012). This condition is split into 4 parts and parts i) and ii) which includes desk top studies and site investigation have been approved. Parts iii) of the condition requires the approval of a remediation strategy and part iv) requires a verification to be submitted for each phase.

The details of remediation within this phase have been separately discharged under previous discharge of condition and advanced infrastructure approvals.

### **4.11 Energy, climate change, biodiversity and sustainable construction matters:**

#### Sustainable design and construction

An overarching energy strategy for the whole of Millbrook Park was submitted to and approved pursuant to Condition 79 of the outline consent (ref H/00560/12). The approved strategy outlines how a centralised energy supply to the south of the site will be delivered, and a decentralised supply to the north. The south of the site will be served by a District Heating Network provided by a single Energy Centre while the north of the site is expected to adhere to the Mayor's Energy Hierarchy by utilising an energy efficient building fabric and where applicable photovoltaic panels (PV).

The Mayor's Energy Hierarchy sets out three methods for achieving reductions in carbon emissions:

- 1 Be lean: use less energy (fabric efficiency standards)
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

The application is accompanied by an Energy Strategy and Code for Sustainable Homes Pre-Assessment which demonstrates that the proposal would reach the equivalent of Code for Sustainable Homes Level 4 as well as achieving a 44.% reduction in CO<sub>2</sub> emissions through a mixture of fabric first as well as connecting to the District Heating network. The proposal would also achieve BREEAM 'Very Good' in relation to the non residential uses. The proposal would therefore be in accordance with Conditions 79 and 80 of the outline consent.

#### Water resources, Drainage and SUDs Infrastructure

The Drainage plan submitted with the application provides details of surface water and foul water drainage.

The applicant has submitted a drainage strategy in support of the application. The drainage strategy incorporates various measures including the use of swales and underground attenuation tanks to ensure that runoff does not exceed 49.6 l/s to the Thames Water surface water outlet in Bittacy Hill as required by the approved site wide drainage strategy. Discharges of foul water drainage will discharge to the existing Thames Water sewer also located in Bittacy Hill. Overall the proposed drainage strategy is considered acceptable and consistent with the site-wide drainage strategy approved under discharged Conditions 43, 44 and 46 (permission ref: H/04340/12) attached to the OPP.

#### Biodiversity and Ecology

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding concerns with respect to ecology and nature conservation preventing redevelopment taking place.

A site wide Ecological Mitigation and Management Plan (EMMP) was submitted and approved (H/04184/11, November 2011) pursuant to Condition 60 of the outline consent. It was considered that the document as approved demonstrated a comprehensive overall management plan for ecological assets on the wider Millbrook Park application site. Additional ecological enhancement is proposed in the form of landscaping within the podium deck car parks and along the edge of the scout camp.

#### Green/ Brown Roofs

Condition 84 (Green/Brown Roofs Target) of the outline consent requires a minimum of 10% of green or brown roofs across the whole of Millbrook Park site. Condition 85 (Green/Brown Roofs Provision) requires details to be submitted and approved demonstrating this provision across the whole site including a reconciliation plan or table showing how it meets the 10% target fixed by Condition 84.

The scheme meets this requirement through the use of podium deck gardens, inclusion of podium decks has been previously included in brown/ green roof calculations as well as the provision of sedum roofs on some of the roof slopes. As such the development would in itself comply with the requirements of Condition 84 and contribute to the overall provision within the Millbrook Park Development.

## **5. EQUALITIES AND DIVERSITY ISSUES**

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

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

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

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

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

## **6. CONCLUSION**

As conditioned the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site. It largely accords with the relevant development plan policies, conforms to the design principles and the parameters established in both the approved outline application for the former Inglis Barracks site and the Design Code. In those cases where the application departs from the approved Parameter Plans namely in relation to the changes in the approved height parameters these changes are justified by design benefits and are considered acceptable.

The proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality housing, including affordable housing,



that would have a good standard of accommodation including outlook, privacy and access to daylight.

The design of the development is appropriate for the Southern Hub Character area, which also provides for variety and legibility. The materials and form relates well to the surrounding development. The layout of the development provides permeability around the site as well as to the wider Millbrook Park site.

The application also satisfies the requirements of Conditions 5, 8, 26, 27, 29, 32, 35, 48, 49, 52, 69, 70, 76, 80, 81, 83 and 85 of the outline consent.

It is recommended that the application be **Approved** subject to conditions as set out above under the recommendations section.



**LOCATION:** Dollis Valley Estate (Phase 3 ) Barnet EN5 2TS

**REFERENCE:** 18/5561/S73

**Received:** 14 Sep 2018

**Accepted:** 18 Sep 2018

**WARD:** Underhill

**Expiry:** 18 Dec 2018

AGENDA ITEM 9

**APPLICANT:** Mr Robin Williamson

**PROPOSAL:** Variation of Condition 1 (approved drawings) to facilitate minor changes to unit mix, numbers and other minor amendments for Phase 3 of Dollis Valley Estate in relation to Reserved Matters application, reference 17/5168/RMA, seeking approval of landscaping, appearance, scale, access and layout for Phase 3 of the Dollis Valley Regeneration pursuant to Condition 7 of the hybrid planning permission reference B/00354/13 dated 01/10/2013 involving the erection of 117 residential dwellings (Use Class C3) comprising 61 houses and 56 apartments, including associated infrastructure, car parking and landscaping, together with details to discharge the requirements of the following conditions: 6 Phasing and Implementation Strategy, 7 Reserved Matters to be submitted per Phase, 39 Childrens Play Space, 48 Archaeology, 53 Sound insulation, 89 Daylight, sunlight and overshadowing assessment.

## APPLICATION SUMMARY

Agenda Item 10 (Dollis Valley Phase 3) of the Planning Committee meeting of the 11<sup>th</sup> December 2018 was deferred by members *'so as to receive more information regarding the restrictive covenants contained in the leases with L&Q/Countryside for new flats on the estate which the committee had been informed by the speaker prevented leaseholders from objecting to any planning applications for the estate.*

The original officer planning report to the 11<sup>th</sup> December is included as Appendix A which sets out the full officer assessment of the proposal.

The applicant has provided a copy of a standard lease agreement which applies to all privately sold properties on the Dollis Valley Estate. A copy of this is included as Appendix B. Page 22, item 31 includes the following obligation on tenants.

31. *Not to make or raise any objection to any planning application made by the Landlord (here meaning Countryside Properties (UK) Limited) or any associate or parent company of the Landlord or to any application for the variation of the*

*existing planning permission obtained by the Landlord in relation to either the Estate or any Neighbouring Land*

The applicant has advised that the above clause is not peculiar to the Dollis Valley Estate scheme, but is a standard lease term applied to all Countryside developments nationally. The applicant further elaborates that the clause does not prevent residents lodging neutral comments which raise concerns about the development, as the objector did who spoke at the 11<sup>th</sup> December Planning Committee meeting.

The applicant notes that there are other channels in which residents can raise concerns to the developer, and that in relation to the current application only the person who spoke raised such concerns and other residents have been supportive of the development which has been carried out to date.

Officers Legal advice has been sought in relation to the above and its bearing in relation to the determination of the application. Legal advice is that the wording of any restrictive covenant is not a material planning consideration and the proposal needs to be considered on its own planning merits.

In this regard account needs to be taken of the position of the scheme within the overall masterplan for the Dollis Valley Estate in which the scheme is providing 631 new residential units of which 406 are family sized homes. The proposed revised unit mix would continue to provide a good mix of units including family sized units to meet identified housing need. In relation to design, the proposed apartment buildings are small in scale at 3 storeys in height and the phase and development as a whole will continue to provide a mixture of houses and flats in accordance with the outline planning approval.

Accordingly the proposed lease does not alter the original officer recommendation, subject to the conditions set out below, the application is recommended for **Approval**.

**RECOMMENDATION 1:**

The Committee grants delegated authority to the Service Director Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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 2: Approve Subject to Conditions**

## **APPROVED DRAWINGS**

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

### **Masterplan Plans**

CPL-DOL\_HTA-A\_D01-XX-DR\_0001  
CPL-DOL\_HTA-A\_D01-XX-DR\_0002  
CPL-DOL\_HTA-A\_D01-XX-DR\_0003  
CPL-DOL\_HTA-A\_D01-XX-DR\_0004  
CPL-DOL\_HTA-A\_D01-XX-DR\_0100 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0101 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0102 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0103 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0104 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0105 REV A

### **Masterplan Sections**

CPL-DOL\_HTA-A\_D01-S1-DR\_0106 REV A  
CPL-DOL\_HTA-A\_D01-S1-DR\_0107 REV A  
CPL-DOL\_HTA-A\_D01-S1-DR\_0108 REV A  
CPL-DOL\_HTA-A\_D01-S1-DR\_0109 REV A

### **GA Houses**

CPL-DOL\_HTA-A\_DV-1B-DR\_0200 REV A  
CPL-DOL\_HTA-A\_DV-1C-DR\_0201 REV A  
CPL-DOL\_HTA-A\_DV-5-DR\_0203 REV A  
CPL-DOL\_HTA-A\_DV-7E-DR\_0204 REV A  
CPL-DOL\_HTA-A\_DV-7E-DR\_0205 REV A  
CPL-DOL\_HTA-A\_DV-11A-DR\_0206 REV A  
CPL-DOL\_HTA-A\_DV-11B-DR\_0207 REV A  
CPL-DOL\_HTA-A\_DV-12-DR\_0208 REV A  
CPL-DOL\_HTA-A\_DV-14-DR\_0209 REV A  
CPL-DOL\_HTA-A\_DV-15A-DR\_0210 REV A  
CPL-DOL\_HTA-A\_DV-15A-DR\_0211 REV A

### **Block 4 - GA**

CPL-DOL\_HTA-A\_B4-XX-DR\_0212  
CPL-DOL\_HTA-A\_B4-B1-DR\_0213  
CPL-DOL\_HTA-A\_B4-00-DR\_0214  
CPL-DOL\_HTA-A\_B4-01-DR\_0215  
CPL-DOL\_HTA-A\_B4-02-DR\_0216  
CPL-DOL\_HTA-A\_B4-03-DR\_0217  
CPL-DOL\_HTA-A\_B4-R1-DR\_0218  
CPL-DOL\_HTA-A\_B4-E1-DR\_0219  
CPL-DOL\_HTA-A\_B4-E2-DR\_0220  
CPL-DOL\_HTA-A\_B4-S1-DR\_0221

### **Block 6 – GA**

PL-DOL\_HTA-A\_B6-XX-DR\_0222  
CPL-DOL\_HTA-A\_B6-00-DR\_0223  
CPL-DOL\_HTA-A\_B6-01-DR\_0224  
CPL-DOL\_HTA-A\_B6-02-DR\_0225  
CPL-DOL\_HTA-A\_B6-03-DR\_0226  
CPL-DOL\_HTA-A\_B6-R1-DR\_0227

CPL-DOL\_HTA-A\_B6-E1-DR\_0228  
CPL-DOL\_HTA-A\_B6-E2-DR\_0229  
CPL-DOL\_HTA-A\_B6-S1-DR\_0230

**Block 12 - GA**

CPL-DOL-HTAA\_B12-XXDR\_0231  
CPL-DOL-HTAA\_B12-00-DR\_0232  
CPL-DOL-HTAA\_B12-01-DR\_0233  
CPL-DOL-HTAA\_B12-02-DR\_0234  
CPL-DOL-HTAA\_B12-R1-DR\_0235  
CPL-DOL-HTAA\_B12-E1-DR\_0236  
CPL-DOL-HTAA\_B12-E2-DR\_0237  
CPL-DOL-HTAA\_B12-S1-DR\_0238

**Block 13 - GA**

CPLDOL\_HTA\_A\_B13-XXDR\_0239  
CPLDOL\_HTA\_A\_B13-00-DR\_0240  
CPL-DOL\_HTA-A\_B13-01-DR\_0241  
CPLDOL\_HTA\_A\_B13-02-DR\_0242  
CPLDOL\_HTA\_A\_B13-R1-DR\_0243  
CPLDOL\_HTA\_A\_B13-E1-DR\_0244  
CPLDOL\_HTA\_A\_B13-E2-DR\_0245  
CPLDOL\_HTA\_A\_B13-S1-DR\_0246

**MASTERPLAN DRAWINGS**

CPL-DOL\_HTA-L\_D01-XX\_DR\_4900A  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4901A  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4902A  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4903A

**DETAILED PLANTING**

CPL-DOL\_HTA-L\_D01-XX-DR\_4940A  
CPL-DOL\_HTA-L\_D01-XX-DR\_4941A  
CPL-DOL\_HTA-L\_B4-XX-DR\_4942A  
CPL-DOL\_HTA-L\_B6-XX-DR\_4943A  
CPL-DOL\_B6-XX-DR\_4944  
CPL-DOL\_B6-XX-DR\_4945  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4800A

**SUPPORTING DOCUMENTS**

Design and Access Statement Addendum  
Updated Planning Supported Statement  
Updated External façade sound insulation report  
Updated Daylight and Sunlight assessment and overshadowing assessment

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

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 building(s) 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).

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).

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).

5. Prior to commencement of the development hereby permitted, a scheme for the provision of communal/centralised satellite and television reception equipment to be installed on the roof of all apartment blocks hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be retained and made available for use by all occupiers of the development.

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

6. 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 shall be in general accordance with the principles outlined at page 33 of the Reserved Matters Design and Access Statement section 9.2 Materials and Details - Apartment Blocks (as amended and received 17/07/2014). These details should include (but are not limited to):

- Balconies and balustrades (including soffit details)
- Roof parapets
- Entrances to apartment blocks
- Apartment block building splays
- Porches
- Window reveals
- Dormer Windows
- Location and design of rainwater goods
- Brick detailing on car park

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.

7. The details required to be submitted under condition 38 (Hard and Soft Landscaping) of the Hybrid Planning Permission B/00354/13 in relation to this phase shall be in general accordance with the principles outlined in Section 12.7 Streetscape Character (page 102 amended 21/07/2014) of the Phase 2 Design and Access Statement and the indicative planting strategy illustrated on drawing SK-140716-01 dated 16.07.2014.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

8. Before the development hereby permitted is occupied the car parking spaces for phase Three as shown on Drawing No. CPL-DOL\_HTA-A\_D01-XX-DR\_0102 Rev. A 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.



**LOCATION:** Dollis Valley Estate (Phase 3 ) Barnet EN5 2TS

**REFERENCE:** 18/5561/S73                      **Received:** 14 Sep 2018  
**Accepted:** 18 Sep 2018

**WARD:** Underhill                              **Expiry:** 18 Dec 2018

**APPLICANT:** Mr Robin Williamson

**PROPOSAL:** Variation of Condition 1 (approved drawings) to facilitate minor changes to unit mix, numbers and other minor amendments for Phase 3 of Dollis Valley Estate in relation to Reserved Matters application, reference 17/5168/RMA, seeking approval of landscaping, appearance, scale, access and layout for Phase 3 of the Dollis Valley Regeneration pursuant to Condition 7 of the hybrid planning permission reference B/00354/13 dated 01/10/2013 involving the erection of 117 residential dwellings (Use Class C3) comprising 61 houses and 56 apartments, including associated infrastructure, car parking and landscaping, together with details to discharge the requirements of the following conditions: 6 Phasing and Implementation Strategy, 7 Reserved Matters to be submitted per Phase, 39 Childrens Play Space, 48 Archaeology, 53 Sound insulation, 89 Daylight, sunlight and overshadowing assessment.

## **APPLICATION SUMMARY**

The Dollis Valley 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.

There is a recognised need for physical improvements to the Estate in order to tackle the poor quality built environment and the current isolation of the estate from the surrounding area as well as its ability to deliver new housing and create a new revived neighbourhood.

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. In 2011, following a competitive dialogue process, Countryside Properties (CP) and London and Quadrant Housing Trust (L&Q) were selected as Barnet Council's preferred

development partner for the regeneration of the Dollis Valley Estate.

A hybrid planning application was granted in October 2013 under planning application B/00354/13 for the redevelopment of the Dollis Valley Estate and comprising for the redevelopment of Dollis Valley Estate to accommodate up to 631 residential units, replacement community space, new open space and infrastructure.

The application was submitted in a part outline/ part detailed form (referred to as a 'hybrid' application), with detailed permission being sought for Phase 1 of the development comprising of 108 residential units, the new community space and associated café and nursery and associated public open space, road network and parking and outline permission for Phases 2-5 comprising the balance of 523 residential units and associated road network, open space provision and parking.

The outline element of the hybrid planning permission approved a masterplan and a series of plans for the development which established the siting of the new buildings, landscaping, the points of access and road layout. The scale of the buildings, external appearance and landscaping were 'reserved' for future consideration.

Reserved Matters Approval for the development of Phase 3 of the Dollis Valley regeneration was granted under planning application reference 17/5168/RMA dated 16<sup>th</sup> January 2018 involving the erection of 117 residential dwellings (Use Class C3) comprising 61 houses and 56 apartments, including associated infrastructure, car parking and landscaping.

The current application is for a minor material amendment to the above reserved matters application to allow for the following changes:

1. 4 bed houses changed to 3 storey apartment block (12) – DV7e houses reduced from 5 to 4;
2. 4 bed affordable houses relocated;
3. 4 bed houses changed to 3 bed houses;
4. 3 bed houses changed to 3 storeys apartment block (13);
5. DV1b changed to DV1c and shifted to attached to DV1c row;
6. Two DV15a added – Parking courtyard created with 8 spaces – Two DV7e removed, the DV1c shifted toward DV7e;
7. Two DV5 changed to one DV14 and shifted toward DV14.
8. • Increase in total number of units proposed within Phase 3 from 117 to 135.

The proposed changes are considered acceptable in principle, raising no significant planning implications and will help to ensure that the regeneration of the Dollis Valley Estate to be delivered and contribute to the objective of creating a new, mixed and balanced communities comprising new private sale homes as well as affordable housing that will bring social, economic and environmental benefits to the surrounding area.

## **RECOMMENDATION 1:**

The Committee grants delegated authority to the Service Director Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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 2: Approve Subject to Conditions**

### **APPROVED DRAWINGS**

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

#### **Masterplan Plans**

CPL-DOL\_HTA-A\_D01-XX-DR\_0001  
CPL-DOL\_HTA-A\_D01-XX-DR\_0002  
CPL-DOL\_HTA-A\_D01-XX-DR\_0003  
CPL-DOL\_HTA-A\_D01-XX-DR\_0004  
CPL-DOL\_HTA-A\_D01-XX-DR\_0100 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0101 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0102 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0103 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0104 REV A  
CPL-DOL\_HTA-A\_D01-XX-DR\_0105 REV A

#### **Masterplan Sections**

CPL-DOL\_HTA-A\_D01-S1-DR\_0106 REV A  
CPL-DOL\_HTA-A\_D01-S1-DR\_0107 REV A  
CPL-DOL\_HTA-A\_D01-S1-DR\_0108 REV A  
CPL-DOL\_HTA-A\_D01-S1-DR\_0109 REV A

#### **GA Houses**

CPL-DOL\_HTA-A\_DV-1B-DR\_0200 REV A  
CPL-DOL\_HTA-A\_DV-1C-DR\_0201 REV A  
  
CPL-DOL\_HTA-A\_DV-5-DR\_0203 REV A  
CPL-DOL\_HTA-A\_DV-7E-DR\_0204 REV A  
CPL-DOL\_HTA-A\_DV-7E-DR\_0205 REV A  
CPL-DOL\_HTA-A\_DV-11A-DR\_0206 REV A  
CPL-DOL\_HTA-A\_DV-11B-DR\_0207 REV A  
CPL-DOL\_HTA-A\_DV-12-DR\_0208 REV A  
CPL-DOL\_HTA-A\_DV-14-DR\_0209 REV A  
CPL-DOL\_HTA-A\_DV-15A-DR\_0210 REV A  
CPL-DOL\_HTA-A\_DV-15A-DR\_0211 REV A

**Block 4 - GA**

CPL-DOL\_HTA-A\_B4-XX-DR\_0212  
CPL-DOL\_HTA-A\_B4-B1-DR\_0213  
CPL-DOL\_HTA-A\_B4-00-DR\_0214  
CPL-DOL\_HTA-A\_B4-01-DR\_0215  
CPL-DOL\_HTA-A\_B4-02-DR\_0216  
CPL-DOL\_HTA-A\_B4-03-DR\_0217  
CPL-DOL\_HTA-A\_B4-R1-DR\_0218  
CPL-DOL\_HTA-A\_B4-E1-DR\_0219  
CPL-DOL\_HTA-A\_B4-E2-DR\_0220  
CPL-DOL\_HTA-A\_B4-S1-DR\_0221

**Block 6 – GA**

PL-DOL\_HTA-A\_B6-XX-DR\_0222  
CPL-DOL\_HTA-A\_B6-00-DR\_0223  
CPL-DOL\_HTA-A\_B6-01-DR\_0224  
CPL-DOL\_HTA-A\_B6-02-DR\_0225  
CPL-DOL\_HTA-A\_B6-03-DR\_0226  
CPL-DOL\_HTA-A\_B6-R1-DR\_0227  
CPL-DOL\_HTA-A\_B6-E1-DR\_0228  
CPL-DOL\_HTA-A\_B6-E2-DR\_0229  
CPL-DOL\_HTA-A\_B6-S1-DR\_0230

**Block 12 - GA**

CPL-DOL-HTAA\_B12-XXDR\_0231  
CPL-DOL-HTAA\_B12-00-DR\_0232  
CPL-DOL-HTAA\_B12-01-DR\_0233  
CPL-DOL-HTAA\_B12-02-DR\_0234  
CPL-DOL-HTAA\_B12-R1-DR\_0235  
CPL-DOL-HTAA\_B12-E1-DR\_0236  
CPL-DOL-HTAA\_B12-E2-DR\_0237  
CPL-DOL-HTAA\_B12-S1-DR\_0238

**Block 13 - GA**

CPLDOL\_HTAA\_B13-XXDR\_0239  
CPLDOL\_HTAA\_B13-00-DR\_0240  
CPL-DOL\_HTA-A\_B13-01-DR\_0241  
CPLDOL\_HTAA\_B13-02-DR\_0242  
CPLDOL\_HTAA\_B13-R1-DR\_0243  
CPLDOL\_HTAA\_B13-E1-DR\_0244  
CPLDOL\_HTAA\_B13-E2-DR\_0245  
CPLDOL\_HTAA\_B13-S1-DR\_0246

**MASTERPLAN DRAWINGS**

CPL-DOL\_HTA-L\_D01-XX\_DR\_4900A  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4901A  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4902A  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4903A

**DETAILED PLANTING**

CPL-DOL\_HTA-L\_D01-XX-DR\_4940A

CPL-DOL\_HTA-L\_D01-XX-DR\_4941A  
CPL-DOL\_HTA-L\_B4-XX-DR\_4942A  
CPL-DOL\_HTA-L\_B6-XX-DR\_4943A  
CPL-DOL\_B6-XX-DR\_4944  
CPL-DOL\_B6-XX-DR\_4945  
CPL-DOL\_HTA-L\_D01-XX\_DR\_4800A

## **SUPPORTING DOCUMENTS**

Design and Access Statement Addendum  
Updated Planning Supported Statement  
Updated External façade sound insulation report  
Updated Daylight and Sunlight assessment and overshadowing assessment

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

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 building(s) 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).

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).

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).

5. Prior to commencement of the development hereby permitted, a scheme for the provision of communal/centralised satellite and television reception equipment to be installed on the roof of all apartment blocks hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be retained and made available for use by all occupiers of the development.

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

6. 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 shall be in general accordance with the principles outlined at page 33 of the Reserved Matters Design and Access Statement section 9.2 Materials and Details - Apartment Blocks (as amended and received 17/07/2014). These details should include (but are not limited to):

- Balconies and balustrades (including soffit details)
- Roof parapets
- Entrances to apartment blocks
- Apartment block building splays
- Porches
- Window reveals
- Dormer Windows
- Location and design of rainwater goods
- Brick detailing on car park

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.

7. The details required to be submitted under condition 38 (Hard and Soft Landscaping) of the Hybrid Planning Permission B/00354/13 in relation to this phase shall be in general accordance with the principles outlined in Section 12.7 Streetscape Character (page 102 amended 21/07/2014) of the Phase 2 Design and Access Statement and the indicative planting strategy illustrated on drawing SK-140716-01 dated 16.07.2014.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

8. Before the development hereby permitted is occupied the car parking spaces for phase Three as shown on Drawing No. CPL-DOL\_HTA-A\_D01-XX-DR\_0102 Rev. A 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.

## **1. MATERIAL CONSIDERATIONS**

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

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

## **National Planning Policy Framework 2018**

The 2018 NPPF was adopted in July 2018, replacing the 2012 NPPF. The NPPF sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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

## **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 should continue to be determined in accordance with the 2016 London Plan.

## **The London Plan (March 2016)**

The London Plan (consolidated with alterations since 2011) was adopted in March 2016 and is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004).

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 2.15 - 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 3.8 - 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 3.16 - Protection and Enhancement of Social Infrastructure
- 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 5.9 - Overheating and Cooling
- 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 5.21 - 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 7.8 - Heritage Assets and Archaeology
- Policy 7.13 - Safety, Security and Resilience to Emergency
- Policy 7.14 - Improving Air Quality
- Policy 7.15 - Reducing and Managing Noise
- 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

### **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 of most relevance to the determination of this application are set out below.

#### **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

***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 DM06 - Barnet's Heritage and Conservation
- Policy DM08 - Ensuring a Variety of Sizes of New Homes to Meet Housing Need.
- 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

***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:***

- *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.

- *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.
- *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 Hardstandings 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.

#### *Greater London Authority*

- *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 scrutinised 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.
- 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.
- *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.
- *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.
- 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.
- 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.
- *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

## 1.2 Relevant Site History

**B/00354/13:** Hybrid planning application for the redevelopment of Dollis Valley Estate to accommodate up to 631 residential units, replacement community space, new open space and infrastructure comprising: Outline permission for the demolition of existing buildings and the construction of up to 523 new residential units, together with new public open spaces, junction improvements to existing access onto Mays Lane, enhanced pedestrian, cycle and public transport facilities, car parking, infrastructure and other ancillary works. Detailed element (Phase 1) for the demolition of existing buildings (including the former Barnet Hill School, 131-135 Mays Lane and Barnet South Community Association Hall) and construction of 108 new residential units and 417sqm of non-residential (class D1 use) floorspace (new community centre and nursery space), together with new public open space, creation of new vehicular access from Mays Lane and new car parking, bike storage, infrastructure and other ancillary works. Submission of Environmental Statement. – **Granted, 01/10/2013.**

**17/5168/RMA:-** Reserved matters application seeking approval of landscaping, appearance, scale, access and layout for Phase 3 of the Dollis Valley Regeneration pursuant to Condition 7 of the hybrid planning permission reference B/00354/13 dated 01/10/2013 involving the erection of 117 residential dwellings (Use Class C3) comprising 61 houses and 56 apartments, including associated infrastructure, car parking and landscaping, together with details to discharge the requirements of the following conditions:

6 - Phasing and Implementation Strategy

7 - Reserved Matters to be Submitted per Phase

39 - Children's Play Space

48 - Archaeology

53 - Sound Insulation

89 - Daylight, sunlight and overshadowing assessment

**Granted 16/01/2018.**

## 1.3 Public Consultations and Views Expressed

### Public Consultation

Letters were sent out to 1550 addresses on the 17<sup>th</sup> October 2018. The application was also advertised by Site Notice on the 19<sup>th</sup> September 2018 and in the Barnet Press on the 27<sup>th</sup> September 2018. As a result of this consultation, one letter of representation neither objecting or supporting the proposal, making the following comments:

*'Firstly I would like to say as I am bound to by sneaky small print covenants (thanks Barnet council ) that this is not an objection this is a neutral comment as submitted. As a home owner and investor in this area I have sunk a considerable amount of money into this development.*

*The proposal submitted I believe considering the original planning, deviates heavily from the approved landscape strategy and that of the area I was originally investing in, the addition of more rabbit hutch style flats devalues investment from existing homeowners by overdeveloping and overpopulating the very small area of land, proper houses for home buying families are needed, else the estate degenerates into what it once was. The proposal submitted I believe considering the original planning, deviates heavily from the approved landscape strategy and that of the area I was originally investing in, the addition of more rabbit hutch style flats devalues investment from exist homeowners by overdeveloping and overpopulating the very small area of land, proper houses for home buying families are needed, else the estate degenerates into what it once was.*

*I do however agree with countryside properties that more housing should be private to allow a profit for them, I would say the entirety of housing should be made available for private ownership and private sale, the ethos of Barnet council in its planning resembles that of communist Russia, the quasi social housing/private housing mix in such a dense area has led to antisocial and fractured communities, in my view Barnet council and its partners have already failed in the regeneration of phases 1 and 2 and to put it simply if Barnet wishes to regenerate this area it needs to remove the source of the problem, that being social housing.*

*I would like the planning to be open to discussion as most of us who actually work in this area can find things like planning permission easy to miss.'*

## **STATUTORY AND INTERNAL BODIES**

- **Highways England:** No objection.
- **Transport for London:** Object to increase in number of car parking spaces by 7 and don't consider cycle parking conforms to TfL Design Standards
- **Barnet Council's Environmental Health Service Comments:** No objections

- **Barnet Council's Highways Officer:** No objections, subject to appropriate conditions
- **English Heritage Archaeology:** Recommend discharge of archaeology condition.

## **2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

### **2.1 Site Description and Surroundings**

The application site is located in the north part of Barnet in the Underhill Ward. It lies within the valley south of Chipping/High Barnet and north of the Totteridge and the Dollis Valley Brook. It extends to an area of approximately 10.8 hectares, to the south of Mays Lane and comprises of the majority of the Dollis Valley Estate, built in 1967 on a historic sewage disposal site. It also includes Hammond Close and land to the west of the estate which was redeveloped under Phases 1 and 2.

The site is bounded by residential properties on all sides and the locality is predominantly characterised by two-storey dwellings of a modest scale. In the immediate surroundings streets are generally lined with terraced and semi-detached dwellings of a modest scale. Further north, towards the historic town centre of Chipping Barnet, larger detached and semi-detached dwellings of a diversity of sizes and ages are found.

The land referred to above as the Dollis Valley Estate originally consisted of several blocks of flats and maisonettes providing 436 units of which 103 have been demolished. The buildings range from 2-5 storeys and are mostly of pre-fabricated concrete construction with shallow pitched roofs. The estate's main access and egress is from Dollis Valley Drive/ Dollis Valley Way, off Mays Lane, which forms a continuous loop around the main estate and connects to the smaller residential streets of Bryant Close, Crocus Field, Meadow Close and Rossiter Fields which are excluded from the site.

In addition to the residential units on the estate there is also the Rainbow Centre. Given the location of these facilities within the estate, they are not readily accessible to the wider community.

The levels fall from north to south. The slope is steepest in the northern part of the site and becomes gentler towards Dollis Brook. Despite the relatively wide gap in the Mays Lane street scene at the Dollis Valley Drive/ Way junction, the presence of mature trees and steepness of the slope mean there is little visual connection with the Estate from the north and pedestrian movement is secondary to the dominance of the road network.



The Dollis Valley Estate is designated as one of the Council's Priority Housing Estates for Regeneration in its Local Plan (Core Strategy) Development Plan Document (2012). The Estate is identified in the Council's 2012 adopted Local Plan - Core Strategy Development Plan Document (DPD) as one of the Priority Housing Estates for regeneration. It also forms part of the Barnet's Place Shaping Strategy, the Three Strands Approach 'Protection, Enhancement and Growth' 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 the current isolation of the estate from the surrounding area as well as its ability to deliver new housing.

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. A development partner (Warden Housing Association) was selected in 2003 to deliver the regeneration of the site involving redevelopment to provide new homes (affordable rented, shared ownership and private sale) together with new community facilities and the rebuild and expansion of the Barnet Hill primary school.

In 2011, following a competitive dialogue process, Countryside Properties (CP) and London and Quadrant Housing Trust (L&Q) were selected as Barnet Council's preferred development partner for the regeneration of the Dollis Valley Estate. The proposals developed by CP aimed to ensure that there was no reliance on public subsidy or affordable housing grant in order to deliver the scheme and were focused around the concept of a low density 'garden suburb' layout dominated by houses with private gardens with a traditional pattern of streets and spaces.

A hybrid planning application was submitted in January 2013 for: The redevelopment of the Dollis Valley Estate and comprising of the demolition of all existing buildings (440 residential units, retail and community buildings) within the defined planning application boundary and the:

- Construction of up to 631 new residential units to be provided as a mix of houses and flats with 230 for social rent, 20 intermediate units and 381 units for private sale;
- Provision of 417sqm of community space (Use Class D1) including the provision of a nursery;
- Provision of 3 new areas of open space totalling 3,485sqm;
- New access road from Mays Lane;
- Alterations to the Dollis Valley Drive junction with Mays Lane, the existing means of access to the site;
- New internal road network;
- Provision of a maximum of 788 parking spaces;

- Pedestrian and cycle routes across the site linking into the pedestrian and cycle network in the surrounding area and the Dollis Valley Green Walk;
- Enhanced public transport facilities and provision of 3 new bus stops and;
- New street planting and landscaping.

The application was submitted in a part outline/part detailed form (referred to as a 'hybrid' application), with detailed permission being sought for phase 1 of the development comprising of 108 residential units the new community space and associated café and nursery and associated public open space, road network and parking and outline consent for phases 2-5 comprising the balance of 523 new residential units and associated road network, open space provision and parking.

The Planning and Environment Committee resolved to grant planning permission subject to the completion of an associated S106 and Direction from the Mayor of London. The S106 was signed and the planning decision issued on the 1 October 2013 following confirmation from the Mayor of London that they did not wish to direct refusal.

Phase 3, the subject of this application, represents the smallest development phase area for the wider scheme covering an area of 1.8ha. It is bounded by the rear properties at Brent Place, Dollis Valley Way and Dollis Valley Drive. Reserved Matters approval for the development of this Phase has previously been granted under application 17/5168/RMA on the 16/01/2018.

## **2.2 Description of the Proposed Development**

The application is for minor material amendments to the approved reserved matters for Phase 3 (application ref: 17/5168/RMA) of the Dollis Valley Estate Regeneration. The description of development is as follows:

*“Variation of Condition 1 (approved drawings) to facilitate minor changes to unit mix, numbers and other minor amendments for Phase 3 of Dollis Valley Estate in relation to Reserved Matters application, reference 17/5168/RMA, seeking approval of landscaping, appearance, scale, access and layout for Phase 3 of the Dollis Valley Regeneration pursuant to Condition 7 of the hybrid planning permission reference B/00354/13 dated 01/10/2013 involving the erection of 117 residential dwellings (Use Class C3) comprising 61 houses and 56 apartments, including associated infrastructure, car parking and landscaping, together with details to discharge the requirements of the following conditions: 6 – Phasing and Implementation Strategy, 7 – Reserved Matters to be submitted per Phase, 39 – Children’s Play Space, 48 – Archaeology, 53 – Sound insulation, 89 – Daylight, sunlight and overshadowing assessment.”*

The main changes that are the subject of this S.73 submission include:

- 4 bed houses changed to 3 storey apartment block (12) - DV7e houses reduced from 5 to 4.
- 4 bed affordable houses relocated.
- 4 bed houses changed to 3 bed houses.
- 3 bed houses changed to 3 storeys apartment block (13).
- DV1b changed to DV1c and shifted to be attached to DV1c row.
- Two DV15a added – Parking courtyard created with 8 spaces – Two DV7e removed, the DV1c shifted toward DV7e.
- Two DV5 changed to one DV14 and shifted towards DV14.
- Increase in total number of units proposed within Phase 3 from 117 to 135.

### 3. PLANNING CONSIDERATIONS

The main areas for consideration are:

- Principle of Minor Material Amendment
- *Changes to Housing numbers and Housing Mix*
- Design
- Amenities of future Occupiers
- Impact on Neighbouring Amenity
- Landscaping and Trees
- Sustainability
- Highways

#### **Principle of Minor Material Amendment (the s.73 application procedure)**

The National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*

Consideration needs to be given as to the effect of the amendments to the approved development, including whether it would:

- Result in a change that is minor in terms of its scale;
- Result in a change that is minor in terms of its impact on amenity and visual impact;
- Would comply with material planning considerations.


The principle of constructing amending the scheme in the form proposed would comply with the above requirements, as the total number of units approved in the outline approval would not change, rather the proposals would result in a minor redistribution of units between phases and also result in minor changes to the design and layout of

the scheme which again do not raise any fundamental changes to the nature of the development. The submission of a S73 is therefore considered appropriate.

### ***Changes to Housing numbers and Housing Mix***

The approved Phase 3 details comprised the development of 117 new homes, including 61 houses, and 56 apartments within two apartment blocks (4 and 6) (see Table 2). Of the 117 new homes, 74 were for private sale, 38 for affordable rent and five for intermediate. This represented a proportion of 37% affordable to 63% private. However, taking the approved Phases 1, 2 and 3 would provide an overall total of 40% affordable with the remaining 60% private housing.

In light of a change in market conditions, the proposed Phase 3 unit mix has been amended to uplift the number of smaller private homes, and a reduction in large sized private homes. This involves the addition of Blocks 12 and 13 providing a total of 16 units per block. The total number of new homes in Phase 3 would therefore increase to 135, an increase of 18. A comparison between the approved and proposed housing mix is set out in the table below.

	Private	Affordable	Intermediate	Total
<b>Apartments</b>				
1 bed 2 persons	10 (+4)	10	-	20 (+4)
2 bed 3 persons	11 (+6)	10	5	26 (+6)
2 bed 4 persons	39 (+22)	3	-	42 (+22)
3 bed 5 persons	-	-	-	-
<b>Houses</b>				
2 bed 4 persons	-	-	-	-
3 bed 5 persons	14 (+2)	7	-	21 (+2)
3 bed 6 persons	12 (-3)	-	-	12 (-3)
4 bed 6 persons	-	8	-	8
4 bed 7 persons	6 (-13)	-	-	6 (-13)
<b>Total</b>	<b>92 (+18)</b>	<b>38</b>	<b>5</b>	<b>135 (+18)</b>

The changes to Phase 3 allowing a greater number of private units to be brought forward earlier, has been supporting by the Council's regeneration and housing officer, as necessary in order to improve the financial cash flow to ensure the delivery of this important regeneration scheme. The proposal would continue to provide a good mix of units including family units as required by Council Policy.

#### *Affordable Housing*

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.

The wider Dollis Valley development as approved under hybrid approval B/00354/13 proposed 250 affordable house (230 rented and 20 intermediate) out of 631 total residential units. This total number and the number and percentage of affordable units will not change as a result of the proposed changes, as these are controlled under the approved parameters of the hybrid approval and any changes authorised under this amendment would need to be rebalanced in future RMA applications.

In relation to this phase, the application does not affect the number of affordable units proposed within this phase i.e. 43 (38 rented and 5 intermediate) or change the configuration of these units.

#### *Disabled Units/Access*

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'*

The proposed changes would continue to meet these standards

## ***Design***

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

## **Conclusion**

The proposed changes introducing two three storey apartment blocks in lieu of two short terraces of two short terraces of 6 houses do not fundamentally affect the design and appearance of the phase, as the proposed apartments would match the two consented blocks within the Phase on the opposite side of Dollis Valley Drive. The

proposed changes in house types being proposed also does not fundamentally alter the approved school incorporating house types which are already used throughout the phase and the wider Dollis Valley development.

### *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 measures 1.8 hectares and has a PTAL rating of 2. 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 site would continue to have a density of between 200-450 units per hectare. This is in keeping with the London Plan density matrix.

### *Archaeology*

Condition 48 of the hybrid planning permission requires the implementation of a programme of archaeological mitigation with each phase. The applicant has submitted a statement in support of their application advising that no archaeological sites or deposits have been found in the Phase 3 part of the development and that due to the level of groundworks which were carried out when Dollis Valley Estate was constructed in the 1960’s it is unlikely that Phase 3 has any sites of archaeological interest. Therefore no further investigation is required. Historic England have been consulted and have confirmed that they are satisfied that no archaeological material would be lost by the development. In light of this they have no objection to the proposal. Condition 48 is therefore discharged by this application.

## **Amenities of future Occupiers**

### *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.

The submitted documents demonstrate that all the proposed units are of a generous in size and comply with the required London Plan and the National Technical Housing Standards.

### *Sunlight and Daylight to Proposed Units*



The application is accompanied by an amended Daylight/Sunlight report prepared by PRP 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 submitted daylight and sunlight report confirms that the proposed changes would not alter daylight or sunlight approvals significantly from the extant approval and as such is considered acceptable.

### *Outdoor amenity*

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.

<b>Table 2.3: Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
<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 the proposed amendments would continue to comply with the above standards.

### *Play space*

Under condition 39 of the original hybrid planning permission, it is required that details pertaining to children's play space be submitted for each phase of development.

Policy 3.6 of the London Plan states that housing development proposals should make a provision for play and informal recreation for children and young people. According to Housing SPG standard 1.2.2, the development is required to make appropriate play provisions in accordance with a GLA formula and calculation tool, whereby 10sqm of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG and 'Providing for Children and Young People's Play and Informal Recreation' SPG'.

The proposed play space was amended in light of the housing needs survey which altered the required housing mix and lead to an increase in the number of projected child yield (see below table).

Phase 3 Child Yield as per Approved Masterplan

Child Age Category	Number of Children
Under 5 yrs	43
5 to 11 yrs	29
12+ yrs	16
Total	89
Total area requirement based on GLA benchmark: 10sqm/child	<b>886.5sqm</b>

Phase 3 Child Yield as per Updated Housing Needs Assessment

Child Age Category	Number of Children
Under 5 yrs	40
5 to 11 yrs	31
12+ yrs	21
Total	91
Total area requirement based on GLA benchmark: 10sqm/child	<b>912.4sqm</b>

Based on the London Plan calculator, it is required that the development provide 912.4sqm of play space (91 children). Details submitted with the previous reserved matters application advised that play space for the projected number of children generated under Phase 3 will be located within the other phases of development. This is unchanged by the current S73 application.

### ***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 proposed changes do not alter the layout of the development, and while there are some changes in house types and the introduction of apartment blocks in lieu of 12 houses, these changes do not result in any demonstrable loss of outlook or cause problems of overlooking due to the generous separation distances proposed and orientation of the properties.*

### *Daylight, sunlight and overshadowing*

The application's Sunlight and Daylight report confirmed that there will be no fundamental change to daylight and sunlight to neighbouring properties as a result of the proposed amendments.

In light of the above, the proposed sunlight and daylight impact on existing residential units is acceptable.

### *Noise and sound insulation*

Under condition 53 of the hybrid permission it is required that details regarding sound installation be submitted for consideration by the Council. An amended noise survey has been submitted with the current S73 application which has been assessed by the Council's Environmental Health Officer. The Officer has confirmed that the details submitted are acceptable.

## **Landscaping and Trees**

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 proposals previously approved under reserved matters for Phase 3 responded to the highways constraints on the planting of avenue trees to Dollis Valley Drive. A review of avenue tree planting and visibility sprays at junctions was undertaken, and as a result, the avenue tree planting strategy was reduced to a single side of the road. This was largely offset with an increase in garden and courtyard tree planting, particularly in strengthening the buffer between Block 4 and the adjacent existing properties on Brent Place to the east.

The current S.73 application, reduced planting on the side of the secondary residential roads is proposed. This results from the difficulty in providing trees to highways approval and responding LBB Highways' comments around movement of refuse and emergency vehicles. In order to offset the loss of these trees, there would be a proportionate increase in the garden, courtyard and offsite tree planting. This approach to offsetting the loss of trees was similarly found acceptable under the approved Phase 3 reserved matters and is considered acceptable in this instance due to the site constraints.

### ***Sustainability***

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

No details have been submitted with this application concerning energy and renewables which will be subject to a future discharge of condition application.

### ***Highways***

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. 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.

#### Outline Development Proposal and Phasing:

The regeneration of Dollis Valley Estate site involved demolition of the existing 440 dwellings within the application boundary of which 436 dwellings are within the Dollis Valley Estate and 4 dwellings are located on the periphery of the Estate. 631 new residential dwellings are to be provided in total. The development strategy for Dollis Valley Regeneration is to complete the development in 5 phases.

Phase one was approved as part of the approval of the hybrid planning application ref. No B/00354/13 which predominantly included the construction on the former Barnet Hill JMI School and Nursery School land. It comprised of construction of up to 108 dwellings, neighbourhood facilities (community centre and nursery), a new vehicular access onto Mays Lane and the connection of realigned Hammond Close to the existing Dollis Valley Way.

Phase two was approved under planning application No B/02349/14 comprising 163 residential units and is in the process of being completed.

#### Phase 3 Proposals:

A reserved matters application No. 17/5168/RMA seeking approval of landscaping, appearance, scale, access and layout for Phase 3 of the Dollis Valley Regeneration pursuant to Condition 7 of the hybrid planning permission reference B/00354/13 was approved with a development proposal for 117 residential units comprising 16x1bedroom units, 40x2bedroom units, 34x3bedroom units and 27x4bedroom units. 156 car parking spaces comprising 144 allocated and 12 unallocated parking were proposed for Phase 3 development.

**Revised proposals for the phase 3:**

The current application is for the amendments proposed to the phase 3 proposals approved under planning application 17/5168/RMA as follows.

The amended proposals for Phase 3 proposes 135 new dwellings, comprising of 47 houses and 88 apartments in four apartment blocks resulting in 18 additional residential units. The highway impact of the amended proposal is assessed as follows.

**Assessment of Parking Provision:**

Tables below show the assessment and comparison of parking requirements and provision for the approved Reserved Matter Application No. 17/5168/RMA and the submitted Variation of condition application No. 18/5561/S73 for the proposed number of units under both applications.

**Approved Reserved Matter Application No. 17/5168/RMA:**

The table below shows the parking requirement for the approved reserved matter application for the Phase 3 development:

<b>Types of Units</b>	<b>Total Number of units</b>	<b>LBB Parking Standards Range per unit</b>	<b>Parking spaces (low end of range)</b>	<b>Parking spaces (high end of range)</b>
16	1b	(0.0-1.0)	0	16
40	2b	(1.0-1.5)	40	60
34	3b	(1.0-1.5)	34	51
27	4b+	(1.5-2.0)	40.5	54
<b>117</b>		<b>Total</b>	<b>114.5</b>	<b>181</b>

A total of 156 parking spaces were proposed comprising 144 allocated parking spaces and 12 non-allocated parking spaces for the approved Reserved Matter Application No. 17/5168/RMA which equates to a parking ratio of 1.33 parking spaces per unit.

Variation of condition application No. 18/5561/S73:

The table below shows the parking requirement for the S73 Application submitted for Phase 3 development:

<b>Types of Units</b>	<b>Total Number of units</b>	<b>LBB Parking Standards Range per unit</b>	<b>Parking spaces (low end of range)</b>	<b>Parking spaces (high end of range)</b>
20	1b	(0.0-1.0)	0	20
68	2b	(1.0-1.5)	40	102
33	3b	(1.0-1.5)	34	49.5
14	4b+	(1.5-2.0)	40.5	28
<b>135</b>		<b>Total</b>	<b>122</b>	<b>199.5</b>

158 parking spaces in total are proposed for the amended proposal with 149 allocated parking spaces and 9 non-allocated parking spaces. The level of parking proposed is in accordance with the Barnet Local Plan Development Management Policies approved in September 2012 Which equate to a parking ratio of 1.17 parking spaces per unit.

Parking provision per each phase of the development forms part of the overall parking provision on completion of the development of 788 parking spaces as approved in the outline hybrid planning application B/00354/13.

Comments on parking provision:

The planning application No. 18/5561/S73 submitted to vary the condition proposes net 18 additional units comprising 1 and 2 bedroom units and reduction in the 3 and 4 bedroom units compared to the approved planning application 17/5168/RMA.

In accordance with DM17 Policy the 3 and 4 bedroom units would require greater parking provision. Therefore, the revised proposal with additional 18 units comprising greater number of 2 bedroom units and the reduction in the provision of 3 and 4 bedroom units is unlikely to have any additional adverse impact on public highway.

Therefore, the slight reduction in the parking ratio is acceptable on highway grounds.



Parking spaces shown on carriageway within parking bays contained by kerb buildouts without any tappers is not acceptable as the vehicles will not be able to fully accommodate in the parking bays. These bays will need to be revised and tappers to allow for manoeuvrability in and out of the parking bays.

#### Cycle Parking:

Cycle Parking is to be provided in accordance with London Plan Cycle Parking Standards therefore is acceptable.

#### Conclusion

No objections are raised on highway grounds to the proposed amendments subject to the inclusion of appropriate conditions. While the comments raised by TfL are noted, RMA applications are not referable to the mayor and as such any comments received are not binding on the Council. In any event the increase in parking numbers on this phase does not increase the total number of spaces authorised under the outline approval and is considered acceptable.

#### *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.*” The proposal includes refuse storage provision which complies with the above and is considered acceptable.

## **5. 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 had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under the above legislation.

## **6. CONCLUSION**

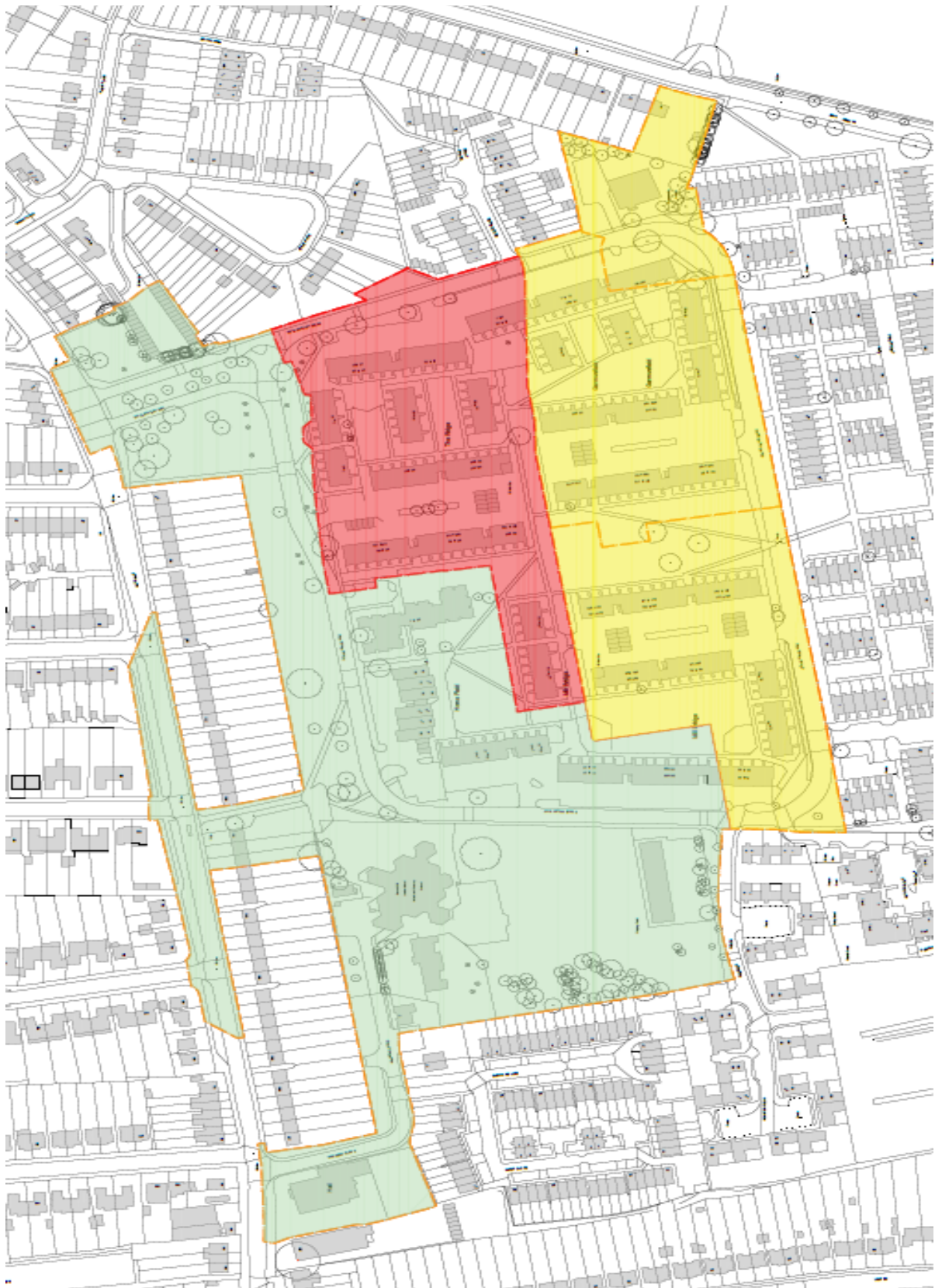
The application is made under Section 73 of the Town and Country Planning Act seeking planning permission to vary the wording of the description of development and planning condition 1 attached to hybrid planning permission B/00354/13.

National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”* In this case, it is not considered that the changes proposed would result in any significant change to the approved scheme.

The amendments proposed are considered acceptable in land use terms and do not raise any significant design, neighbouring amenity or highway implications. The proposed amendments generally and taken overall accord with the relevant development plan policies.

Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

**SITE LOCATION PLAN: Dollis Valley Estate (Phase 3), Barnet EN5 2TS  
REFERENCE: 18/5561/S73**



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«Startup lease house cp»Dated

«year cp»

**F11 THROUGH**

**THERE ARE THREE PLANS**

**COUNTRYSIDE PROPERTIES (UK) LIMITED**

- and -

«mc name cp»

- and -

«buyer form name cp»

---

**H O U S E L E A S E**

---

relating to

Plot «plot number cp»

(«plot postal address line cp»)

«estate name cp» «estate locality cp»

(prescribed clauses)



**COUNTRYSIDE**

Places People Love

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LR1. DATE OF LEASE	
LR2. TITLE NUMBER(S)	<p><b>LR2.1 Landlord's title number(s)</b>  <b>PLOTS 203-212 ONLY &lt;&lt;AGL350155&gt;&gt;</b>  <b>PLOTS 162-168, 175-177, 181-198 ONLY &lt;&lt;AGL401493&gt;&gt;</b></p> <p><b>LR2.2 Other title numbers</b>  AGL329417 AGL305225 AGL386491 <b>PLOTS 203-212 ONLY</b>  &lt;&lt; AGL401493&gt;&gt; <b>PLOTS 162-168, 175-177, 181-198 ONLY</b>  &lt;&lt; AGL350155&gt;&gt;</p>
LR3. PARTIES TO THIS LEASE	<p><b>Landlord</b>  COUNTRYSIDE PROPERTIES (UK) LIMITED (Company Number 0614864) whose registered office is at «cp plc address cp» (“the Landlord”)</p> <p><b>Tenant</b>  «buyer form name cp» of «plot postal address line cp» (“the Tenant”)</p> <p><b>Other parties</b>  LONDON &amp; QUADRANT HOUSING TRUST (Industrial and Provident Society Number 30441R) whose registered office is situated at One Kings Hall Mews Lewisham London SE13 5JQ (“the Management Company”)</p>
LR4. PROPERTY	<p><b>In the case of a conflict between this clause and the remainder of this lease then for the purposes of registration this clause shall prevail</b>  «plot postal address line cp» shown edged red on Plan 1 «IF parking space»and «parking accommodation cp» shown edged red on Plan 1«END IF»attached to this lease</p>
LR5. PRESCRIBED STATEMENTS ETC.	None
LR6. TERM FOR WHICH THE PROPERTY IS LEASED	<p>The term is as follows:  <b>PLOTS 203-212 ONLY &lt;&lt;999 years (less 3 days) from 19 June 2015&gt;&gt;</b>  <b>PLOTS 162-168, 175-177, 181-198 ONLY &lt;&lt;999 years (less 3 days) from 5 January 2017&gt;&gt;</b></p>
LR7. PREMIUM	«price in words and figures cp»
LR8. PROHIBITIONS OR RESTRICTIONS ON DISPOSING OF THIS LEASE	This lease contains a provision that prohibits or restricts dispositions
LR9. RIGHTS OF ACQUISITION ETC	<p><b>LR9.1 Tenant's contractual rights to renew this lease to acquire the reversion or another lease of the Property or to acquire an interest in other land</b>  Not applicable</p> <p><b>LR9.2 Tenant's covenant to (or offer to) surrender this lease</b>  Not applicable</p> <p><b>LR9.3 Landlord's contractual rights to acquire this lease</b>  Not applicable</p>
LR10. RESTRICTIVE COVENANTS GIVEN IN THIS LEASE BY THE LANDLORD IN RESPECT OF LAND OTHER THAN THE PROPERTY	None
LR11. EASEMENTS	<b>LR11.1 Easements granted by this lease for the benefit of the Property</b>

	Part II First Schedule <b>LR11.2 Easements granted or reserved by this lease over the Property for the benefit of other property</b> Second Schedule
<b>LR12. ESTATE RENTCHARGE BURDENING THE PROPERTY</b>	None
<b>LR13. APPLICATION FOR STANDARD FORM OF RESTRICTION</b>	The Parties to this lease apply to enter the following standard form of restriction against the title of the Property No disposition of the registered estate (other than a charge) by the proprietor of the registered estate or by the proprietor of any registered charge not being a charge registered before the entry of this restriction is to be registered without a certificate signed by «mc name cp» (Registered Society Number 30441R) of One Kings Hall Mews Lewisham London SE13 5JQ or its secretary a director or its conveyancer that the provisions of Paragraphs 11 to 18 of Part I of the Third Schedule to the registered Lease have been complied with
<b>LR14. DECLARATION OF TRUST WHERE THERE IS MORE THAN ONE PERSON COMPRISING THE TENANT</b>	«IF count transferee >= 2»The Tenant is more than one person. They are to hold the Property on trust for themselves as joint tenants.«ELSE»Not applicable«END IF»



THIS LEASE is made on the date first above written BETWEEN the Landlord who is the estate owner of the first part and the Tenant of the second part and the Management Company of the third part

WHEREAS:-

- (1) These recitals incorporate the definitions contained in Clause 1 of this Lease
- (2) The Landlord has granted or intends hereafter to grant leases of all the properties on the Phase subject to the Restrictive Covenants to the intent that the Tenant for the time being of any of the said properties may enforce the observance of the Restrictive Covenants by the tenant for the time being of every other of the properties on the Phase
- (3) The Landlord has entered into or is shortly to enter into an agreement for the sale of its reversionary interest in (inter alia) the Phase following completion of the grant of the lease referred to in recital (5) of this Lease and subject to the provisions of the Landlord and Tenant Act 1987 (as amended)
- (4) The parties hereto have agreed that the Landlord shall grant and the Tenant shall accept a Lease of the Property
- (5) The Landlord has entered into an agreement with the Management Company for the assignment of the unexpired terms of the Head Lease following the earlier of (i) an assignment of the sale of the last private dwelling and letting of the last intermediate home on the Phase and (ii) 2 years following practical completion of Phase 2
- (6) The Management Company is responsible for maintaining managing and administering the Estate by providing the Phase Services and Estate Services referred to in this Lease and has agreed to become a party to this Lease for the purpose hereinafter appearing

## 1.1 DEFINITIONS

In this Lease the following expressions shall have the following meanings:-

Additional Contribution	any amount which the Management Company shall reasonably consider necessary for any of the purposes set out in the Fourth Schedule for which no provision has been made within the Phase Provision and/or the Estate Provision and for which no reserve provision has been made under Paragraphs 1.3.1 and 1.3.2 of the Fourth Schedule
Community Facilities	means the building or buildings to be constructed by the Landlord for use by local people and others for community and other activities as more particularly set out in Schedule 24 to the Regeneration Agreement.
Conduits	pipes downpipes sewers (excluding Estate Sewers) drains pumping stations soakaways channels gullies gutters watercourses conduits ducts flues wires cables and other service conducting media or apparatus for the supply or transmission of water sewerage electricity gas (if any) telephone and other communications media now or to be constructed within the Perpetuity Period but shall not include any conduits belonging to any local or other Statutory Authority
Deed of Covenant	the Deed of Covenant annexed to this Lease
Development	the development of the Phase in accordance with the Planning Permission
Dwellings	the houses and/or flats forming part of the Phase

Estate	the land edged red on plan 3 (i) which at the date hereof has been or is in course of being amalgamated with the title herein whether or not already disposed of by the Landlord (ii) which was at the date of this lease formerly demised to the Landlord (iii) which is within the Perpetuity Period demised to the Landlord; together with any other land in respect of which the Landlord notifies the Tenant from time to time
Estate Common Parts	means (in so far as the same are not adopted or do not fall within the curtilage of any Lettable Unit) any accessways roadways footpaths and forecourts visitors parking spaces bicycle store(s) bin store(s) any boundary or perimeter wall entrance feature or fence on the Estate and any communal gardens landscaped areas or facilities made erected or constructed on the Estate which are intended to be or are capable of being enjoyed or used by the Tenant in common with other owners and occupiers on the Estate (but excluding the Phase Common Parts).
Estate Proportion	means $1/x$ (where $x$ equals the total number of Lettable Units on the Estate that benefit from the Estate Services or any of them from time to time) subject to variation in accordance with paragraph 1.7 of the Fourth Schedule
Estate Provision	means the sum calculated in accordance with paragraph 1.3.2 of the Fourth Schedule
Estate Roads	all roads verges and footpaths within the Estate now or hereafter constructed within the Perpetuity Period and which are intended to become maintainable at public expense
Estate Services	means <ul style="list-style-type: none"> <li>(a) means keeping the Estate Common Parts and those Conduits that serve the Property and/or the Estate (but not those exclusively serving the Property) the Phase and/or any Lettable Units on the Phase and/or the Estate or that exclusively serve any building in the Estate in good and substantial repair and condition</li> <li>(b) decorating the exterior of the Estate Common Parts (but not those exclusively serving the Phase) in good and workmanlike manner and with appropriate good quality materials as often as the Management Company deems necessary.</li> </ul>
Estate Sewers	all sewers or hereafter constructed within the Perpetuity Period and which are intended to become maintainable at public expense
Ground Rents	means the periodic payments made by the lessees of Private Sale Homes and reserved as rent under their leases (including any periodic payments made

	in relation to leases of car parking spaces sold separately to Private Sale Homes).
Half-Yearly Dates	the first day of the Service Charge Year and the first day of the seventh month of the Service Charge Year being 1st September and 1st March at the date of this Lease
Head Lease	<b>PLOTS 203-212 &lt;&lt;</b> means the lease of the Phase dated 19 June 2015 made between the London Borough of Barnet (1) the Landlord (2) and the Management Company (3) and any subsequent lease of the Phase <b>&gt;&gt; PLOTS 162-168, 175-177, 181-198 ONLY &lt;&lt;</b> means the lease of the Phase dated 5 January 2017 made between the London Borough of Barnet (1) the Landlord (2) and the Management Company (3) and any subsequent lease of the Phase <b>&gt;&gt;</b>
Head Lessor	London Borough of Barnet of North London Business Park Oakleigh Road South London N11 1NP
House	Plot No «plot number cp» shown edged red on Plan 1
Interest	interest at the rate of four per cent above the base rate from time to time of Lloyds Bank Plc (compounded with the quarterly rests on the usual quarter days)
Lettable Units	means the units of accommodation in the Phase and/or the Estate (as applicable) that are let or otherwise exclusively occupied or designed or intended for letting or exclusive occupation
Neighbouring Land	any land adjoining or within 402.34 metres (one quarter of a mile) of the Estate and now or hereafter acquired by the Landlord or any associate or parent company of the Landlord
«IF parking space» Parking Space	the parking space edged red and numbered «parking space number cp» on Plan 1
«END IF»	
Perpetuity Period	the period ending 80 years from <b>PLOTS 203-212 &lt;&lt;19 June 2015&gt;&gt; PLOTS 162-168, 175-177, 181-198 ONLY &lt;&lt;5 January 2017 &gt;&gt;</b>
Phase	means the land and buildings as shown edged with a broken red line on Plan 2 being Phase 2 of the Estate known as Brook Valley Gardens off Mays Lane Chipping Barnet of which the Landlord is proprietor
Phase Common Parts	means (in so far as the same are not adopted or do not fall within the curtilage of any plot that is intended to be let or sold for exclusive occupation on the Phase) the Private Accessway any forecourts bicycle store(s) bin store(s) Visitor's Parking Spaces any boundary or perimeter wall entrance feature or fence on the Phase and any communal gardens landscaped areas or facilities

	made erected or constructed on the Phase which are intended to be or are capable of being enjoyed or used by the Tenant in common with other owners and occupiers on the Phase (but excluding the Estate Common Parts)
Phase Proportion	Means such proportion as the Management Company shall determine calculated by reference to the percentage the aggregate square footage of the Property bears to the aggregate square footages of the Lettable Units within the Phase capable of enjoying the benefit of the Phase Services or any of them subject to variation in accordance with paragraph 1.7 of the Fourth Schedule SAVE WHERE a service is provided on a metered basis in which case the amount charged shall be the actual cost incurred in respect of the Property
Phase Provision	means the sum calculated in accordance with paragraph 1.3.1 of the Fourth Schedule
Phase Services	means <ul style="list-style-type: none"> <li>(a) keeping the Phase Common Parts and all Conduits that serve the Property and/or the Phase (but not those exclusively serving the Property and/or any Lettable Units on the Phase) in good and substantial repair and condition.</li> <li>(b) Decorating the exterior of the Phase Common Parts in a good and workmanlike manner and with appropriate good quality materials as often as the Management Company deems necessary</li> </ul>
Plan 1 Plan 2 and Plan 3	the plans annexed hereto and respectively marked 'Plan 1' 'Plan 2' and 'Plan 3'
Planning Acts	the Town and Country Planning Act 1990 the Planning (Listed Buildings and Conservation Areas) Act 1990 the Planning (Consequential Provisions) Act 1990 and all statutes regulations and orders made pursuant thereto
Planning Permission	B/00354/13 and B/02349/14 or such other planning consent(s) as may be secured for the development of the Estate
Premium	the premium shown in Prescribed Clause LR7
Private Accessway	such part of the private unadopted accessway within the Phase shown cross-hatched blue and marked Shared Accessway on Plan 2 as gives access to the Property
Private Sale Homes	means those dwellings to be constructed during the regeneration of the Estate and other land pursuant to the Planning Permission which shall be made available for sale on the open market to third parties including shared ownership dwellings where the buyer has stair-cased to 100%)

Property	means the House «IF parking space»and the Parking Space «END IF»more particularly described in Part I of the First Schedule
Regeneration Agreement	means a regeneration agreement dated 1 <sup>st</sup> October 2012 made between The Mayor and Burgesses of the London Borough of Barnet (1) the Landlord (2) the Management Company (3) and Countryside Properties Plc (4)
Regulations	Any reasonable regulations the Landlord and/or the Management Company may impose
Rent	means the yearly rent of £200.00 (two hundred pounds) in respect of the first 10 years of the Term and thereafter such sum as shall be calculated pursuant to clause 3 below
Restrictive Covenants	the restrictive covenants for the Property set out in Part II of the Third Schedule as amended from time to time in accordance with this Lease
Service Charge	means the:- <ul style="list-style-type: none"> <li>(i) The Phase Proportion of the Phase Provision</li> <li>(ii) The Estate Proportion of the Estate Provision</li> <li>(iii) The Service Charge Adjustment</li> <li>(iv) The Additional Contribution</li> </ul>
Service Charge Adjustment	the adjustments to Phase Provision and/or the Estate Provision as set out in Paragraph 1.6 of the Fourth Schedule
Service Charge Year	1 <sup>st</sup> September – 31 <sup>st</sup> August or such other 12 month period which the Management Company chooses from time to time
Service Provision	means the aggregate of the Phase Provision and the Estate Provision
Statutory Authorities	the Local Authority and any authority or body corporate responsible for the provision of water sewerage electricity gas telephone cable television and other communication media
Surveyor	any Chartered Surveyor or member of the RICS who may be employed by the Landlord in respect of any matter set out in the Fourth Schedule or any other matter in this Lease
Term	the term shown in Prescribed Clause LR6
VAT	value added tax payable by virtue of the Value Added Tax Act 1994
Visitor's Parking Spaces	the Visitor Parking Spaces shown marked V on Plan 2

## **1.2 INTERPRETATION**

### **References**

- 1.2.1 References herein to Clauses Schedules and Paragraphs are references to the Clauses and the Schedules to this Lease and the Paragraphs contained in any Schedule hereto

### **Clause Headings**

- 1.2.2 The Clause headings in this Lease are for ease of reference only and are not to be used for the purpose of construing this Lease

### **Joint and Several Covenants**

- 1.2.3 If the Tenant is more than one person all covenants agreements and obligations on the Tenant's part shall be construed as joint and several

### **Gender and Number**

- 1.2.4 Words importing the masculine gender shall where necessary be construed as importing the feminine gender and words importing the singular number shall where necessary be construed as importing the plural number and vice versa

### **Rights granted to the Tenant**

- 1.2.5 Rights and easements granted to the Tenant are granted also to those authorised by the Tenant in common with the Landlord the Management Company and all others authorised by the Landlord and/or the Management Company or having the like or similar right

### **Rights reserved to the Landlord and the Management Company**

- 1.2.6 Rights and easements excepted and reserved to the Landlord and the Management Company are excepted and reserved (where appropriate) in favour of the owner or owners for the time being of the Estate and any part or parts thereof capable of being benefited and all person authorised by it or them and where appropriate each of the Statutory Authorities and all other persons having the like or similar right

### **Successors in Title**

- 1.2.7 References to the Landlord the Tenant and the Head Lessor in this Lease shall where the context so admits include their respective successors in title

### **Obligations of Tenant**

- 1.2.8 Any obligation on the Tenant not to do anything shall be deemed to include an obligation not to permit anything to be done where it is (reasonably) within the Tenant's control to permit or prevent the same to be done

### **Legislation**

- 1.2.9 A reference to particular legislation is a reference to that legislation as amended consolidated or re-enacted from time to time unless otherwise expressing stated

### **Regulations**

- 1.2.10 The Landlord and the Management Company shall have the right to impose and amend reasonable regulations regarding the use and enjoyment of properties on the Estate from time to time in accordance with this Lease

## **2 DEMISE**

In consideration of the Premium (the receipt whereof is hereby acknowledged) the Landlord hereby demises with full title guarantee to the Tenant the Property TOGETHER WITH the rights specified in Part II of the First Schedule (to the exclusion of any implied rights pursuant

to Section 62 of the Law of Property Act 1925 and subject however to the Tenant's covenants hereinafter contained) but EXCEPTING AND RESERVING unto the Landlord the Management Company and the owners and occupiers of the properties within the Estate the rights specified in the Second Schedule TO HOLD the same unto the Tenant from the date hereof for the residue of the Term SUBJECT TO the burden of the covenants or agreements already entered into by the Landlord with the tenant of any other property on the Estate and to all rights and easements appertaining to any other land adjoining the Estate SUBJECT TO and with the benefit of the rights and reservations respectively granted or reserved and contained in the Head Lease so far as the Landlord can assign the same PAYING THEREFORE to the Management Company during the first 10 years of the Term the Rent specified in the definition and thereafter such rent as shall be determined pursuant to Clause 3 without any deduction or set-off (except only such as the Tenant may be authorised by law to make notwithstanding any contract to the contrary) by equal half-yearly payments in advance on the Half-Yearly Dates in every year save in relation to the first payment which shall be a proportionate payment for the period commencing as at the date hereof and expiring on the third Half-Yearly Date after the date hereof such payment to be made on the execution of this Lease

### **3. RENT REVIEW PROVISIONS**

- 3.1 The annual Rent shall be reviewed in an upwards only direction on the 10<sup>th</sup> anniversary of the commencement of the Term and on the expiry of each successive period of ten years thereafter ("the Review Dates")
- 3.2 On each Review Date the Rent shall be a sum equal to the Rent payable during the preceding ten years varied by the same proportion as shall be borne by any increase in the Retail Price Index All Items during the same period
- 3.3 The Management Company shall determine the Rent on the Review Dates and shall notify the Tenant of such determination in writing
- 3.4 If the Tenant shall object to the Management Company's determination the Tenant shall serve written notice of such objection together with his own determination within one calendar month of the date of the Management Company's notice.
- 3.5 If the Landlord and the Tenant shall fail to agree within one calendar month of the Tenant's notice the matter shall be referred to the Surveyor for determination and the decision of the Surveyor shall be final and binding upon the Parties save in the case of manifest error
- 3.6 The fees of the Surveyor for such determination shall be borne equally by the Management Company and the Tenant

### **4. TENANT'S COVENANTS WITH THE LANDLORD AND THE MANAGEMENT COMPANY**

The Tenant hereby covenants separately with each of the Landlord and the Management Company as follows:-

- 4.1 to observe and perform the obligations set out in Part I of the Third Schedule and the Restrictive Covenants
- 4.2 to pay to the Management Company the Rent on the Half-Yearly Dates and on the date hereof to pay a due proportion of that Rent for the period commencing on the date hereof and expiring on the third Half-Yearly Date after the date hereof
- 4.3 in respect of every Service Charge Year to pay on demand the Phase Proportion of the Phase Provision and the Estate Proportion of the Estate Provision to the Management Company by two equal instalments in advance on the Half Yearly Dates provided that in respect of the Service Charge Year current at the date hereof the Tenant shall on execution hereof pay the due proportion of the current service charge
- 4.4 to pay to the Management Company on demand the Phase Proportion and/or the Estate Proportion of the Service Charge Adjustment pursuant to the Fourth Schedule

- 4.5 to pay to the Management Company on demand the Phase Proportion and/or the Estate Proportion as the case may be of any Additional Contribution that may be levied by the Management Company
- 4.6 to make all payments due pursuant to this lease to the Landlord and the Management Company by bank standing order or such other method as may be agreed between the parties hereto
- 4.7 To observe and perform all covenants in the Registers of the Title above referred to insofar as they are subsisting and enforceable and relate to the Property (other than those relating to any financial charges) and to indemnify the Management Company and the Landlord against all actions costs claims and demands in respect of any breach thereof
- 4.8 To observe and perform the covenants contained in the Head Lease for so long as such Head Lease shall subsist and in so far as the same affect the Property

## **5. COVENANTS BY THE MANAGEMENT COMPANY**

5.1 The Management Company hereby covenants with the Tenant and separately with the Landlord as follows and in accordance with good estate management principles the Management Company will during the Term carry out the works and provide the Phase Services and the Estate Services in accordance with the Fourth Schedule appropriate to the Property as hereinbefore mentioned provided always that:-

- 5.1.1 the Tenant shall have paid the Service Charge due
- 5.1.2 the Tenant shall not be in breach of any of his covenants herein contained
- 5.1.3 in the case of any item of disrepair the Management Company shall not be liable for breach of this covenant until the Tenant has given written notice thereof to the Management Company and the Management Company has had a reasonable opportunity to remedy the same
- 5.1.4 if at any time the Management Company shall reasonably consider that it would be in the general interest of the tenants of the properties on the Phase and/or on the Estate so to do the Management Company shall have power to discontinue any of the matters specified in the Fourth Schedule which in its opinion shall have become impracticable obsolete unnecessary or excessively costly provided that in deciding whether or not to discontinue any such matter the Management Company shall consider the views and wishes of the majority of the tenants of the properties on the Estate

## **5.2 MANAGEMENT COMPANY**

- 5.2.1 The Management Company shall apply any Ground Rents received by it to provide maintain and operate the Community Facilities and ancillary services thereto (acting in accordance with the principles of good estate management) and with the consent of The Mayor and Burgesses of the London Borough of Barnet (such consent not to be unreasonably withheld or delayed) to provide maintain and operate such other facilities and/or amenities and services ancillary thereto at the Estate for the benefit of the tenants and occupiers of the Estate and the local community.
- 5.2.2 The Management Company shall as soon as reasonably practicable after the first Regeneration Phase (as defined in the Regeneration Agreement) and annually thereafter prepare and send to The Mayor and Burgesses of the London Borough of Barnet a statement or report which provides details of the Ground Rents received and the application of those receipts for the purpose permitted under clause 5.2.1 above (a 'Ground Rent Receipts Report') and to the extent that it has not expended or committed to expend any Ground Rents for such purpose within twelve (12) months following receipt by the Management Company the Management Company shall at the written request of The Mayor and Burgesses of the London Borough of Barnet pay such relevant amount to The Mayor and Burgesses of the London Borough of Barnet and if The Mayor and Burgesses of



the London Borough of Barnet fails to make such request within thirty (30) working days the Management Company will be entitled to retain such relevant amount for use in connection with the purposes permitted under clause 5.2.1 and shall account for any remaining part of the relevant amount in the next Ground Rent Receipts Report.

## **6. COVENANTS BY THE LANDLORD WITH THE MANAGEMENT COMPANY AND THE TENANT**

The Landlord hereby covenants with the Tenant and the Management Company as follows (BUT PROVIDED THAT nothing contained in this Lease shall operate to prevent the Landlord from developing the remainder of the Development for residential and other building purposes):-

- 6.1 that the Development will be completed and the curtilage laid out in accordance with the Planning Permission
- 6.2 that the Landlord will when called upon by the appropriate authority (or earlier if the Landlord shall think fit) procure that the Estate Roads and Estate Sewers within the Phase shall be made up to adoption standard and completed to the satisfaction of the relevant authority and will indemnify the Management Company and the Tenant against all liability in respect thereof
- 6.3 that the Tenant paying the Rent hereby reserved and all other moneys payable hereunder and performing and observing the covenants conditions and agreements herein contained and on the Tenant's part to be performed and observed shall peaceably hold and enjoy the Property during the Term without any interruption by the Landlord or any person rightfully claiming under or in trust for it
- 6.4 that any lease granted by the Landlord of any other properties on the Phase shall contain covenants and regulations to be observed by the tenants thereof substantially in the same terms as those to be observed by the Tenant as contained in this Lease
- 6.5 that any of the properties on the Phase shall not be let otherwise than on terms whereby there is paid in respect of each such property throughout the term of the lease a service charge computed in respect of such property in accordance with the Fourth Schedule
- 6.6 Subject to and conditional upon payment by the Tenant of the Service Charge at the times and in the manner herein before provided and if the Management Company shall fail to perform any of its obligations hereunder the Landlord following a reasonable request from the Tenant in writing shall perform the obligations or obligation and any payment by the Tenant in respect thereof shall be and made to the Landlord instead of the Management Company and any covenants on the part of the Tenant with the Management Company shall be made with the Landlord

## **7. PROVISOS**

Provided always and it is hereby agreed as follows:-

### **For re-entry**

- 7.1 The Management Company or the Landlord shall not be liable or responsible for any damage If the Rent or any part of the Service Charge payable by the Tenant or any part thereof respectively shall be unpaid for twenty-one days after becoming payable (whether formally demanded or not) or if any covenants on the Tenant's part herein contained shall not be performed and observed then and in any such case it shall be lawful for the Landlord at any time thereafter to re-enter upon the Property or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the right of action of the Landlord in respect of any breach of the Tenant's covenants herein contained

### **Exclusion of liability for damage or loss**

- 7.2 The Management Company or the Landlord shall not be liable or responsible for any damage suffered by the Tenant or any servant agent or workman of the Tenant or any member of the Tenant's family or any guest of his through any defect or want of repair in any fixture Conduit machinery or thing in or upon the Estate and/or the Phase or any part thereof

(including the Property) or through the neglect fault or misconduct of any servant employed by the Management Company and/or the Landlord in connection with the Phase and/or the Estate except insofar as such liability may be covered by insurance effected by the Management Company pursuant to the Fourth Schedule

#### **References of dispute to Surveyor**

- 7.3 In case of dispute between the Tenant and any tenant or occupier of any part of the Estate not hereby demised or (after completion of the Development) between the Tenant and any owner or occupier of any adjoining or neighbouring property relating to any part of the Estate or such adjoining property such dispute shall be decided by the Management Company or Landlord or (if the Management Company or Landlord so requires) referred to the Surveyor and the decision of the Management Company or the Landlord or the Surveyor (as between the Tenant and any other tenant or occupier of any part of the Estate) shall be final and binding and the Surveyor shall be entitled to require to be paid his proper fee in respect of each such reference such fee to be borne as the Surveyor shall award

#### **Power to impose or vary Regulations**

- 7.4 The Management Company may at any time or times during the Term in the interests of good estate management impose such regulations of general application regarding the Estate or the properties therein as it may in its absolute discretion think fit (but so that any such regulations shall not conflict with this Lease) and the Management Company shall have power in its absolute discretion to revoke amend or add to those regulations or any additions thereto or substitutions therefor

#### **Suspension of Rent**

- 7.5 If the Property or any part thereof shall at any time during the Term be destroyed or damaged by fire or any other risk covered by the insurance effected pursuant to Paragraph 23 of the Part I of the Third Schedule so as to be unfit for habitation and use and the policy or policies of insurance so effected shall not have been vitiated or payment of the policy moneys refused in whole or in part in consequence of any act or default of the Tenant the Rent or a fair proportion thereof according to the nature and extent of the damage sustained shall be suspended until the date falling three years after the date of the damage or if earlier the date on which the Property shall again be rendered fit for habitation and use and any dispute concerning this Clause shall be determined by a single arbitrator in accordance with the Arbitration Act 1996 or any statutory enactments in that behalf for the time being in force

#### **Exclusion of implied obligations**

- 7.6 The Tenant accepts the obligations of the Management Company for the performance of the matters specified in the Fourth Schedule in substitution for and to the entire exclusion of any implied obligations on the part of the Management Company in respect of any such matters

#### **Limitation of future easements**

- 7.7 In this Lease where reference is made to rights or easements which constitute future rights or easements in connection with Conduits which do not at the date hereof exist the said reference shall be deemed only to apply to such easements and rights as shall come into existence during the Perpetuity Period

#### **Surveyor's certificate**

- 7.8 Wherever in this Lease there is any provision for a surveyor or other person to give a certificate or decision such certificate or decision shall extend only to matters of fact and shall not extend to any question of law but subject thereto any such certificate or decision shall be final and binding

#### **Value Added Tax**

- 7.9 Wherever in this Lease there is a covenant by the Tenant to pay expenditure expenses outgoings charges costs fees or any like expression incurred or payable by the Landlord or the Management Company all such expressions shall include all VAT or any imposition replacing

the same incurred or payable by the Landlord or the Management Company in connection with the subject matter of the covenant and this Lease shall be construed accordingly

#### **Limitation of Management Company's or Landlord's Obligations**

- 7.10 The Management Company and the Landlord shall not be liable for any breach of their respective covenants in this Lease unless and until a notice in writing has been received by the Management Company or the Landlord as appropriate specifying the breach and the Management Company or the Landlord has had a reasonable opportunity to remedy the same
- 7.11 The Tenant shall not be entitled:
- 7.11.1 to enforce any of the Management Company or the Landlord's covenants respectively while any sums payable by the Tenant to them under this Lease are in arrears or the Tenant is otherwise in substantial breach of the Tenant's covenants under this Lease
  - 7.11.2 to set off any sum or sums against the payment of Rent and/or Service Charge or make any deduction whatsoever in respect of any sum or sums which the Tenant may consider is owing to the Tenant by the Landlord and/or the Management Company save as may be properly accounted for within the Service Charge provisions
- 7.12 The Landlord herein meaning Countryside Properties (UK) Limited shall remain liable on its covenants contained in Clause 6 (excepting clauses 6.1 and 6.2) only for so long as the Landlord remains the proprietor of its reversionary interest in the Phase

#### **Tenant's acknowledgement**

- 7.13 The Tenant accepts:
- 7.13.1 that all payments due from the Tenant to the Landlord or the Management Company pursuant to this Lease shall be made without set-off or deduction and any concerns of the Tenant which might otherwise have led to the Tenant making a set-off or deduction shall be raised as a separate matter with the Landlord or the Management Company as the case may be
  - 7.13.2 the obligations of the Management Company for the performance of the matters specified in the Fourth Schedule are in substitution for and to the entire exclusion of any implied obligations on the part of the Landlord in respect of any such matters
- 7.14 The following shall be deemed to be party walls and the rights and liabilities in respect thereof shall be in accordance with Section 38 (1) of the Law of Property Act 1925 as amended or varied by the Party Wall etc Act 1996
- 7.14.1 The walls (if any) or any part thereof dividing the buildings erected on the Property from the buildings erected on the remainder of the Estate
  - 7.14.2 Any other wall (not being a wall of the house erected on the Property or of any other building forming part of the Estate) fence or hedge on a boundary between the Property and any other part of the Estate on which a dwelling stands unless marked "T" on Plan 1

Maintenance of party walls or deemed party walls the subject of this provisions is to be at the joint or equal expense of the Transferee and the registered proprietors at HM Land Registry from time to time of the land and buildings adjoining the Property

### **8. THE MANAGEMENT COMPANY'S POWERS OF INVESTMENT**

- 8.1 The Management Company hereby declares that it will hold all Service Charge monies (until the same are spent) in trust for the Tenant and the tenants of the other properties in the Phase and/or Estate in the same proportions as such Service Charge moneys shall have been paid
- 8.2 The Management Company shall have power at its discretion to invest in deposits with or loans to a bank or building society or with a local authority at interest or to invest in the purchase of fixed interest government securities of the United Kingdom or the Government of

Northern Ireland having a final redemption date not later than five years after the date of acquisition sums representing the reserve created pursuant to Paragraphs 1.3.1(a) and 1.3.2(a) of the Fourth Schedule and to withdraw the same from deposit or realise the same as required in order to meet expenses referred to in those Paragraphs 1.3.1(a) and 1.3.2(a) or to meet any temporary deficiency in the moneys available to meet the expenditure referred to in Paragraphs 1.3.1 and 1.3.2 of that Schedule

8.3 The Management Company may at its discretion:-

8.3.1 place or invest such sums or any part thereof jointly with other funds on a single account or holding

8.3.2 place such sums or investments in the name of a nominee

8.3.3 exercise the same powers of investment in respect of Service Charge monies which are intended for current expenditure and do not represent reserves

## 9. SERVICE OF NOTICE

The provisions of Section 196 of the Law of Property Act 1925 shall apply to the service of any notices under the provisions of this Lease

## 10. ENFORCEMENT BY THIRD PARTY

ANY person who is not a party to this Deed has no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed. This does not affect any right or remedy of a third party which exists or is available apart from that Act including (without limitation) rights of successors in title of the parties hereto

## 11. NEW TENANCY

11.1 This Lease takes effect subject to the provisions in Sections 3 to 16 (inclusive) and Section 21 of the Landlord and Tenant (Covenants) Act 1995

11.2 Upon receipt of any application from any person who at any time prior to the date of such application was entitled to the reversion immediately expectant upon the term granted by this Lease and is no longer so entitled for the release of any covenant in respect of the whole or any part of the demised premises the Tenant shall consent to (and shall not serve any notice objecting to) such release

11.3 If at any time any part of the provisions of this Lease is or becomes invalid illegal or unenforceable in any respect the validity legality and enforceability of the remaining provisions shall not be in any way affected or impaired thereby

IN WITNESS whereof this Lease has been executed as a Deed

### **THE FIRST SCHEDULE**

#### **Part I : Description of the Property**

The Property includes (for the purpose of obligation as well as grant):-

1. the House and the garage erected on the Property including their foundations and eaves notwithstanding they may extend beyond the boundaries of the Property at ground level
2. all boundary structures marked "T" on Plan 1 (if any) and all buildings and structures later erected on the Property
3. all Conduits now or later exclusively serving any building erected on the Property and situated in the Phase (including any installations which extend beyond the boundaries of the Property at ground level)
4. all fixtures and fittings in or about the Property (other than landlord's fixtures and fittings) and not hereinafter expressly excluded
5. any photovoltaic panels attached to or erected on the Property

«IF parking space»

6. the Parking Space (if any)

«END IF»

but excludes:-

7. the foundations and eaves of and the Conduits exclusively serving any building erected or being erected as part of the Development notwithstanding that they extend within the boundaries of the Property at ground level
8. any Conduits which do not serve exclusively the Property

#### Part II : Rights granted to the Tenant

The rights for the Tenant (in common with the Landlord the Management Company and all others authorised by the Landlord or the Management Company or entitled to the like right) at all times and for all purposes incidental to the occupation and enjoyment of the Property:-

1. The right with or without vehicles for all reasonable purposes connected with the use of the Property to go pass and re-pass along the Estate Roads and over the Private Accessway to gain access to and egress from the Property
2. The right of passage and running of services from and to the Property in through and along any Conduits now laid or hereafter within the Perpetuity Period laid within the Phase which do not serve exclusively the Property
3. The right with agents and workmen at reasonable hours in the daytime after reasonable notice (except in case of emergency when no notice shall be required) to enter into and upon other parts of the Phase for the purpose of inspecting repairing maintaining decorating or renewing any part of the Property including any Conduits which serve exclusively the Property the Tenant making good all damage thereby occasioned
4. The right to subjacent and lateral support shelter and protection for the Property from the remainder of the Phase not hereby demised
5. The right to use the gardens forming part of the Phase Common Parts and the Estate Common Parts (if any) for the purpose of quiet recreation not involving the playing of ball games subject to any regulations which may be made from time to time by the Landlord and/or Management Company
6. The right to use the designated bin store within the Phase (if any) for the purpose of placing sacks or bins or other suitable containers approved by the Landlord and/or the Management Company
7. The right for the Tenant's visitors to park one roadworthy private motor car on a Visitor's Parking Spaces for short term parking on a first come first served basis and subject to any regulations made by the Landlord and/or the Management Company
8. The benefit of the respective covenants obligations and restrictions contained in the leases of the other properties in the Estate granted by the Landlord within the Perpetuity Period PROVIDED ALWAYS that none of the rights granted by this Schedule shall apply to or be exercised over any electricity sub-station sites or land or apparatus of any Local or other Statutory Authorities or of any other persons having similar rights and included in the Estate

#### **THE SECOND SCHEDULE**

##### Rights Excepted and Reserved

1. The right of passage and running of services from and to the remainder of the Estate or any part thereof in through and along the Conduits in or upon the Property or any part thereof
2. The right for the Landlord and their servants agents and workmen at all reasonable times to enter the Property for the purpose of inspecting repairing maintaining decorating or renewing any part of the Estate (whether hereby demised or not) including all Conduits in or upon the Estate or any part thereof

3. The right for the Landlord at any time or times to rebuild reconstruct or alter the Estate or any part thereof (other than the Property) or any buildings adjoining or adjacent to the Estate or to erect new buildings on any property so adjoining or so adjacent in such manner as the Landlord shall think fit notwithstanding that the access of light and air to the Property may thereby be interfered with
4. The right to subjacent and lateral support shelter and protection from the Property for the other parts of the Estate not hereby demised
5. The right for the Local or other Statutory Authorities to enter into the Property with or without workmen plant and machinery for the purpose of laying maintaining repairing or replacing drains pipes cables sewers and other conducting media and the right also to erect street lighting telephone or other apparatus required by such Authority in connection with services to be supplied and maintained in the neighbourhood and for any other purpose of a like kind and also the right thereafter to use the same by such Authority for the said purpose causing as little damage as possible and making good all damage thereby occasioned

### **THE THIRD SCHEDULE**

#### **Part I : Tenant's Covenants**

##### **To pay interest and costs**

1. If the Rent and/or the Service Charge and/or any part thereof payable by the Tenant shall be unpaid for twenty-one days after becoming payable (whether formally demanded or not) to pay to the Management Company Interest upon such sum or sums as shall remain unpaid calculated on a day to day basis from the date of the same becoming due to the date of payment but without prejudice to the operation of the proviso for re-entry hereinbefore contained or any other right of action of the Management Company in respect of non-payment of Rent and/or the Service Charge or any part thereof payable by the Tenant
2. To pay to the Landlord or the Management Company (as the case may be) on a full indemnity basis all costs and expenses incurred by the Landlord or the Management Company or their respective solicitors in enforcing the payment of any Rent and/or Service Charge or any part thereof or other moneys payable by the Tenant under the terms of the Lease

##### **To pay outgoings**

3. To pay all existing and future rates taxes duties assessments charges impositions and outgoings whatsoever whether parliamentary parochial local or of any other description which now are or during the Term shall be assessed charged or imposed on or payable in respect of the Property or any part thereof or on the Landlord the Management Company tenant owner or occupier in respect thereof and also to pay a due proportion (to be conclusively determined by the Surveyor) of any such item as aforesaid which may be assessed charged or imposed on or payable in respect of the Property together with the other properties or other parts of the Estate (but not in respect of the entirety of the Phase and/or the Estate)

##### **To repair the Property and Conduits**

4. At all times during the Term well and substantially to cleanse repair support and uphold and from time to time when necessary rebuild to the satisfaction of the Landlord or the Management Company all present and future buildings forming part of the Property and all fixtures additions and improvements which may at any time be fastened or affixed to or erected or placed upon the Property and it is hereby declared that the generality of this provision shall in no way be restricted by any of the subsequent paragraphs of this sub-clause

##### **To decorate**

5. Once in every seven years of the Term and in the last year thereof (whether determined by effluxion of time or in any other way) to paint in a proper and workmanlike manner all the inside wood and iron work usually painted of the Property with two coats of good paint and

so that internal painting in the last year of the Term shall be of a tint or colour to be approved by the Landlord or the Management Company and also with every such internal painting to whitewash colour wash distemper grain varnish paper and otherwise decorate in a proper and workmanlike manner all such internal parts of the Property as have been or ought properly to be so treated and so that in the last year of the said term all such works of internal decoration shall be of tints colours and patterns to be approved by the Landlord or the Management Company

6. As and when reasonably necessary to clean and repaint the external parts of the Property usually and normally expected to be cleaned and repainted in order to maintain the appearance of the Property to a standard in keeping with the remainder of the properties on the Estate and at least once in every month to clean the windows of the Property

**To maintain the Parking Accommodation**

7. At all times during the Term to keep the Parking Space (if any) clean and undamaged and to make good or pay to the Management Company the cost of making good any damage other than fair wear and tear caused thereto

**To comply with statutes and regulations**

8. At the Tenant's own expense to execute and do all such works as may be directed in pursuance of any statutory enactment or otherwise by any national local or public authority or body to be executed or done at any time during the Term upon or in respect of the Property whether by the Landlord the Management Company or the Tenant thereof

**To obtain consents for works**

9. At the Tenant's own expense to obtain all licences permissions and consents and execute and do all works and things and bear and pay all expenses required or imposed by any existing or future legislation in respect of any works carried out by the Tenant to the Property or any part thereof or any user thereof during the Term and to pay the reasonable fees costs and charges of the respective solicitors and surveyors for the time being of the Landlord or the Management Company in relation to any planning application inspection or approval or otherwise in connection therewith and to keep the Landlord and the Management Company indemnified in respect of any breach or non-observance thereof

**Not to alter**

10. Not to alter the internal planning of the Property or the height elevation or appearance of the Property nor at any time make any alterations or additions thereto nor cut maim or remove any of the party or other walls or partitions or the principal or load bearing timbers or iron and steel or other supports of the Property nor to carry out any development on the Property nor change the user thereof (within the meaning of any legislation for the time being related to Town and Country Planning) without the previous written consent of the Landlord or the Management Company Provided that such plans and specifications of any such alterations or works as the Landlord or the Management Company shall deem necessary shall be first submitted to the Landlord or the Management Company for its approval and the Tenant shall pay the fees of the Surveyor for approving the plans and specifications and inspecting the works and shall also pay the proper legal costs of the Landlord or the Management Company in connection with any such consent

**Assignment or sub-letting**

11. Not to transfer or assign or underlet or part with or share possession of any part of the Property (as distinct from the whole)
12. Not to underlet the Property otherwise than with the prior written consent of the Landlord or the Management Company and in a form containing a covenant by the underlessee to observe and perform the covenants and conditions contained in this Lease mutatis mutandis and first approved in writing by the Landlord or the Management Company (such approval not to be unreasonably withheld or delayed) PROVIDED THAT the Tenant shall be entitled to grant assured shorthold tenancies of the Property for periods of one year or less containing a covenant by the underlessee to observe and perform the covenants and

conditions contained in this Lease mutatis mutandis (“ASTs”) without the need for such consent

13. Not to transfer or assign or underlet or part with possession of the Property as a whole (save for an AST) without first procuring that the assignee or underlessee enters into the Deed of Covenant (in duplicate) with the Management Company and pays the reasonable costs of the Management Company’s Solicitors for the preparation of such a deed of covenant
14. Not to transfer or assign or underlet or part with possession of the Parking Space (if any) other than to a tenant of residential accommodation within the Estate

**Rent on underletting**

15. Not at any time during the Term to underlet or permit the Property to be underlet except upon terms that the underlessee shall be liable to pay throughout the term of such underlease not less than the aggregate of the Rent and the Service Charge

**Covenants in underlease**

16. To cause to be inserted in every underlease (whether mediate or immediate) except in the case of an underletting at a rack rent without payment of a premium for a period not exceeding seven years a covenant by the underlessee with the Landlord the Management Company and with the Tenant to observe and perform all the covenants and conditions in this Lease contained (except the covenants for the payment of Rent and Service Charge) with a condition permitting re-entry in case of any breach of any of the said covenants or conditions (except as aforesaid)

**Registration of dispositions and charges**

17. Upon every underletting assignment or transfer of the Property or the creation of any mortgage or charge thereon or upon the devolution of the Term howsoever arising (other than an AST) within one month thereafter to give to the Landlord the Management Company and the Head Lessor or their Solicitors a notice in writing with full particulars thereof and to produce to the Landlord the Management Company and the Head Lessor certified copies of every document evidencing such disposition and to pay to the Landlord the Management Company and the Head Lessor a reasonable fee (but not less than Seventy Five Pounds (£75.00) together with VAT thereon) for the registration of every such notice and the Management Company covenants with the Tenant that upon receipt of such notice duly given as aforesaid and upon payment of all unpaid Service Charge it shall give to the person lodging the same a certificate in the Prescribed Form LR13
18. Upon every underletting of the Property or on such occasion when the Property shall not be the principal residence of the Tenant (whilst the Tenant is the tenant for the purposes hereof) within one month of vacation of the Property by the Tenant to give to the Landlord and the Management Company or their solicitors a notice in writing with full particulars of the Tenant’s permanent place of residence

**To permit inspections**

19. To permit the Landlord and the Management Company or its or their agents either alone or with workmen at any reasonable hour in the daytime after reasonable notice except in the case of emergency to enter the Property and examine the state of repair and condition thereof and to take an inventory of the Landlord’s fixtures and fittings therein and that the Tenant will repair and make good all defects or want of repair and decoration for which notice in writing shall be given by the Landlord or the Management Company to the Tenant within three calendar months (or sooner in the case of emergency) after the giving of such notice and if the Tenant shall at any time make default in the performance of any of the covenants hereinbefore contained for or relating to the repair or decoration of the Property it shall be lawful for the Landlord or the Management Company (but without prejudice to the right of re-entry under Clause 7.1) to enter upon the Property and repair or decorate the same at the expense of the Tenant in accordance with the covenants and provisions hereof and the expenses of such repairs or decorations shall be repaid by the Tenant to the Landlord or the Management Company as the case may be on demand



### **Permit entry for repairs**

20. To permit the Landlord and the Management Company or their tenants or occupiers of the adjoining or neighbouring properties of the Landlord the Management Company or the respective agents or workmen of the persons aforesaid at reasonable hours in the daytime after reasonable notice (except in the case of emergency) to enter upon the Property for the purpose of executing repairs improvements or alterations to or upon any part of the Property or of the said neighbouring property or for the purpose of constructing laying down altering cleansing emptying removing renewing or maintaining any existing or new Conduits in or upon the Estate or any part thereof including the Property but making good to the Tenant all damage thereby occasioned and the Tenant will not remove or interfere with any such Conduits Provided that any new Conduits shall be located in a position which will least interfere with the enjoyment by the Tenant of the amenities of the Property

### **To pay costs of notices**

21. To pay to the Landlord or the Management Company on demand all costs charges and expenses (including legal costs and surveyor's fees) which may be incurred by the Landlord or the Management Company or which may become payable by the Landlord or the Management Company in respect of the preparation or service of a Schedule of Dilapidations or under or in contemplation of any proceedings in respect of the Property under Sections 146 and 147 of the Law of Property Act 1925 or in the preparation or service of any notice thereunder respectively notwithstanding that forfeiture is avoided otherwise than by relief granted by the Court

### **To pay costs of consents**

22. To pay all reasonable costs and expenses of the Landlord and the Management Company (if appropriate) (including their respective solicitor's and surveyor's costs and fees) incurred in granting any consent under this Lease and in the preparation of the Deed of Covenant referred to in Paragraph 13 of this Schedule

### **Insurance**

23. At the Tenant's own expense at all times during the Term and to insure and keep insured all buildings for the time being forming part of the Property against loss or damage by fire lightning explosion earthquake storms flood escape of water riot civil commotion subsidence heave or landslip (in each case subject to availability) and such other insurable risks as the Landlord shall think fit ('the Insured Risks') in the joint names of the Landlord the Management Company and the Tenant in a reputable insurance company and at the direction of the Landlord should the Landlord so require in some other office nominated in writing by the Landlord such sum as shall represent the full replacement cost thereof from time to time (including architect's and surveyors' fees on such full replacement cost) and also a sum equal to three years loss of ground rent of the Property and to make all payments necessary for the above purposes within seven days after the same shall respectively become payable
24. To pay all insurance moneys received in respect of rent to the Landlord forthwith following receipt of the same and to apply all other said moneys to be received on account of any such insurances as aforesaid in making good from time to time to the reasonable satisfaction of the Landlord all loss or damage to the Property brought about by the Insured Risks such making good to be upon the same plan as before the loss or damage occurred or upon such other plan as by the Landlord or the Management Company shall be first approved in writing and if such moneys shall prove insufficient for that purpose to complete such making good to the satisfaction aforesaid out of the Tenant's own moneys and to pay to the Landlord on demand and indemnify the Landlord against all reasonable surveyor's fees and other charges and expenses which may be incurred by the Landlord in connection with any matter or thing under this or the preceding paragraph of this sub-clause and if any dispute shall at any time arise between the Tenant and the Landlord in connection with such making good as aforesaid the same shall be referred to the determination of a single arbitrator to be nominated by the President for the time being of the Royal Institute of British Architects

25. To produce to the Landlord or the Management Company at any time on demand the aforementioned policies of insurance and the receipts for or other proof of payment the current amounts of premium payable in respect thereof Provided that in default of the Tenant effecting and maintaining such insurances or in producing policies or receipts or other proof as aforesaid the Landlord or the Management Company may (without prejudice to the power of re-entry hereinafter contained or to any other right or remedy of the Landlord) insure the Property in manner aforesaid and pay the said premiums payable in respect thereof and the amount of all such premiums and all incidental expenses shall be a debt due from the Tenant to the Landlord or the Management Company on demand

**To permit letting notice**

26. To permit the Landlord or its or their surveyors or agents at any time during the last three months of the Term howsoever determined to exhibit suitable notice boards in any part of the highway frontage of the Property confirming that the Property is to be let or sold and also at all convenient hours in the daytime by appointment if reasonably possible to enter into and to show the Property to any person desiring to view the same and to allow any person producing a written authority from the Landlord or their surveyors or agents to enter and view the same

**To yield up in repair**

27. At the expiration or sooner determination of the Term to yield up to the Landlord the Property together with all additions and improvements made thereto in the meantime so decorated repaired cleansed maintained amended and kept as aforesaid

**To forward notices**

28. Forthwith to give notice to the Management Company of any notice or order or proposal for a notice or order served under any statute order regulation or bye-law on the Tenant or any underlessee of the Property and if so required by the Management Company to produce the same and where reasonably required by the Management Company make or join in making such applications or representations in respect thereof as are referred to in Paragraph 1.4.5(e) and 1.5.5(e) of the Fourth Schedule

**To pay or contribute to repairs necessitated by Tenant's default**

29. To repay to the Management Company all costs charges and expenses incurred by the Management Company in repairing renewing and reinstating any Conduits serving the Estate so far as such repair renewal or reinstatement shall have been necessitated or contributed to by any act of negligence or default of the Tenant

**To keep tidy**

30. To keep the garden of the Property neat and tidy

**Planning**

31. Not to make or raise any objection to any planning application made by the Landlord (here meaning Countryside Properties (UK) Limited) or any associate or parent company of the Landlord or to any application for the variation of the existing planning permission obtained by the Landlord in relation to either the Estate or any Neighbouring Land

**To observe the regulations**

32. The Tenant covenants with the Landlord and the Management Company at all times during the Term to observe the Regulations

**To maintain landscaping and boundaries**

33. To maintain the planting and landscaping within the frontage or the return frontage of the Property (as the case may be) in a state and condition appropriate to a high quality residential property
34. To maintain and continue to maintain throughout the Term the boundary structures to the Property marked "T" on Plan 1 (if any) in a state and condition appropriate to a high quality residential property and not to alter the design of the walls and fences as existed at the date

of this Lease without the consent in writing of the Landlord or the Management Company and the local planning authority

35. To perform and observe all conditions contained in any planning permission affecting the Property.

AND the Tenant agrees that upon expiration of seven days following receipt of notice by the Landlord or the Management Company to the Tenant of a breach of the covenants and obligations contained in this clause the Landlord or the Management Company shall be permitted at all reasonable times during working hours to enter the Property with workmen and appropriate materials and fulfil the obligations of the Tenant herein or any part thereof which has not been performed by the Tenant and upon receipt of a written invoice from the Landlord or the Management Company following completion of that obligation the Tenant shall pay the Landlord's or the Management Company's reasonable costs involved in fulfilling the Tenant's obligation herein

#### Part II : Restrictive Covenants to be observed by the Tenant

For the benefit of the Estate and each and every part thereof to observe and perform the Restrictive Covenants

1. Not to construct or place any additional building or other erection on the Property or make any external alteration in or addition to the House or the walls fences or the front garden thereof without the previous written approval of the Landlord or the Management Company as the case may be to plans elevations sections specifications and detailed drawing thereof PROVIDED THAT on any such application for approval as aforesaid the Tenant shall pay to the Landlord or the Management Company such reasonable fee for the consideration of such application as the Landlord or the Management Company shall from time to time prescribe whether the approval of the Landlord or the Management Company to such application be given or not
2. Not to alter the colour of the external paintwork of the Property without the consent of the Landlord or the Management Company
3. Not to interfere with damage or remove any street furniture or fittings and fitments ancillary thereto which may be placed in on or attached to the Property
4. Not without the written consent of the Management Company (and the appropriate Authority if required) to use any part of the Property which forms part of a highway visibility splay for any purpose other than as a lawn and in particular not to allow any plant or structure or other thing to grow or be placed or remain thereon.

#### **User**

5. Not to use the Property or any building thereon for the purpose of any manufacture trade or business of any description or for any purpose other than as a private dwellinghouse nor place or suffer to be placed on any part of the Property any commercial showboard placard or nameplate
6. Not to do or suffer to be done any act or thing in or about the Property which shall or may be or grow to the annoyance nuisance damage or disturbance of the Landlord the Management Company or occupier of any part of the remainder of the Estate

#### **Open plan**

7. Not to erect any fences walls (other than may be constructed at the date hereof) or hedges whatsoever on the Property between the House and the roadway or use such area for any other purpose than as accessway lawn or flower beds and to maintain such area as open development and not to permit or allow any obstruction within any part of that area as comprises in whole or in part a vision splay/sight line requirement of the local highways authority to exceed 600mm in height

#### **Walls and fences**

8. Not to alter the position type and height of existing walls and fences (if any) without the written consent of the Management Company and the Landlord

### **Parking**

9. Not to park any vehicle caravan trailer or boat of any kind on the Property or any part of the Estate or erect or place any structure thereon nor abandon any car motorbike van or other vehicle on the car parking area nor carry out any major repairs or any other works to any vehicles on the car parking area
  - 9.1 private motorcars and private motorcycles may be parked on such part of the Property (if any) as is specifically constructed for that purpose or any garage forming part of the Property
  - 9.2 vehicles delivering or collecting goods may be parked temporarily
  - 9.3 any vehicle caravan trailer or boat may be parked in any garage forming part of the Property or with the written consent of the Management Company and the Landlord within the back garden (if any) of the Property if suitably screened and positioned so that it is not obtrusive to the views of neighbours from the ground floor of their premises
10. Not to allow any occupier of or visitor to the Property to infringe these covenants relating to parking

### **Dustbins**

11. Not to place or keep dustbins or refuse bags or the like in front of the House except on such days as are recognised as refuse collection days and to take such steps as may from time to time be required by the relevant Authorities to facilitate collection of rubbish from the front of the House by the said Authorities on the said recognised refuse collection days

### **Notices and signs**

12. Not without the previous written approval of the Landlord or the Management Company to erect or display any notice offering the Property for sale or letting
13. Not to exhibit or permit or suffer to be exhibited any sign or signboard of any description save for any name and number of the House SUBJECT ALWAYS to paragraph 12 above

### **Party walls**

14. Not at any time hereafter to permit or authorise the demolition of any building on the Property so as to leave the party walls dividing any buildings erected on the Property from any buildings erected on the remainder of the Estate exposed as exterior walls without complying with paragraph 15 next following
15. To forthwith support point and render weatherproof to reasonable standard the party walls referred to in preceding paragraph 14 if at any time the said party walls shall become exposed as exterior walls

### **Aerials**

16. Not to breach any of the requirements of the local planning authority regarding the erection and placing of aerials satellite receivers or similar apparatus on any part of the Property
17. Subject to paragraph 16 not to erect or place any aerial satellite receiver or similar apparatus for the reception or transmission of television or radio signals on any front or principal elevation so as to be visible from the Estate Road or the Private Accessway and/or which might cause interference with the reasonable enjoyment of the remainder of the Estate

### **Landscaping**

18. Not to damage or remove any tree or shrub which may have been planted or retained on the Property in accordance with any landscaping scheme approved by any Authority and to maintain such trees and shrubs in accordance with good husbandry practice

### **Not to use**

19. Not without the Landlord's consent to use or occupy the Property:-

- 19.1 other than a private dwelling
- 19.2 without prejudice to the general applicaton of clause
- 19.3 hereof not to carry on in the Property or any part as defined thereof of on the Parking Space (if any) any business as defined by section 23(2) of the Landlord and Tenant Act 1954 or any statute amending or re-enacting the same

PROVIDED ALWAYS that

- 20. Not to use the Property or permit the same to be used for any illegal or immoral purposes
- 21. Not to do or permit or suffer to be done any act or thing which may render void or voidable any policy of insurance covering the Property or any part of the Estate or may cause an increased premium to be payable in respect thereof.
- 22. Not to throw dirt rubbish or other refuse or permit or suffer the same to be thrown into the sinks baths lavatories cisterns or waste or soil pipes in or attached to the Property;
- 23. No piano pianola gramophone wireless television loudspeaker or mechanical or other musical instrument or means of reproduction of sound of any kind shall be played or used nor shall any singing be practised in the House so as to be audible outside the House between the hours of eleven p.m. and nine a.m.
- 24. Not to leave or place (or allow to be left or placed) on the common areas any object whatsoever and in no circumstances to obstruct or interfere with the free movement of all authorised persons over the Estate Roads
- 25. To keep the Property clean and tidy and clear or all rubbish and not to convert waste on the Property
- 26. Not to abandon any easements or rights appurtenant to the Property
- 27. Not to permit any easement or similar right to be acquired against the Property
- 28. PROVIDED ALWAYS THAT nothing herein contained shall prevent the Landlord or its successors in title from transferring selling leasing or holding free from any restriction or stipulation any part of the remainder of the Estate or from waiving compliance with or varying or releasing any restriction or stipulation now or hereafter affecting any part of the remainder of the Estate
- 29. The Landlord or the Management Company are not to be liable to the Tenant or the Tenant's successors in title for any breaches of covenants or conditions committed by the purchasers or tenants of any other plot on the Estate and the Landlord is not obliged to take proceedings to enforce any covenants restrictions stipulations and conditions

#### **THE FOURTH SCHEDULE**

##### Computation of the Service Charge

#### **1. Service Charge Provisions**

##### **1.1 Covenant to pay**

- 1.1.1 The Tenant covenants with the Landlord and separately with the Management Company to pay the Phase Proportion of the Phase Provision and the Estate Proportion of the Estate Provision during the Term by equal payments in advance on the first day of each month by bank standing order direct debit or such other method as may be agreed between the parties

##### **1.2 When calculated**

The Service Provision in respect of any Service Charge Year shall be calculated before the beginning of the Service Charge Year and shall be calculated in accordance with paragraph 1.3 below

##### **1.3 How calculated**

1.3.1 The Phase Provision shall consist of a sum comprising the expenditure estimated by the Management Company as likely to be incurred in the Service Charge Year by the Management Company for the matters specified in paragraph 1.4 together with:

(a) an appropriate amount as a reserve for or towards the matters specified in paragraph 1.4 as are likely to give rise to expenditure after such Service Charge Year being matters which are likely to arise either only once during the then unexpired term of this Lease or at intervals of more than one year including (without limitation) such matters as the decoration of the exterior of the Phase (the said amount to be calculated in a manner which will ensure as far as is reasonably possible that the Phase Provision shall not fluctuate unduly from year to year); but

(b) reduced by any unexpended reserve already made pursuant to paragraph 1.3.1.(a).

1.3.2 The Estate Provision shall consist of a sum comprising the expenditure estimated by the Management Company as likely to be incurred in the Service Charge Year by the Management Company for the matters specified in paragraph 1.5 together with:

(a) an appropriate amount as a reserve for or towards the matters specified in paragraph 1.5 as are likely to give rise to expenditure after such Service Charge Year being matters which are likely to arise either only once during the then unexpired term of this Lease or at intervals of more than one year (the said amount to be calculated in a manner which will ensure as far as is reasonably possible that the Estate Provision shall not fluctuate unduly from year to year); but

(b) reduced by any unexpended reserve already made pursuant to paragraph 1.3.2.(a).

#### 1.4 Phase Provision

The relevant expenditure to be included in the Phase Provision shall comprise all expenditure reasonably incurred by the Management Company in connection with the repair management maintenance and provision of services for the Phase provided always that any such expenditure that relates solely to the Property and/or the Estate and/or the Lettable Units shall be excluded from the Phase Provision. The Phase Proportion shall include (without prejudice to the generality of the foregoing):

1.4.1 the costs of and incidental to the Management Company providing the Phase Services;

1.4.2 the costs of and incidental to compliance by the Management Company with every notice regulation or order of any competent local or other authority in respect of the Phase (which shall include compliance with all relevant statutory requirements);

1.4.3 all reasonable fees charges and expenses payable to the Management Company any solicitor accountant surveyor valuer architect or other person whom the Management Company may from time to time reasonably employ in connection with the management or maintenance of the Phase including the computation and collection of rent (but not including fees charges or expenses in connection with the effecting of any letting or sale of any premises) including the cost of preparation of the account of the Phase Proportion of the Phase Provision and the Phase Proportion of the Service Charge Adjustment and if any such work shall be undertaken by an employee of the Management Company then a reasonable allowance for the Management Company for such work;

- 1.4.4 any rates taxes duties assessments charges impositions and outgoings whatsoever whether parliamentary parochial local or of any other description assessed charged imposed or payable on or in respect of the whole of the Phase or in the whole or any part of the Phase Common Parts; and
- 1.4.5 any administrative charges incurred by or on behalf of the Management Company including but not limited to:
- (a) the grant of approvals under this Lease or applications for such approvals;
  - (b) the provision of information or documents by or on behalf of the Management Company;
  - (c) costs arising from non-payment of a sum due to the Management Company; and/or
  - (d) costs arising in connection with a breach (or alleged breach) of this Lease.
  - (e) making such application and representations and taking such action as the Management Company shall reasonably think necessary in respect of any notice or order or proposal for a notice or order served under any statute order regulation or bye-law on the Tenant or any undertenant of the Property or on any Tenant of any other of the properties on the Phase or on the Management Company in respect of the Phase or all or any of the properties therein
- 1.4.6 any interest paid or other costs reasonably and properly incurred on money borrowed by the Management Company to repay any expenses incurred in connection with the repair management maintenance and provision of services for the Phase;
- 1.4.7 the cost of any incidental to:-
- (a) inspecting maintaining repairing reinstating replacing and furnishing the Phase Common Parts ;
  - (b) lighting the Phase Common Parts ;
  - (c) any contribution paid towards the cost of repairing or maintaining any area or facility used in common with other occupiers of Lettable Units on the Phase who together benefit from the whole of the Phase;
- 1.4.8 if individual occupiers are not separately assessed or charged for the same the cost of supplying water and drainage services to the Phase (to the extent that they do not serve only the Property the Lettable Units and the Estate)
- 1.4.9 the cost of inspecting repairing maintaining cleaning replacing and renewing any Conduits which serve the Property in common with the Lettable Units that together benefit from all of the Phase
- 1.4.10 the cost of providing such staff for the servicing management and security of the Phase as a whole as the Management Company shall reasonably consider necessary
- 1.4.11 If individual occupiers are not separately assessed or charged for the same the cost of supplying electricity and fuel for the performance and maintenance of the lighting of the Private Accessway

- 1.4.12 To effect insurance against the liability of the Management Company to third parties and against such other risks and in such amount and through such insurers underwriters and through such agency as the Management Company shall in its absolute discretion think fit in respect of the Private Accessways and the Phase Common Parts and the use thereof (but not against the liability of individual tenants as occupiers)

## 1.5 Estate Provision

The relevant expenditure to be included in the Estate Provision shall comprise: all expenditure reasonably incurred by the Management Company in connection with the repair management maintenance and provision of services for the Estate provided always that any such expenditure that relates solely to the Property and/or the Phase and/or Lettable Units shall be excluded from the Estate Provision.

The Estate Proportion shall include (without prejudice to the generality of the foregoing):

- 1.5.1 the costs of and incidental to the Management Company providing the Estate Services;
- 1.5.2 the costs of and incidental to compliance by the Management Company with every notice regulation or order of any competent local or other authority in respect of the Estate (which shall include compliance with all relevant statutory requirements);
- 1.5.3 all reasonable fees charges and expenses payable to the Management Company any solicitor accountant surveyor valuer architect or other person whom the Management Company may from time to time reasonable employ in connection with the management or maintenance of the Estate including the computation and collection of rent (but not including fees charges or expenses in connection with the effecting of any letting or sale of any premises) including the cost of preparation of the account of the Estate Proportion of the Estate Provision and the Estate Proportion of the Additional Contribution and if any such work shall be undertaken by an employee of the Management Company then a reasonable allowance for the Management Company for such work;
- 1.5.4 any rates taxes duties assessments charges impositions and outgoings whatsoever whether parliamentary parochial local or of any other description assessed charged imposed or payable on or in respect of the whole of the Estate or in the whole or any part of the Estate Common Parts ; and
- 1.5.5 any administrative charges incurred by or on behalf of the Management Company including by not limited to:
- (a) the grant of approvals under this Lease or applications for such approvals;
  - (b) the provision of information or documents by or on behalf of the Management Company;
  - (c) costs arising from non-payment of a sum due to the Management Company; and/or
  - (d) costs arising in connection with a breach (or alleged breach) of this Lease.
  - (e) making such applications and representations and making such action as the Landlord and/or Management Company shall reasonably think necessary in respect of any notice or order proposal for a notice or order



served under any statute order regulation of bye-law on the Tenant or any other tenant of the property or on any Tenant of any other of the properties on the Phase or on the Landlord and/or Management Company in respect of the Phase or all or any of the properties therein.

- 1.5.6 any interest paid or other costs reasonably and properly incurred on money borrowed by the Management Company to repay any expenses incurred in connection with the repair management maintenance and provision of services for the Estate
- 1.5.7 the cost of and incidental to:-
  - (a) inspecting maintaining repairing reinstating replacing and furnishing the Estate Common Parts ;
  - (b) lighting the Estate Common Parts ;
  - (c) any contribution paid towards the cost of repairing or maintaining any area or facility used in common with other occupiers of Lettable Units buildings on the Estate who together benefit from the whole of the Estate;
- 1.5.8 if individual occupiers are not separately assessed or charged for the same the cost of supplying water and drainage services to the Phase (to the extent that they do not serve only the Property the Lettable Units and the Estate
- 1.5.9 the cost of providing such staff for the servicing management and security of the Estate as a whole as the Management Company shall reasonably consider necessary
- 1.5.10 To effect insurance against the liability of the Management Company to third parties and against such other risks and in such amount and through such insurers underwriters and through such agency as the Management Company shall in its absolute discretion think fit in respect of the Estate Common Parts and the use thereof (but not against the liability of individual tenants as occupiers
- 1.5.11 the cost of inspecting repairing maintaining cleaning replacing and renewing any Conduits which serve the Property in common with the Lettable Units that together benefit from all of the Estate;

## 1.6 **Adjustment to actual expenditure**

As soon as practicable after the end of each Service Charge Year the Management Company shall determine and certify the amount by which the estimate referred to in paragraph 1.3.1 and 1.3.2 shall have exceeded or fallen short of the actual expenditure in the Service Charge Year and shall supply the Tenant with a copy of the certificate and the Tenant shall be allowed or (as the case may be) shall pay immediately following receipt of the certificate the relevant proportion of the excess or the deficiency.

## 1.7 **Change of Specified Proportion**

If in the reasonable opinion of the Management Company or any Agent thereof it shall at any time be necessary or equitable to do so the Management Company may recalculate on an equitable basis each or any of the Phase Proportion and/or the Estate Proportion and will notify the Tenant in writing accordingly and from the date specified in the notice the new Phase Proportion and/or the Estate Proportion shall be substituted for that set out in this Lease.

## 1.8 **Replacement where necessary**

In performing the Phase Services and/or the Estate Services the Management Company may replace any item with a new one or reclaimed item of comparable or better specification and quality where the Management Company (acting reasonably) thinks it is uneconomic to repair the whole or part of the item in question or that it is likely to become uneconomic to continue to repair the whole or any part of it in the future and the costs of replacement will be included as an Item for the purposes of this schedule.

**1.9 Declaration re Landlord and Tenant Act 1985**

The parties agree that the provisions of sections 18 to 30B of the Landlord and Tenant Act 1985 and of Part V of the Landlord and Tenant Act 1987 all of which regulate service charges shall apply to the provisions of this Lease.

**1.10 Double Counting**

For the avoidance of doubt there shall be no incidence of double-counting by the Management Company under this Fourth Schedule

1.11 A certificate signed by the Management Company and purporting to show the amount of the Service Charge for any Service Charge Year shall be conclusive of such amount save as regards manifest errors

1.12 The Management Company shall arrange for accounts of the Service Charge in respect of each Service Charge Year to be prepared and shall supply to the Tenant a summary of such accounts

**1.13 Enforcing covenants of other tenants in favour of the Management Company**

If so required by any tenant of a property in the Phase and/or Estate to enforce the covenants and conditions contained herein on the part of the Tenant or the similar covenants and conditions entered into or to be entered into by the tenants of other properties in the Phase in favour of the Management Company and/or the Landlord so far as the same affect the Property demised to the tenant requiring such enforcement and on such tenant indemnifying the Management Company against all costs and expenses in respect of such enforcement and (if so required by the Management Company) giving reasonable security for such costs and expenses

**1.14 Payment of taxes**

to pay any taxes which may be assessed or charged on the Service Charge or the income arising from any investment of the same

**1.15 Joint Expenditure**

reimburse to the adjoining owner (which expression shall include the owner the Management Company or the Landlord and their successors in title being the owner or owners of any adjoining property and any agent or administration company or trustee employed by them) a due proportion of any expenditure incurred by the adjoining owner which relates both to any such adjoining property and to the Estate and falls within any of the purposes mentioned in this Schedule Provided always that where any such expenditure is incurred it shall be apportioned in such manner as may be agreed between the Management Company or the Surveyor and the adjoining owner's surveyor or in default of agreement determined by an independent surveyor to be appointed by the President for the time being of the Royal Institution of Chartered Surveyors at the application of the Management Company who shall act as an expert and whose determination shall be final and binding on the parties

**1.16 Third Party Insurance**

To effect insurance against the liability of the Management Company to third parties and against such other risks and in such amount as the Management Company shall think fit (but not against the liability of individual tenants as occupiers of the properties on the Estate)

1.17 **Payment of interest**

To pay all interest costs and expenses that may be incurred by the Management Company in the event of the Management Company having to arrange a loan to maintain a credit balance in the Service Charge fund from a bank or other institution or in the event of the Management Company making a loan from its own funds paying such interest costs and expenses as are no more than those currently chargeable fro such commercial transaction.

**EXECUTED AS A DEED** by affixing the common seal of **COUNTRYSIDE PROPERTIES (UK) LIMITED** in the presence of:

Authorised Signatory

**EXECUTED AS A DEED** by affixing the common seal of **LONDON & QUADRANT HOUSING TRUST** in the presence of:

Authorised Signatory

Authorised Signatory

«IF transferee is individual»  
«REPEAT transferee i full name di»  
«INSERT "zsig\_ind.dot"»  
«END REPEAT»  
«ELSE IF transferee is company»  
«INSERT "zsig\_co.dot"»  
«END IF»



**LOCATION:** National Institute for Medical Research, The Ridgeway, London, NW7 1AA.

**REFERENCE:** 16/4545/FUL

**WARD:** Colindale

**APPLICANT:** Barratt London Ltd

**PROPOSAL:** Deed of variation – National Institute for Medical Research

**AGENDA ITEM 10**  
**Received:**  
**Accepted:**  
**Expiry:**  
**Final Revisions:**

It is proposed to vary the wording contained within the section 106 agreement dated 19 October 2015 by agreement between the Mayor of London and Barratt London with the London Borough of Barnet being a signatory in relation to the planning permission which was granted for:

Redevelopment of the site to provide 460 new residential units following demolition of all existing buildings. New residential accommodation to consist of 448 self-contained flats within 19 blocks ranging from three to nine storeys with basement car parking levels and 12 two storey houses with lower ground floor levels. Associated car and cycle parking spaces to be provided. Provision of new office (B1a) and leisure (D2) floorspace and a new publicly accessible café (A3). Reconfiguration of the site access and internal road arrangements and provision of new publicly accessible outdoor amenity space. New associated refuse and recycling arrangements.

Background

This report relates to the need to vary a S106 agreement pertaining to application: 16/4545/FUL, dated 22 December 2017 between the developer and the Mayor of London along with the local planning authority as a named party to the agreement. Application 16/4545/FUL allows for a residential-led mixed use development of the former National Institute of Medical Research site. The s106 allowed amongst other matters for the provision of 185 residential units to be provided as affordable housing on site,

Since the planning permission was granted discussions have taken place between Barratt London and the Mayor in relation to the wording of the agreement.

Consequently, the parties wish to vary the principal agreement dated 22nd December 2017 to

:

Update the mortgagee in possession clause to reflect the latest wording released by the GLA.

The application also involves:

1. moving 1 Shared Ownership flat from Block C1 to Block G1 (involving an amended tenure plan to replace plans 12 and 17 of the original S106 to pick up the swap)
2. removing 1 Shared Ownership flat from Block E1 and replacing it in Block E2 (the tenure plans remain the same)

Finally the proposed deed of variation also makes minor changes to the affordable housing schedule to:

- 1) remove paragraph 6.3.3 of Part 1 of Schedule 3. The paragraph as drafted, applies the marketing provisions for the first sale of shared ownership units to subsequent sales due to conflict with the mayoral model Shared Ownership Lease.
- 2) Changes to paragraph 5.2 of Schedule 3 in relation to Affordable Rented Housing Units and the rent levels.

### Legal Basis

Government guidance suggests that:

*Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).*

*Paragraph: 009 Reference ID: 23b-009-20160519*

In practice there is no set process for varying a S106 by agreement. S106 agreements are normally varied when a later planning permission is granted which varies the original planning approval resulting in the need to revise the original S106; in this current situation there is no revised planning application requiring a revision to the original S106, however, there is a need to revise the wording of the original S106 on the basis that the current wording is no longer appropriate.

Consequently a S106a application is not an appropriate vehicle in this case, as the National Institute of Medical Research s106 was signed in December 2017 which is less than 5 years ago.

Therefore the requirement is to vary the agreement by agreement between all parties against whom the S106 would be enforceable against. This is not affected by the current proposals.

### Policy Background

Core Strategy policy CS4: Providing quality homes and housing choice in Barnet. seeks a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. The proposal set out in the deed of variation

would not alter the quantity of affordable housing proposed (35%) or change the tenure split or quantity of affordable housing over the extant permission.

### Assessment

It is considered that the proposal to vary the S106 agreement is acceptable. The proposal involves minimal changing to the wording of the agreement to accord with the preferred GLA wording, and involves a relocation of a single shared ownership unit.

### Recommendation

That all parties to the agreement dated 22 December 2017 and any other person having a requisite interest in the site be invited to enter into a Deed of Variation, varying the extant section 106 Agreement dated 22 December 2017 as set out below:

1. Update the Mortgage in possession clause
2. Moving 1 Shared Ownership flat from Block C1 to Block G1 (Along with amended Tenure Plans)
3. Removing 1 Shared Ownership flat from Block E1 and replacing it in Block E2
4. Remove paragraph 6.3.3 of Part 1 of Schedule 3. The paragraph as drafted, applies the marketing provisions for the first sale of shared ownership units to subsequent sales due to conflict with the mayoral model Shared Ownership Lease.
5. Changes to paragraph 5.2 of Schedule 3 in relation to Affordable Rented Housing Units and the rent levels.

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**LOCATION:** Land In The Vicinity Of Claremont Way, Brent Cross  
Cricklewood Regeneration Area North West London

**REFERENCE:** 18/6645/FUL **Received:** 05.11.2018  
**Validated:** 05.11.2018

**WARD:** Golders Green **Expiry:** 04.02.2019

**APPLICANT:** BXS Limited Partnership

**PROPOSAL:** Construction of highways infrastructure and associated public realm comprising High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of High Street South (East Works) and Claremont Road Junction North, required in association with Phase 1 (South) of the consented redevelopment of the Brent Cross Cricklewood regeneration area (Ref: F/04687/13). Proposal includes including enabling works and other works incidental to the highways and public realm development | Land In The Vicinity Of Claremont Way Brent Cross Cricklewood Regeneration Area North West London.

**1. RECOMMENDATION**

**APPROVE** planning application 18/6645/FUL subject to the recommended conditions listed in Appendix 1 of this report.

**AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions as set out in Appendix 1 to this report and any addendum provided this authority shall be exercised after consultation with the Chairman (or in her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **2. APPLICATION SUMMARY**

### **Brent Cross Cricklewood Regeneration**

- 2.1 The comprehensive redevelopment of the Brent Cross Cricklewood ('BXC') area is a long-standing objective of the Council and has been embedded in planning policy at both the regional and local levels for over 15 years. The BXC scheme is one of the most important and significant regeneration opportunities in London. It will deliver strategic objectives and public benefits including a significant amount of new housing, new employment floorspace and jobs, a new train station, improved bus station, new town centre, additional and expanded retail facilities, enhanced parks and open spaces, new community facilities, replacement and expanded schools, highway infrastructure improvements including new bridges and pedestrian and cycle links.
- 2.2 Outline planning consent for the BXC Development was approved in 2010 and amended in 2014 via a Section 73 application (application ref: F/04687/13) ('the S73 Permission').
- 2.3 In order for comprehensive development of BXC to be achieved it needs to be supported by substantial new infrastructure, including new highways and public realm, as well as improvements to existing roads in order to serve the development plots throughout the scheme and establish a new town centre.

### **What is being proposed under this application?**

- 2.4 This application seeks approval for the new roads and public realm that provide access to and connect the first development plots within Phase 1 (South) of the BXC regeneration. The proposals have been designed to principally serve as the setting and means of access to Plots 11, 12 and 13 as well as to connect to the existing highways network and future streets to be delivered in the next phases of the regeneration. Reserved matters approval for Plot 12 was granted in January 2018. Together, these plots and streets forms the first phase of development within the Southern part of the BXC regeneration and will deliver the first new homes as well as uses that will form part of the new town centre.
- 2.5 The drop-in application has been submitted as part of a suite of applications which include Reserved Matters for the residential-led mixed use buildings on Plots 11 and 13, as well as a Section 96A ('S96A') application to make non-material amendments to the S73 Permission parameter plans to retain Claremont Road and revise Claremont Avenue from a Primary Route to a Managed Vehicular Route (as described in Section 8.12-8.17 of this report). The layout and detailed design of the streets proposed under this application are prepared on the basis of the updated parameter plans.
- 2.6 The applications have been submitted as a suite in order to provide the Council with a comprehensive set of proposals for the Phase 1 (South) area and to enable an assessment of the scheme in the round. The Plot 13 RMA proposals are also before the Committee for consideration under application 18/6337/RMA. It should be noted that the S96A application which will make

amendments to the parameter plans to retain Claremont Road and revise Claremont Avenue from a Primary Route to a Managed Vehicular Route has not been determined at the time of writing this committee report. However, Officers are content with the proposed non-material amendments proposed under the S96A and the application will be determined under Officer Delegated Powers following conclusion of the related technical assessments.

### **What will the new streets look like?**

- 2.7 All of the proposed new streets have been designed using Manual for Streets requirements for 20mph including aspects such as visibility splays and kerb radii. The Mayors Healthy Streets approach has also been incorporated.
- 2.8 A new raised table and zebra crossing is proposed to be installed on the existing Claremont Road incorporating a cycle crossing. This will provide improved pedestrian and cycle connectivity for existing residents as well as from the new development and new town centre, over Claremont Road and into Clitterhouse Playing Fields.
- 2.9 Three raised tables are proposed along the new Claremont Park at the junctions with the new residential side streets in order to provide safe and convenient pedestrian access from the development into Claremont Park. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the carriageway to make drivers aware. Inset parking bays and a loading bay are provided.
- 2.10 The proposed Claremont Avenue is designed primarily for walking and cycling with access allowed for delivery or service vehicles. This route connects the new Market Square and High Street South with Claremont Park Road and Clitterhouse Playing Fields to the south.
- 2.11 The proposed High Street South will become the primary route through the new town centre and will have buses as well as traffic using it. The High Street will be 10.4m wide including 2m mandatory cycle lanes. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street, parking bays are shown as 2.5m and loading bays as 2.7m. Bus stops are provided in both directions. It is proposed to install a zebra crossing and raised table at the point where the pedestrian route from the Living Bridge and Claremont Avenue cross the High Street. This will allow a pedestrian route from the Brent Cross Shopping Centre to the north, across the proposed Living Bridge and down Claremont Avenue and over Claremont Road into Clitterhouse Playing Fields.

### **Are the new roads going to be adopted by the Council?**

- 2.12 The S73 Permission establishes key new primary routes through the development that are expected to be adopted by the Council. This will include High Street South and potentially Claremont Park Road proposed under this application. Claremont Avenue, which will be a pedestrian and cycle route mainly, is not proposed for adoption and, along with the residential streets in the development, will be managed and maintained by the Estate Management

Company for BXS.

- 2.13 The highway layout design has been consulted with the LBB Commissioning Team for the Environment as the proposals include raised tables to be installed on the existing highway (Claremont Road) and on the proposed new streets. The application is based on an overarching strategy to provide high quality public realm that meets all user needs including those of pedestrian and cyclists and the promotion of a 20mph zone. In line with this strategy the applicant has included raised tables to enhance pedestrian and cycle priority and reduce accidents and create a better environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but it should be noted that this will require further detail design under the relevant highways agreements.

### **Why has a full planning application ('drop- in') been submitted?**

- 2.14 The Phase 1 (South) Highways and public realm network that is the subject of this application has been submitted as a full planning application rather than as Reserved Matters Application ('RMA') pursuant to the S73 Permission. The need for this approach has arisen as a result of the Southern Developer's review of the masterplan in this area whereby they are now seeking to revise the design and layout of some of the approved roads and associated public realm to provide street based layout that is more reflective of the place making aspirations that Argent Related and the Council wish to deliver. Those parts in question fall within Phases 1A (North) and Phase 1A (South) for which RMA's have already been approved but the deadline for which further RMAs can be submitted has now passed.
- 2.15 As a result, a stand alone planning application has therefore been submitted for the design of the relevant sections of highway that could 'drop in' to the context established by the S73 Permission and masterplan. This would provide updated highways details for those superseded elements of Phases 1A (North) and 1A (South) and would also provide a coherent integrated single development proposal for the highways and public realm surrounding Plots 11, 12, and 13 allowing for a holistic assessment of the Phase 1 (South).
- 2.16 A separate application has been submitted under Section 96a to make non-material amendments to the approved masterplan to retain Claremont Road and revise the layout and status of Claremont Avenue. These non-material changes principally relate to Parameter Plan 002 (Highways infrastructure) and would ensure that the highways layout proposed under this drop-in application would be consistent with the Parameter Plans and S73 Permission. The S96A application will be determined under Officer Delegated Powers.
- 2.17 The use of drop-in applications is not unusual for large developments such as BXC. Whilst this type of application has to be considered on its own merits it fundamentally also needs to ensure that it doesn't prejudice the delivery of the wider S73 Permission and therefore the policy objective for comprehensive regeneration of BXC. Therefore a key material consideration in the assessment of the drop-in is i) the compatibility of the proposed development with the S73 Permission and whether it would impinge upon or prejudice delivery of the wider

BXC regeneration scheme; and ii) whether it would give rise to any new or significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. This is set out in the below subsections of this report.

### **3. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME**

- 3.1 The Application Site lies entirely within the BXC regeneration area and Cricklewood/ Brent Cross Opportunity Area as identified by the Council's *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* (2005) and the *London Plan* (2016) respectively. Outline planning permission for the comprehensive redevelopment of BXC (as described below) was originally granted in 2010 and subsequently varied through a Section 73 planning application in 2013. The Section 73 Planning Permission was approved in July 2014 ('S73 Permission'). The description of the approved development is:

*'Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).*

*The application is accompanied by an Environmental Statement.'*

#### Phasing of the BXC Regeneration Scheme

- 3.2 The S73 Permission is a multi-phase scheme of 7 Phases and a number of sub-phases. Reserved Matters permissions have been granted for sub-Phases 1A (North), 1A (South) 1B (North) and 1B (south) as summarised below:

**Phase 1A (North)** - this includes all highways infrastructure to support the northern development and key highways infrastructure to support Phase 1 South.

**Phase 1A (South)** - this comprises three highway links to support Phase 1 of the Southern Development. Two of these roads have been re-phased and Phase 1A (South) is now comprised solely of Claremont Park Road (Part 1).

**Phase 1B (North)** - this includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the replacement bus station, reconfigured shopping centre, extension to the shopping centre, hotel and leisure uses, northern pedestrian routes, the Riverside Park, Sturgess Park improvements and residential uses.

**Phase 1B (South)** - this includes the Market Square, Clarefield Park Temporary Replacement Open Space and residential development on Plot 12 including the Whitefield Estate Replacement Units (Part 2). Phase 1B (South) in addition comprises other development/infrastructure, as follows:

- Claremont Park;
- Clitterhouse Playing Fields (Part 1);
- Claremont Avenue;
- Claremont Road Junction North;
- High Street South (East Works); and
- Orchard Lane

**Phase 1C** - this includes the remaining plot development within the southern development area of Phase 1 (South) comprising Plots 11 and 13 which will provide 700 residential units along with retail, community and leisure uses on the ground floor in line with the Market Quarter land use allocations.

- 3.3 The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. The Highways and Public Realm drop-in application is located within the Market Quarter Development Zone.
- 3.4 The Market Quarter Development Zone, as described within the Revised Development Specification and Framework ('RDSF'), is to sit at the heart of BXC masterplan. The predominant land use of the Zone is to be residential, with mixed active ground floor uses. The principal areas of public realm, including the High Street South, are expected to be enlivened by local shops and services that serve the day to day needs of the residential and working population. Development within the Zone is to be facilitated by the demolition of Claremont Industrial Estate, the Rosa Freedman Centre and removal of Clarefield Park. These demolitions form part of the approved outline permission.

## Associated Applications Relating to Phase 1 South

- 3.5 This application forms part of a suite of applications which have been submitted in relation to development within Phase 1 South of the BXC regeneration. These form a comprehensive set of proposals for Phase 1 (south). These are as follows;
- **Plot 13 RMA (18/6337/RMA)** - residential led mixed use scheme for Plot 13 comprising 348 residential units with retail, community and leisure uses on the ground floor. (This application is the subject of a separate report also before the Planning Committee for consideration);
  - **Plot 11 RMA (18/6409/RMA)** - residential led mixed use scheme for Plot 11 comprising 352 residential units with retail uses on the ground floor. This is subject to its own EIA screening opinion request;
  - **Drop-in planning application for Highways and Public Realm (18/6645/FUL)** – (the subject of this committee report) detailed designs for the new road network and public realm surrounding Plots 11, 12 and 13 to reflect the retention of Claremont Road and reclassification of Claremont Avenue. This represents an update to the roads previously approved in this part of the development and encompasses parts of Phase 1A South, parts of Phase 1B (South) and Phase 1C, along with elements of Phase 1A (North) that have been re-phased to Phase 1 South. This is subject to a EIA screening opinion request
  - **Minor Amendments to extant RMA consent for Plot 12 (18/6482/BXE)** – submitted pursuant to Condition 1 of RMA consent 17/6662/RMA to make minor amendments to the consented landscaping for Plot 12 to reflect and tie into the reserved matters details now submitted for Plots 11 and 13;
  - **Two Section 96a applications to the s.73 permission (18/6469/NMA & 18/6447/NMA)** - relating to non-material minor amendments to the S73 Permission for the retention of Claremont Road and the redistribution of floorspace between building zones respectively. These are subject to their own EIA screening opinion request.
- 3.6 The above applications have been submitted concurrently in order to provide the LPA with details of a comprehensive approach to developing Phase 1 South (defined as comprising Phase 1A (South) 1B (South) and 1C), with elements of Phase 1A (North) also falling within its remit.
- 3.7 The highways ‘drop in’ proposals seek to provide an updated highways and public realm design in this part of the approved masterplan and within which the Plots 11, 12 and 13 are situated. This updated layout is then reflected in updates to the relevant highways Parameter Plans through the separate S96a application.
- 3.8 The ‘drop in’ also performs the function of addressing the areas of overlap with consented highways infrastructure under Phase 1A (North) and 1A (South). Specifically, it provides an updated layout that is consistent with the current

RMA proposals and parameter changes, in doing so superseding those areas of extant Phase 1A (North) and Phase 1A (South) approvals that would be inconsistent. These changes could not be pursued through the submission of updated RMA's for Phase 1A (North) and 1A (South) given the time frame for submission of RMA's against these phases has expired (Condition 1.2.1 of the S73 Permission).

#### **4. DESCRIPTION OF THE SITE AND SURROUNDINGS**

##### Brent Cross Cricklewood S73 Permission site location details

- 4.1 The Highways and Public realm drop-in application is located wholly within the red line boundary of the s73 outline permission for BXC. The Brent Cross Cricklewood (BXC) regeneration area is a 151 hectare development site. On the western side, the site is bounded by the Edgware Road (A5) and the Midland Mainline railway line; and to the eastern side by Hendon Way road (A41). The North Circular road (A406) which runs in an east west direction across the site separates the Northern and Southern development areas.
- 4.2 The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) and is identified in the London Plan 2016 as a Strategic Regional Shopping Centre. The Southern development area to the south of the A406 is comprised of some large footprint retail, Hendon Leisure Centre, the Whitefield estate (of approximately 220 units), parks and open spaces, Whitefield Secondary School, Mapledown Special School and Claremont Primary School and Claremont Way Industrial Estate.
- 4.3 The Templehof Bridge and the A41 flyover provide the only existing direct north-south links within the site which run across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Shopping Centre.
- 4.4 The BXC site is surrounded to the north, east and south by traditional low rise suburban development, predominantly two storey semi-detached houses. Cricklewood Railway Station located to the west of the BXC site, lies on the Midland Mainline railway line which runs between London St. Pancras and the north of England. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

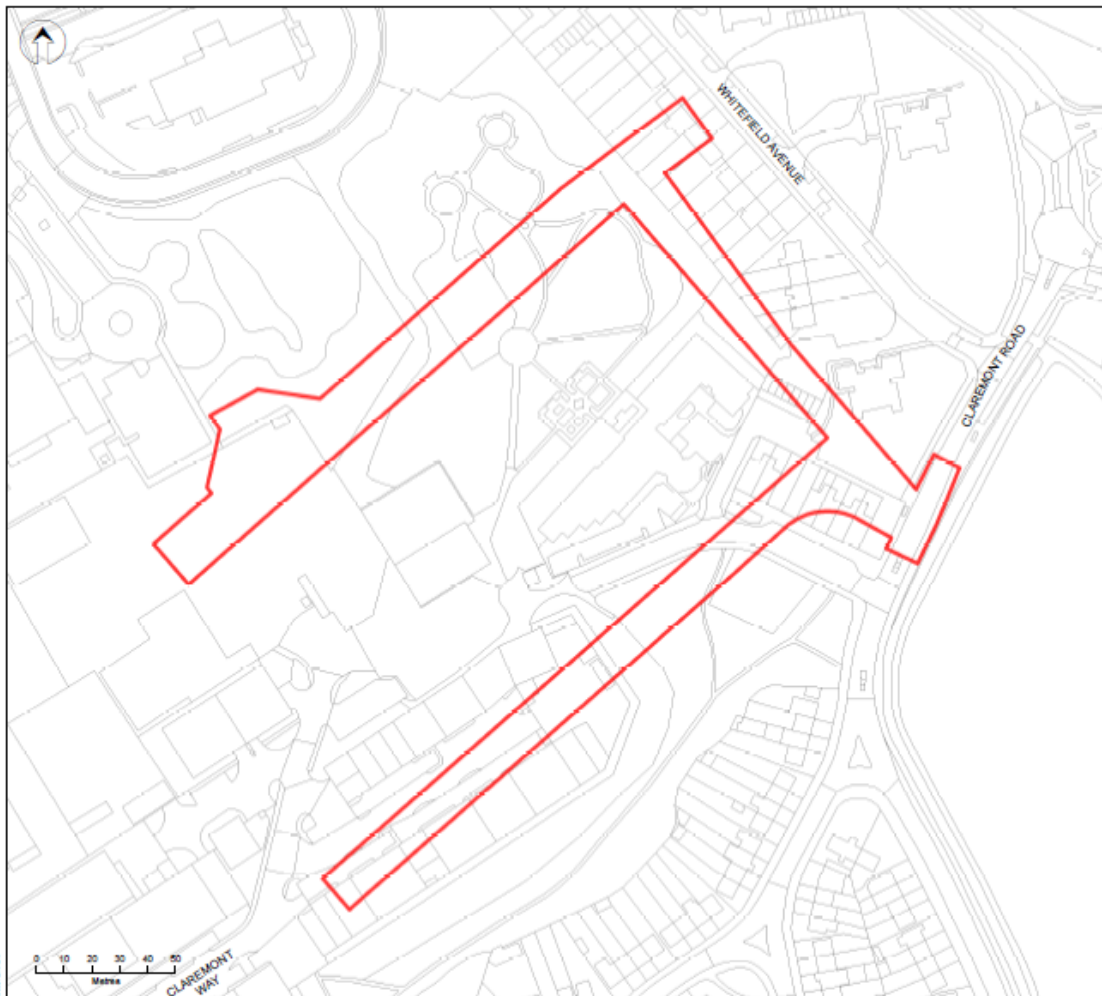
##### Highways and Public Realm site location details

- 4.5 The application site measures 1.1602ha and wholly comprises land included within and consented by the S73 Permission, for redevelopment as part of the BXC scheme. The extent of the application red line boundary comprises the following:



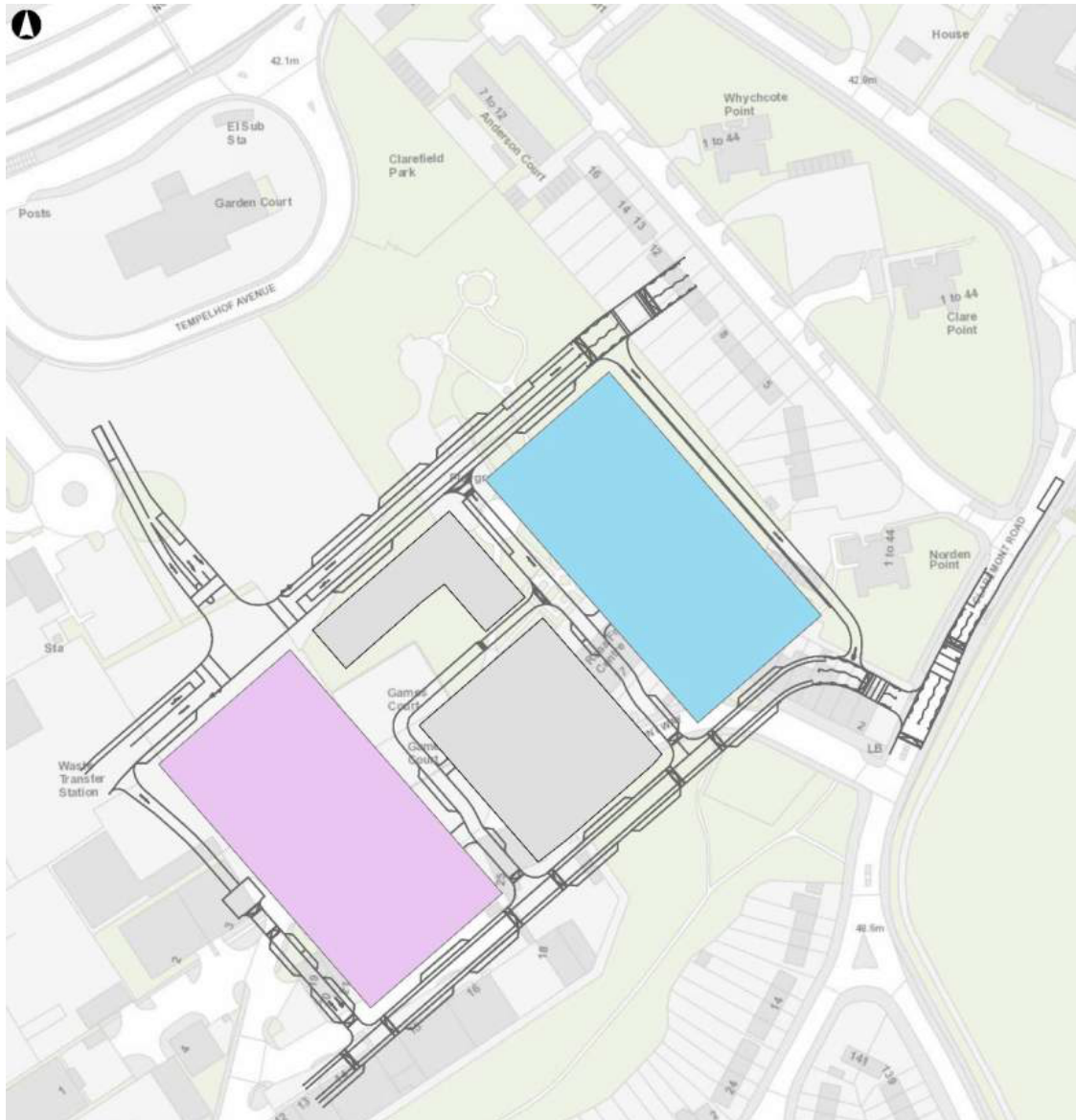
- The southern and north-eastern parts of the Claremont Way Industrial Park;
- Claremont Way Open Space;
- Part of Claremont Way vehicular highway and pedestrian footpaths;
- Retail (with residential above) units to the north-east side of Claremont Way;
- Part of the grounds (including vehicular garages) of Norden Point flats;
- Part of the rear gardens to properties on the south-west side of Whitefield Avenue;
- Two residential dwellings on the south-west side of Whitefield Avenue; and
- Part of Clarefield Park (including part of the play-area).

4.6 The extent of the proposed development is shown on the Site Location Plan Drawing no. BXS-PLAN-PLAP-06-A-P01. Figure 1 below is an extract from the Appendix A of the Planning Statement submitted with this application highlighting the red line boundary of the site only. Figure 2 shown on the subsequent page is an overview of the highways and public realm proposals within the context of the development Plots within Phase 1 (South) which are directly related to the Highways and public realm drop-in proposals.



**Figure 1: Location of the application Site (bound in red) in relation to the surrounding area and key features, adapted from Appendix A: (Application Site Boundary) from the 'Planning statement, Phase 1 (South) Highways and Public Realm Application'<sup>1</sup>**

<sup>1</sup> Appendix A, 'Application Site Boundary', Planning Statement, Phase 1 (South) Highways and Public Realm Application, prepared by DP9, dated November 2018



**Figure 2: Location of the proposed highways layout in the context of development Plots 11, 12 and 13 and surrounding area (adapted Figure 9 (Phase 1 (South) Proposed development) of the Phase 1 (South) Transport Report.<sup>2</sup>**

4.7 There are no statutory or non-statutory designations within the application Site.

<sup>2</sup> Figure 9 titled; 'Phase 1(South) proposed development', Phase 1(South) Transport Report, prepared by Arup, dated October 2018.

## 5 DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 Planning permission is sought for the following proposed development:

*Construction of highways infrastructure and associated public realm comprising: High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of junction with High Street South (East Works) and Claremont Road Junction North and including all enabling works and other works incidental to the development'.*

5.2 The site layout submitted with this application shows that the proposed highway layout will connect to the existing adopted highway at Claremont Road with a proposed 3 arm priority junction that connects the development via the proposed Claremont Park Road (Part 1), and will replace the existing junction with Claremont Way. The proposed junction is approximately 20 metres north-east of Claremont Way junction with Claremont Road. At this junction a new raised table and zebra crossing is proposed incorporating an uncontrolled cycle crossing. This will provide improved pedestrian and cycle connectivity from the development and new town centre including the Brent Cross Shopping Centre beyond via Claremont Avenue and the Living Bridge, over Claremont Road and into Clitterhouse Playing Fields.

5.3 The rest of the proposals comprise the following new streets: High Street South (East Works); Claremont Park Road (Part 1); Claremont Avenue; and Claremont Road Junction North.

5.4 The proposed Claremont Park Road runs from the proposed priority junction on Claremont Road along the edge of Claremont Park with plot development on it's northern side. It will connect development access streets for Plots 11,12 and 13 giving access to parking and delivery and servicing but these streets do not form part of this application and are instead considered under the related Reserved Matters applications. The proposed design for this street includes raised tables at the junctions with the residential side streets in order to provide safe and convenient pedestrian access from the development into Claremont Park. The Highway Cross Sections shows that the carriageway on Claremont Park Road will be 7.8m wide footways are to be 1.7m. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the carriageway to make drivers aware. Inset parking bays and a loading bay are provided.

5.5 The proposed Claremont Avenue connects High Street South with Claremont Park Road. This route is designed primarily for walking and cycling with access allowed for delivery or service vehicles.

5.6 The proposed High Street South runs to the north of Plots 11,12 and 13. This will become the primary route through the new town centre and will have bus routes as well as traffic using it. It is proposed to install a zebra crossing and raised table where the carriageway meets the junction of the proposed Claremont Avenue. This will allow a pedestrian route from the Brent Cross Shopping Centre to the north, across the proposed Living Bridge and down

Claremont Avenue and on into Clitterhouse Playing Fields.

- 5.7 A signalised junction is proposed between High Street South and Tempelhof Avenue where it passes over the new Tempelhof Bridge. Advanced stop lines for cyclists and pedestrian crossing points are proposed on all three arms of the junction. The Highway Cross Sections shows that the carriageway for the High Street will be 10.4m wide including 2m mandatory cycle lanes. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street, parking bays are shown as 2.5m and loading bays as 2.7m. Bus stops are provided in both directions.
- 5.8 All of the proposed new streets have been designed using Manual for Streets requirements for 20mph including aspects such as visibility splays and kerb radii. The inter-visibility splays for the signalised junction are in accordance with the Design Manual for Roads and Bridges.
- 5.9 As these works replace elements of highways already approved under previous reserved matters approvals, the relevant approvals are listed below:
- High Street South (East Works) (ref. 15/03312/RMA and subsequently amended ref: 17/6836/BXE);
  - Claremont Park Road (Part 1) (ref. 15/06518/RMA and subsequently amended ref: 17/6832/BXE);
  - Claremont Avenue (ref. 15/03312/RMA and subsequently amended ref: 17/6836/BXE); and
  - Claremont Road Junction North (ref: 15/03312/RMA and subsequently amended ref: 17/6836/BXE).
- 5.10 In addition to the proposals under consideration through this application, the Phase 1 (south) Highways and public realm network as a whole comprises the tertiary streets between the development plots and the North – South Access road to the west of Plot 13. The below table provides a list of the Phase 1 (South) Highways network as a whole with corresponding details of the extant RMA details that will be replaced either in part or fully, and the application which the proposed piece of highways infrastructure will fall under. The elements subject to this highways drop-in application are within the shaded cells of the table.

**Table 1: Aspects of Phase 1 (South) Highways network**

<b>Feature</b>	<b>RMA</b>	<b>Proposal</b>
High Street South (East Works)	Approved in detail as part of reserved matters consent (ref: 15/03312/RMA and subsequently amended ref: 17/6836/BXE) – approved when infrastructure item located in Phase 1AN	High Street South (East Works) to be replaced by ‘drop-in’ full planning application which will supersede the relevant part of the RMA.

Claremont Park Road (Part 1)	Approved in detail under reserved matters consent (ref: 15/06518/RMA and subsequently amended ref: 17/6832/BXE) – approved when infrastructure item located in Phase 1AS	To be replaced by 'drop-in' full planning application
Claremont Avenue (south of junction with High Street)	Approved in detail as part of reserved matters consent (ref: 15/03312/RMA and subsequently amended ref: 17/6836/BXE) – approved when infrastructure item located in Phase 1AN	Claremont Avenue to be replaced by 'drop-in' full planning application which will supersede the relevant part of the RMA.
Claremont Road Junction North	Approval in detail as part of reserved matters consent 15/03312/RMA and subsequently amended ref: 17/6836/BXE).	Claremont Road Junction North to be replaced by 'drop-in' full planning application which will supersede the relevant part of the RMA.
Tertiary Street between Plots 11 and 12	Approved in detail under Plot 12 reserved matters consent (ref: 17/6662/RMA) – located within Phase 1BS	Submission varying Condition 1 of RMA consent
Tertiary Street between Plots 12 and 13	Approved in detail under Plot 12 reserved matters consent (ref: 17/6662/RMA) – located within Phase 1BS	Submission varying Condition 1 of RMA consent
Tertiary Street to the west of Plot 13	Forms part of the Plot 13 reserved matters (ref: 18/6337/RMA) – located within Phase 1C - submitted to LBB, pending consideration	Plot 13 RMA (pending consideration)
Public realm within consented Plot 12	Approved in detail under Plot 12 reserved matters consent (ref: 17/6662/RMA) – located within Phase 1BS	Submission varying Condition 1 of RMA consent
Public realm within proposed Plots 11 and 13	Plot 11 reserved matters (ref: 18/6409/RMA) and Plot 13 reserved matters (ref: 18/6337/RMA) – located within Phase 1C – submitted to LBB, pending consideration	Plot 11 RMA& Plot 13 RMA (pending consideration)

## **6 COMPATIBILITY OF THE PROPOSED DEVELOPMENT TO THE BRENT CROSS CRICKLEWOOD S.73 PERMISSION**

- 6.1 As described in Section 4 of this report, the S73 Permission grants outline planning consent for the BXC regeneration, subdivided into a series of development Zones comprising new streets and public spaces as well as plots for new buildings and different uses. The parameter plans establish a hierarchy of streets and their expected functions including the creation of a new High Street and other secondary and tertiary streets serving the development. Therefore, the principle of new streets and highways infrastructure has already been established in planning terms by virtue of that outline planning permission.
- 6.2 The use of 'drop-in applications' in the context of outline planning consents, particularly for large regeneration projects delivered over a number of years, is not an uncommon planning approach. Indeed, drop-in planning applications have been approved in relation to the Rail Freight Facility, Waste Transfer Station and Railway Sidings within the S73 Permission for BXC.
- 6.3 The use of 'drop-in applications' can only be considered acceptable to the Local Planning Authority providing that (1) the proposed development is compatible with the S73 Permission; (2) it does not undermine or prejudice the overall delivery of the wider masterplan (i.e. comprehensive development of the BXC area); and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.
- 6.4 If Members were minded to grant planning permission for the proposed development, or any other 'drop-in application', two planning permissions would effectively coexist for development of the same land at that point in time. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the S73 Permission un-implementable. However, provided that the alternative proposals within the 'drop-in application' does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the S73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats ((1) to (3)). An assessment of compatibility with the s73 permission is undertaken in subsequent subsections of this report.
- 6.5 Should Members be minded to approve this application, a condition is proposed to be added to any permission requiring that no development take place on any given piece of land within the application boundary until that piece of land is bound by a planning obligation committing not to revert back to the development approved under the previous RMA consents. This will mean that different areas of the red line boundary can be bound by the necessary obligation at different points in time as the relevant developer acquires its interest.
- 6.6 Given that it is likely that at the date works are first carried out pursuant to any permission granted for this drop-in application, the developer will be carrying

out those works pursuant to a licence, and will not have a legal interest in the land. It is further possible that the only entity with a legal interest in the relevant land will be the Council. As the Council is also the local planning authority, it cannot enter into a Section 106 agreement with itself. Therefore the condition is drafted so that the obligation only applies in respect of land which is not owned by the Council at the date of the relevant commencement. This is justified on the basis that, where LBB does own the land at the date of commencement, it has other options to be able to ensure that the necessary obligations are complied with, such as making it a requirement in the licence that only the new planning permission can be implemented, or making it a requirement of any transfer to a third party that a unilateral undertaking in the form required by the condition is entered into at the time of disposal, notwithstanding the fact that development may have already commenced by that time.

6.7 The draft condition wording is as follows:

*"Save in respect of land owned by the Local Planning Authority, no development permitted by this planning permission can be carried out on any part of the land benefiting from the planning permission until the relevant part of the land (which for the avoidance of doubt may be part only of the site) has been bound by a planning obligation entered into pursuant to Section 106 of the Town and Country Planning Act 1990, containing the following obligation:*

*"The Owner covenants that from commencement of planning permission reference [x] within the land shown edged red on Plan [x] no further works shall be carried out on that area of land pursuant to planning permission reference F/04867/13 dated 23 July 2014."*



## 7. MATERIAL CONSIDERATIONS

7.1 The following provides an overview of the matters that constitute material considerations in the determination of this planning application.

### Key Relevant Planning Policy

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management Policies DPD both adopted September 2012).
- 7.3 Chapter 12 of Barnet's Unitary Development Plan (2006) also remains extant and the policies contained within it are also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.
- 7.4 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application.

**Table 2: Summary of the development plan policies most relevant to the determination of planning application 18/6645/FUL**

<b>The London Plan (March 2016)</b>	
<b><i>London's Places</i></b>	
Policy 2.13	Opportunity Areas and Intensification Areas
Policy 2.18	Green Infrastructure: The Multi-functional Network of Green and Open Spaces
<b><i>London's Response to Climate Change</i></b>	
Policy 5.2	Minimising Carbon Dioxide Emissions
Policy 5.3	Sustainable Design and Construction
Policy 5.17	Waste Capacity
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 5.21	Contaminated Land
<b><i>London's Transport</i></b>	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.12	Road Network Capacity



Policy 6.13	Parking
<b><i>London's Living Spaces and Places</i></b>	
Policy 7.1	Lifetime Neighbourhoods
Policy 7.2	An Inclusive Neighbourhood
Policy 7.3	Designing out Crime
Policy 7.4	Local Character
Policy 7.5	Public Realm
Policy 7.6	Architecture
Policy 7.8	Heritage Assets and Archaeology
Policy 7.13	Safety, Security and Resilience to Emergency
Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19	Biodiversity and Access to Nature
Policy 7.21	Trees and Woodlands
<b><i>Implementation and Monitoring Review</i></b>	
Policy 8.2	Planning Obligations
<b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>	
Policy CS NPPF	National Planning Policy Framework – Presumption in Favour of Sustainable Development
Policy C1	Barnet's Place Shaping Strategy
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and Enhancing Barnet's Character to Create High Quality Places
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 CS13	Ensuring the Efficient Use of Natural Resources
<b>Barnet Local Plan – Development Management Policies DPD (September 2012)</b>	
Policy DM01	Protecting Barnet's Character and Amenity
Policy DM04	Environmental Considerations for Development
Policy DM14	New and Existing Employment Space
Policy DM16	Biodiversity
Policy DM17	Travel Impact and Parking Standards
<b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b>	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C4	Sustainable Design
Policy C10	Employment

7.5 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:

- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
- National Planning Policy Framework (July 2018);
- National Planning Practice Guidance;
- LB Barnet Sustainable Design and Construction SPD (2016);
- LB Barnet Green Infrastructure SPD (2017);
- The Mayor's Sustainable Design and Construction SPG (2014);
- The Mayor's Control of Dust and Emissions during Construction & Demolition SPG (2014);

7.6 The Local Planning Authority also recognise other relevant topic specific frameworks that may be material to the consideration of this planning application. This includes:

- Mayor's Transport Strategy (2018)
- Mayor's London Environment Strategy (May 2018)
- London Local Air Quality Management – Policy Guidance (2016)
- LB Barnet's Air Quality Action Plan 2017-2022

7.7 In December 2017, the Mayor published a draft new London Plan for consultation. The consultation period ended 2<sup>nd</sup> March 2018. A further draft with the Mayor's minor suggested changes was published on 13<sup>th</sup> August 2018, along with consultation responses received by the Mayor on the draft new London Plan. However, this draft new London Plan remains subject to Examination in Public with the principal hearing sessions likely to be held during the first half of 2019. Any panel report considering this draft new London Plan are indicated as being published in Summer 2019<sup>3</sup>. Given status of this New London Plan limited, if any, weight should be attached to the draft policies contained within it when considering this planning application.

### **Pre-Application Public Consultation**

7.8 As set out in the 'Statement of Community Involvement submitted with the application, the Applicant has undertaken pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXS regeneration scheme.

7.9 This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response to guidance published by Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states *'The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application*

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<sup>3</sup> The London Plan Examination in Public 2018-2019 – Panel Note 1: Preliminary Information about the Examination in Public (August 2018)  
([https://www.london.gov.uk/sites/default/files/ex01\\_lp\\_panel\\_note\\_no.1\\_final.pdf](https://www.london.gov.uk/sites/default/files/ex01_lp_panel_note_no.1_final.pdf)).

*consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot'.*

- 7.10 The submitted 'Statement of Community Involvement' sets out that initial community and stakeholder engagement was undertaken between February 2016 and February 2017 around the wider masterplan, introducing residents to BXS LP's emerging proposals. Following this, between March 2017 and September 2017, the engagement focus was on the Plot 12 RMA proposals. The statement sets out that during this period, in relation to the wider BXS and Plot 12 RMA proposals, a total of; seven separate Community Liaison Group (CLG) events, nine workshops, two sets of public exhibitions, a number of pop-up street interviews and numerous one to one stakeholder meetings took place. To advertise these events and notify residents and local businesses, a dedicated project website with regular updates has been established, along with a newsletter with a distribution area of 15,000 residential and business addresses, and a GDPR complaint project database with over 500 individuals.
- 7.11 In relation to the Highways and public realm 'Drop-in application specifically, having already introduced residents to the principle of these proposals through previous rounds of consultation, dedicated consultation was undertaken commencing June 2018. In keeping with the previous BXS consultation approach outlined above, two separate communication streams were used. This comprised; written communication and updates on the dedicated website of the proposals and forthcoming public consultation events, and subsequent events themselves, and focussed communication with CLG members ahead of the public exhibitions and CLG events. The material presented to residents and stakeholders through these channels has been centred on the proposals for Phase 1 south as a whole, comprising Plot 11 and Plot 13 Phase 1C RMA's and the Highways and Public realm 'Drop-in' application. Given these applications, in conjunction Plot 12 (Phase 1B), together comprise a holistic picture of this part of the BXS regeneration, and are subject to separate applications submitted concurrently, it is appropriate for consultation to have been undertaken on them collectively.
- 7.12 Two days of public consultation events took place on the 14<sup>th</sup> and 17<sup>th</sup> of July 2018, attended by members of the design teams for the development plots and highways and public realm 'Drop-in' proposals. Further information on the wider project and other forthcoming BXS submissions including Claremont Park Improvements and the Temporary Open Space were also shown alongside to provide context and to allow for early feedback.
- 7.13 Following these events, a single CLG meeting took place on the 30<sup>th</sup> July 2018 held at the Whitefield School, which provided an opportunity for residents who may have already attended the public exhibitions to reflect on the proposals and raise any queries with the BXS developers in the meeting.

## Statutory and Other Technical Consultation Responses

- 7.14 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), the LPA conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application.
- 7.15 **London Borough of Brent** confirmed that they have no objection to the application. They conclude that given the siting and distance to the borough boundary, the consideration and assessment of elements such as the design, siting and landscaping would not cause significant harm to the residents of Brent.
- 7.16 **Transport for London** provided comments on the Transport related pre-RMA submissions for Phase 1 (South) submitted alongside this application, which TFL highlight as being of relevance to this drop-in submission. Of particular relevance to this application is the review of the drawings covering the physical environment proposed under the 'Drop-in' application. Associated operational comments are relevant to the pre-RMA submissions comprising the RMTR, SDS, CPS and PCS.
- Trees overhang the highway and on vehicle routes, potential risk to cyclists as well as buses, coaches, vans and HGVs.
  - Clusters of trees placed close to junctions and crossing points. Some planting in visibility splays may be acceptable. This needs to be assessed as part of the road safety audit of the design.
  - Trees appear too close to the end of the loading bays in places. Has the design of the loading bay been safety audited?
  - Has the detail design for cycle lanes, loading bays and bus stops been settled?
  - Doors appear to open onto the public realm or public highway. Doors should open inwards or be set back or include features to avoid people being hit by opening doors. There may be exception such as fire doors/ emergency escape routes.
  - Footways narrow around the loading bays and around "privacy planting"

### Officers comment:

*All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications. Loading bays have been amended to ensure vehicle tracking and manoeuvring. Landscaping has been amended or species clarified to ensure it does not unacceptably obstruct visibility splays. Doors to buildings adjacent to the adopted highway will all open inwards. Footways are in accordance with the required dimensions of the RDSF and parameter plans.*

- 7.17 The **Environment Agency** raises no objection to the planning application.
- 7.18 **Historic England** raises no objection to the planning application. The Greater London Archaeological Advisory Service have confirmed that, having

considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

7.19 **London Fire Brigade** has responded to confirm that whilst the access and facilities for fire fighters is satisfactory pursuant to section B5 of approved document B, LFB are unable to comment on the highways network aspect of the consultation.

7.20 **National Grid (Cadent Gas Limited)** raises no objection to the planning application, but recommends an informative to advise that operational gas apparatus has been identified within the application site, and therefore appropriate notices on Cadent Gas Limited will be required to take place prior to any works occurring on site that would affect the gas apparatus.

Officers comment:

*The relevant informative is included in the draft decision notice (Appendix 1).*

7.21 The Council's **Environmental Health Officer** raises no objection to the planning application. Comments provided are in respect of potential noise, air quality and contaminated land impacts occurring during the construction phase. For construction related impacts, it was recommended that a condition requiring the submission of a Construction Environmental Management Plan (CEMP) for approval by the LPA prior to the commencement of development. For contaminated land, a condition was recommended to ensure a site remediation assessment is undertaken and be submitted and approved by the LPA prior to the commencement of development.

Officers comment:

*The relevant conditions are included within the draft decision notice (Appendix 1).*

7.22 The Council's **Highways Team** have reviewed the application and have been involved in the detailed process from the pre-application stage as well as throughout the application. They have no objections to the proposed development and have confirmed that the highway layout is agreed subject to the detail design process and Highway Authority agreement and subject to conditions in relation to the following:

- Highways Engineering Drawings and detailed Construction Specifications for estate roads;
- Details of the junction between the proposed service road and the highway to be submitted for approval;
- A Waiver of liability and indemnity agreement 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;
- A vehicular sight lines on Claremont Park Road and High Street South, and on Claremont Park Road and Claremont Road;

- The junction inter-visibility for the signalised junction on High Street South;
- Details of any highways be stopped under Section 247 of the Town and Country Planning Act;
- Interim highway layouts incorporating turning heads to submitted and agreed.

7.23 The **Lead Local Flood Authority** raises no objection to the planning application, but recommends the inclusion of a condition requiring a detailed Surface Water Drainage scheme for the site to be submitted to and approved in writing by the LPA prior to the commencement of development. The detailed scheme is to be based on the submitted Drainage Statement prepare by Arup dated October 2018 and shall also include:

- i) Flood Risk Assessment/Statement
- ii) Drainage Strategy with plan layout
- iii) Evidence of third party agreement for discharge to their system
- iv) Maintenance program and on-going maintenance responsibilities/adoption of the surface water drainage system;
- v) Detailed development layout
- vi) Detailed drainage design drawings
- vii) Detailed hydraulic calculations including the proposed attenuation and flow control structure
- viii) Development Management & Construction Phasing Plan
- ix) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.

*Officers comment:*

*An appropriately worded condition has been included within the draft decision notice (Appendix 1).*

7.24 The Council's **Ecology Consultant** raises no objection to the planning application, commenting that the design and scheme is in keeping with the Revised Design and Access Statement and the revised Design Guidelines that form part of the BXC S73 permission F/04687/13. Snowberry species of tree proposed within the public realm planting scheme were noted as problematic and recommend its substitution.

*Officers comment:*

*Trees species provided in the submission are indicative at this stage, with further details to be secured through planning condition providing opportunity for different species choices. See draft decision notice (Appendix 1).*

7.25 The Council's **Tree Officer** raises no objection to the planning application. Comments provided recommended some replacement species for those shown within the submission, namely *Tilia tomentosa*, *Prunus Domestica* (plum trees). Connected tree pits along the public highway as opposed to individual tree pits are recommended, to be agreed with Highways as part of the Highways Technical approval process. A Landscape Ecology Management Plan (LEMP) and details of tree species are recommended to be secured through a planning

condition.

Officers comment:

*In response to these comments it is considered appropriate to attach the relevant recommended planning conditions. These are listed within the draft decision notice (Appendix 1).*

### **Elected Members and Local Groups**

- 7.26 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application but no written comments in respect of the proposed development have been provided to the LPA as a result of this.
- 7.27 Based on the Council's current database, a number of other residents' associations and community forums were also consulted on the planning application but have not provided any comments. This included: **Cricklewood Community Forum, Cricklewood Neighbourhood Association, Cricklewood Residents Association, Railway Terrace Community Association, Brent Terrace Residents Association**. No comments have been received from these particular organisations.

### **Public Consultation Responses**

- 7.28 Following registration of the application 1450 neighbouring properties were consulted by letter. The application was advertised in the local press on 6<sup>th</sup> November 2018 and 5 site notices were put up on site also on 6<sup>th</sup> November. The consultation allowed a 4 week period to respond.
- 7.29 The consultation letters and site notices included details of three concurrent applications in relation to Phase 1C of the development as follows:
- Reserved Matters for Plot 13 (18/6337/RMA);
  - Reserved Matters for Plot 11 RMA (18/6409/RMA); and
  - Drop-in planning application for Highways and Public Realm (18/6645/FUL) within Phase 1C.
- 7.30 A single objection from a resident within the vicinity of the site has been received in relation to this application. The Main points raised are;
- The transitional highway works have not taken into account the extremes of traffic in the area at the junction of Claremont Road and Tilling Way. This junction and the rest of Tilling Way gets gridlocked on a regular basis without additional traffic. Gridlock regularly takes place at times of bad weather and flooding, Seasonal Shopping for Brent Cross Shopping Centre and when the North Circular suffers a closure in the area. These gridlocks spread all along Tilling Road to the North Circular - M1 gyratory system, up to the Brent Cross Flyover and junctions with Hendon Way, North Circular Road and Brentfield Gardens. Motorists can be stuck for hours when this happens.

- Fully appreciate the long term plan includes an east - west route through the development and various minor adjustments are proposed to Claremont Road etc. However, in my opinion, these do not fully address the impact on the existing highway usage until the new east - west route has been completed.
- Traffic from the completed build will add an additional burden of traffic on an already fragile road system without any alternative routes for access and egress until the full new road system has been completed. This may take a considerable number of years.
- Propose all new highways are constructed before the build commences to avoid additional traffic grid locks in the area.

Officers comment:

*The overall traffic impacts of the BXC development were assessed and considered at the outline application stage. Further traffic modelling was carried out as part of the Phase 1 Transport Report in relation to the highways infrastructure approved under Phase 1A(North) and 1A(South), the scope of which was discussed and agreed with Highways England, the London Borough of Barnet and Transport for London. The development will also deliver a new railway station and other improvements to public transport and non-car modes, and the section 106 and Conditions contain a robust framework of control to help ensure the future mode split of trips in the local area is more heavily weighted towards these modes. The proposed highway network changes have been assessed in detail from a transport perspective, including both strategic and local highway modelling. The proposals have also been considered in relation to any implications for all topics contained within the Environmental Statement.*



## 8 PLANNING APPRAISAL

- 8.1 The subsections below set out the different material considerations relevant to considering the highways and public realm scheme proposed under this application. Given the Application Site falls entirely within the boundary of the BXC regeneration scheme which benefits from outline planning permission by virtue of the S73 Permission, a key material consideration is (1) the compatibility of the proposed development with the S73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme; (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. Demonstrating compliance with these three criteria is key to ensuring the S73 Permission is not undermined therefore securing the continued objectives contained within saved Policies GCrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.
- 8.2 In addition to this, given it is a full planning application in its own right, it needs to be assessed on its own merits against relevant development plan policies and other material considerations. The proposed development has therefore been assessed under each material consideration heading against the relevant development plan policies to inform the Officer's conclusions and recommendations.

### **Principle of the proposed development**

#### Brent Cross Cricklewood Regeneration Scheme

- 8.3 The Application Site falls entirely within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Local Plan Proposals Map. This designated regeneration area forms part of the adopted development plan for the area and is the subject of saved policies contained within Chapter 12 of the Council's UDP (2006) and the Local Plan: Core Strategy DPD (2012).). The S73 Planning Permission is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area.
- 8.4 The expectations in terms of use and character for different parts of the BXC development are set out within the S73 documents, principally the RDAS and RDSF along with appended parameter plans. The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. The application site is located within the Market Quarter Development Zone, and Building Zone MQ1. The RDAS establishes a vision for Market Quarter as an area home to a diverse mix of uses with a vibrant and dynamic town centre character, of which the provision of high quality highway network and public realm are an integral component.
- 8.5 The proposal comprises the highways and public realm environment within which the detailed residential led plot developments within Phases 1B and 1C

are situated. It is an integral component of the Phase 1 (South) proposals providing pedestrian, cycle and vehicular access to and around the plots, servicing and delivery bays and access for emergency vehicles. The proposals also provide pedestrian, cycle and vehicular connectivity from the within the Market Quarter Zone into the wider BXC highways and public realm network, also facilitating wider connectivity across the BXC site as a whole and the strategic road network.

8.6 Key connections are facilitated by:

- High Street (East Works) – between Station Quarter and the new MML station to the west and Eastern Lands and Brent Cross London Underground Station to the east;
- Claremont Park Road (Part 1) – between the Market Quarter and Station Quarter to the west and Claremont Park to the south;
- Claremont Avenue (South of junction with High Street South) – between the Living Bridge and Brent Cross Shopping Centre to the North and Claremont Road and Clitterhouse Playing fields to the south;
- Claremont Road Junction North – between Claremont Avenue and Clitterhouse Playing fields as well as onto Claremont Road itself providing the principle north south route through the BXS area.

8.7 By virtue of the direct association to the Phase 1B and 1C proposals in terms of providing the setting for these plots and means of access to and around the development, the proposal is considered an integral component of delivering comprehensive development for the BXC site and therefore the overarching principle of development is acceptable.

London Borough of Barnet's Planning Policy Framework

8.8 The principle of the BXC regeneration scheme is embedded within the Council's development plan for the area, namely the Local Plan: Core Strategy DPD (2012) ('Core Strategy'). The BXC regeneration scheme is expected to deliver a substantial amount of residential, employment, education, commercial, retail and green/open space development and Policy CS2 of the Core Strategy directs the Council's expectation for this to be delivered comprehensively.

8.9 As set out above, the delivery of a high-quality highway and public realm are integral to the success and comprehensive delivery of the BXC scheme. The Highways and Public realm 'Drop-in' proposals are central to delivering the Phase 1 (South) proposals which include development on Plots 11, 12, and 13 providing a total of 993 new homes, the Claremont Park improvements, and improvements to Clitterhouse Playing Fields. Therefore the principle of providing this linked highways and public realm component of the Phase 1 (South) proposals is considered to be compliant with aims and objectives of LB Barnet's Planning Policy Framework.

The London Plan (March 2016)

8.10 The London Plan (2016) contains a number of strategic policies which support sustainable growth and development of Outer London. The London Plan Policy 2.13 designates the "Cricklewood/Brent Cross" as a Key Opportunity Area (Map

2.4). The Opportunity and Intensification Areas are controlled by Policy 2.13 Part B which indicates that development proposals within areas should support wider regeneration by providing the necessary social and other infrastructure to sustain growth. Given the proposals are an integral part of the delivery of the BXC objectives, they are compliant with the relevant London Plan policies as cited.

#### Draft London Plan (December 2017)

- 8.11 Brent Cross Cricklewood continues to be recognised as an Opportunity Area and Strategic Area of Regeneration within the draft New London Plan, which was published for consultation between December 2017 to March 2018 and is currently undergoing the Examination in Public process. This corroborates the BXC Development's continued overall importance in terms of delivering (inter alia) new homes, commercial development, retail space, open spaces and employment opportunities. Draft Policy SD1 identifies the Mayor of London's commitment to supporting implementation of adopted planning frameworks; and draft Policy SD10 directs Boroughs to support development proposals that contribute to the renewal of town centres within Strategic Areas for Regeneration. As explained elsewhere within this report, the proposed development is a key component that would enable delivery of the BXC regeneration scheme. The principle of the proposed development continues to be enshrined and supported within regional planning policy.

#### **Compatibility with the BXC permission**

- 8.12 An assessment of compliance or divergence with the S73 Permission principles and controls is required in order to be satisfied that the 'drop-in' proposals would be compatible with the S73 Permission and hence not prejudice the continued comprehensive regeneration of BXC.
- 8.13 This assessment has been undertaken in the context of the submitted S96A application for non-material amendments to the S73 Parameter Plans which seek a change to the consented highway network to retain the existing Claremont Road from its junction with Claremont Way north to its junction with Tilling Road, and to consequently reclassify Claremont Avenue within the approved masterplan. The S73 Permission proposed to remove this section of Claremont Road and replace it, slightly to the west of the existing road, with a new stretch of north-south highway referred to within the S73 Permission as Claremont Avenue. Claremont Avenue is designated as a 'Primary Route' with a limit of deviation of +/- 35m. It is also orientated north-south and runs from the northern end of Clitterhouse Playing Fields (and the eastern end of Claremont Park) towards the proposed location of the Living Bridge, through the proposed Market Square. Detailed consent has been granted for Claremont Avenue through Reserved Matters. The S96A application will therefore amend the permission to retain the full length of the existing Claremont Road and to reclassify the proposed Claremont Avenue as a 'Managed Vehicular Route' that will be primarily for pedestrians and cyclists, although some managed vehicle servicing access may be required.
- 8.14 These changes to the proposed highway network within the S73 Permission

are set out in detail and considered separately under the S96A application 18/6469/NMA, including both strategic and local highway modelling. The proposals have also been considered in relation to any implications for all topics contained within the Environmental Statement through an Environmental Impact Assessment Screening Report (application reference 18/6439/ESR).

- 8.15 It should be noted that the S96A application for the amendments to the parameter plans and S73 Permission in relation to Claremont Road has not been determined at the time of writing this committee report. However, Officers are content with the non-material amendments proposed under the S96A application which will be determined under Officer Delegated Powers following conclusion of the related technical assessments.
- 8.16 The assessment below demonstrates that the drop-in highways proposals would not inconsistent with the wider BXC masterplan framework and layout. They would continue to provide an east-west high street route compatible with the specifications and standards expected. They would continue to provide Claremont Park Road in the same location as previously approved and they would provide a north-south route in the form of Claremont Avenue within the location and limits of deviation specified in the S73 Permission. The nature and classification of Claremont Avenue as a Managed Vehicular Route is however different from the original S73 masterplan as a result of the retention of Claremont Road, but this results in the ability to create a more pleasant pedestrian space and route connecting the development to Clitterhouse Playing Fields. The retention of Claremont Road as a primary vehicular route with improved junctions, footways, pedestrian crossings and landscaping adds interest to an otherwise regular block layout in the central area of the BXS masterplan, and its retention will also help minimise disruption for existing residents with less construction required.
- 8.17 It is therefore in the context of the non-material amendments being made through the s96A application that the assessment of compatibility of the streets proposed through this 'drop-in' application against the S73 Parameters and controls is made below.

#### Compatibility with the S73 Approved Highway Network

- 8.18 The S73 Permission provides for the construction of highways infrastructure and public realm as an integral part of the BXC scheme. The layout of this infrastructure is defined on parameter plans, principally Parameter Plans 002 which sets out the classification for different streets depending on their required function. Of relevance to this application are the classifications relating to: Primary Route (Main Road), Secondary Route and Managed Vehicular Routes.

#### *High Street South (East Works)*

- 8.19 High Street South is the main east-west connection within the town centre in BXS that runs from Station Square and the new Thameslink Station in the west to Market Square at the southern foot of the Living Bridge. High Street South (East Works) relates to the eastern section of High Street South between Tempelhof Avenue and Claremont Avenue. It is expected to carry both local and through traffic including buses, and servicing vehicles. In addition, the S73

Permission defines this as part of the primary pedestrian and cycle link between the new Thameslink Station and Brent Cross Underground station.

8.20 Parameter Plan 002 identifies various infrastructure elements that are proposed as part of the site's comprehensive development. The Parameter Plan includes:

- The location of existing adopted highway and junctions to be modified and improved;
- The location of new highway junctions connecting to the new and existing road network;
- Primary routes (main roads);
- The approximate location of:
  - secondary routes (streets)
  - tertiary routes (minor streets)
  - vehicular access points into building zones
  - no through minor streets where no through vehicular access will be available
  - managed vehicular routes within and around the education campus where private vehicles will only be permitted during school drop off and pick up times
  - location of routes for public transport only (although in the initial phases they may need to operate as all traffic routes)

8.21 Parameter Plan 002 provides the principle technical requirements for Primary Routes (Main Roads), specifying that such roads shall have a maximum back of pavement width of 28m and minimum of 13m, including pedestrian footways of no narrower than 2.5m.

8.22 Accordingly, the submitted proposals comprise a 10.4m single lane carriageway road inclusive of 2m mandatory cycle lanes and 3.2m vehicle lanes in each direction. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street. In-set 2.5m wide parking bays and 2.7m wide loading bays are provided. The High Street South (East Works) will connect to new highways comprising School Lane to the east, High Street South to the west and Tempelhof Avenue via the new Tempelhof Bridge. These principle highways characteristics adhere with the RDSF requirements.

8.23 Claremont Park Road (Part 1), is defined on Parameter Plan 002 as a Secondary Route. Its role in this location is primarily to serve as a local access road providing access to Plots 11, 12 and 13 as well as Claremont Park on its southern side. The second part of this route, Claremont Park Road (Part 2) will continue further west and connect to Spine Road North which passes through Station Square. Parameter Plan 002 sets out that Secondary Routes will have a maximum building line to building line width of 21m and minimum of 11m, of which pedestrian footways will be a minimum of 2m.

8.24 The dimensions of the proposed road correspond largely with the consented Phase 1A (South) RMA details for Claremont Park Road (Part 1). It is proposed to be 7.8m wide carriageway with minimum 1.7m clear footway widths at the narrowest points, increasing either side of parking bays. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the

carriageway to make drivers aware. Inset parking bays and loading bays are provided along the street. Flush crossings on raised tables at the eastern end of Claremont Park Road (Part 1) and on Claremont Road immediately northeast of the Claremont Road Junction North will serve to connect Claremont Avenue to Claremont Park and Clitterhouse Playing Fields. These principle highways characteristics adhere with Parameters 002 and 003.

*Claremont Avenue (South of junction with High Street South)*

- 8.25 Claremont Avenue (South of junction with High Street South), is to be classified as a Managed Vehicular Access Route under the s96A application. It is being downgraded from its original Primary Route designation under Parameter Plan 002 through the non-material amendments being sought. As a result this area now provides an altered function to its original role, providing primarily a pedestrian and cycle only environment, with managed servicing, whereas originally it served as a primary vehicular route through the BXS area. It should be noted that the primary vehicular function will now be performed by Claremont Road which is now proposed to be retained under the revised masterplan layout and amendments to parameters sought under the S96a application.
- 8.26 Claremont Avenue (South of junction with High Street South) is proposed to be a 3.7m wide “managed vehicular route” between High Street South and Claremont Park Road. A raised table pedestrian zebra crossing is provided across the Claremont Park Road junction to allow pedestrian access into Claremont Park. The route along the eastern side of Plot 11 forms part of the wider public realm between Plots 11 and 27 and is proposed as a managed southbound only route for vehicular traffic to serve only as access for residential refuse collection and emergency vehicle access. Primarily, this route will form part of the strategic walking and cycling network within BXS, not only providing access to Plot 11 but also connecting Market Square and the Living Bridge in the north, to Clitterhouse Playing Fields and Claremont Park in the south.
- 8.27 The new pedestrian and cycle focussed route that Claremont Avenue will provide an opportunity to emphasise the walking and cycling connections along this route and to enhance the associated public realm including Market Square and the connections from the Living Bridge down and into Clitterhouse Playing Fields and Claremont Park. By keeping Claremont Road as the primary vehicle route through the area, the new streets and spaces created in the town centre will offer more opportunities for activities and events as well as the retail and mixed uses that will be delivered on the ground floors of the plot development.

*Claremont Road Junction North*

- 8.28 Defined as the junction between Claremont Road and Claremont Park Road (Part 1), this is proposed to be a priority junction, replacing the existing junction with Claremont Way. A raised table will be provided at this junction which will include a zebra crossing for pedestrians and cycles to cross into Clitterhouse Playing Fields.
- 8.29 In the interim condition during construction of Phase 1(South), there is potential to retain the eastern section of Claremont Way and the junction with Claremont Road to provide access before this junction is replaced with the new Claremont

Park Road junction.

- 8.30 Therefore, in the context of the amendments being made through the s96A application, the proposed highways and public realm layout provides sufficient conformity with the S73 Parameters and would not compromise the delivery of comprehensive development at BXC.

#### Compatibility with relevant Pre-RMA Transport Requirements

- 8.31 Pursuant to the requirements of the S73 Permission, a number of pre-Reserved Matters applications have been submitted as part of the suite of applications including this drop-in and the RMAs for Plot 11 and 13. These pre-RMAs include the Reserved Matters Transport Report (RMTR), Servicing and Delivery strategy (SDS), Phase Car Parking Strategy (CPS) and Pedestrian and Cycle strategy (PCS). These separate submissions are required to be submitted at the outset of any sub-phase of the regeneration, to support the submission of a related Reserved Matters applications. This is in order to provide the Council with the relevant detailed highways information to demonstrate that the proposals would be in conformity with the overarching transport objectives of the S73 Permission and would secure the objectives for sustainable highways related infrastructure and to ensure that sufficient capacity exists on the highways network to accommodate the development.

- 8.32 The following detailed elements of compliance have been demonstrated.

#### *Phase Transport Report*

- 8.33 A Phase Transport Report (PTR) has been submitted in support of this highways Drop-in application which also serves as the Reserved Matters Transport report for the RMA applications for Plots 11 and 13. The phase transport report provides information on the trip generation and trip modes splits for Phase 1C, updating any previous Phase 1 PTR. It takes into account the road layouts, junctions, traffic signal proposals and pedestrian and cycle routes.
- 8.34 It provides information on number of car borne as well as sustainable transport mode trips and whether these fall within or exceed the parameters set by the Transport Matrix in the s73 permission. Given that the new Thameslink station will be operational when these plots are completed along with the proposed car parking levels for the phase and the promotion of sustainable modes such as walking, cycling and public transport, the number of trips assessed falls within the threshold set for this phase in the Transport Matrix for the morning (8-9am) and afternoon (5-6pm) road peaks.
- 8.35 Modelling of the car borne trips on the immediate road network has been provided in the PTR as well as junction vehicle turning movements. The assessment has demonstrated that the immediate road network and junctions proposed in this drop-in application is able to accommodate the vehicle movements proposed from the Phase 1C development.

#### *On Street Parking/cycle parking*

- 8.36 On-street car parking within the highways and public realm drop-in application

site are proposed along Claremont Park Road and High Street South. The accompanying Planning Statement clarifies that 20 of the car parking spaces along Claremont Park Road may be utilised as allocated parking for relocated Whitefield Estate residents to fulfil the conditional requirement of the reserved matters approval of Plot 12 (ref: 17/6662/RMA). This is set out in more detail under the separate Car Parking Strategy (CPS) pre -RMA submission for Phase 1 (South) pursuant to Condition 11.2, which also covers the highways drop-in curtilage.

- 8.37 Parking bays on High Street South will cater for visitor parking for the town centre and will be controlled as part of the Council's parking management.
- 8.38 Visitor cycle parking within the public realm for Phase 1 South is detailed within the separate pre-RMA Pedestrian and Cycle Strategy (PCS) submission for Phase 1 (South) pursuant to Condition 2.8. This outlines that cycle parking has been distributed across this area, as shown on Figure 6 of the PCS, serving the land uses within Plots 11, 12 and 13. The provision is in accordance with the adopted London Plan (2016) standards. As illustrated, cycle stands will be located and distributed in the public realm throughout the phase to align with wider desire lines and points of access to the plots.
- 8.39 The cycle and car parking provisions that occur within the application boundary of the drop-in application therefore provide sufficient conformity with the s73 requirements.

### *Servicing*

- 8.40 The servicing and delivery requirements for the S73 Permission are outlined at a site wide level under the Framework Servicing Delivery Strategy (FSDS), approved under condition 1.21. Beneath this, it is a pre-RMA requirement pursuant to condition 1.22 for a Servicing and Delivery Strategy (SDS) to be submitted prior to the submission of any RMA under a particular phase. An SDS has been provided for Phase 1 (South) as a whole.
- 8.41 In relation to refuse servicing requirements for the residential elements of the Phase 1 (South) development plots, the submission outlines the overall strategy, showing the likely routing of refuse vehicles, dedicated bays where required, and approximate stopping locations adjacent to refuse stores where dedicated bays are not provided. The waste and recycling collections for the residential plots with Phase 1 (South), Plots 11, 12, and 13, occur primarily within the tertiary street which loops around Plot 12 and exits either onto Claremont Park Road or High Street. The only exception to this is for Plot 11 where refuse vehicles will be able to access residential refuse stores facing onto Claremont Avenue, under the managed vehicular access arrangements that apply to Claremont Avenue. The tertiary street where the majority of collections take place is subject to a separate determination as listed above under 18/6482/BXE. The drop-in curtilage effectively surrounds this tertiary street and provides a means of access to it. Accordingly, the SDS provides sufficient information, by way of visibility splay assessments and swept path analysis, to demonstrate that these operations could be undertaken safely within the Phase 1 (South) road network.



- 8.42 In relation to servicing requirements for the non-residential uses on the ground floors, such as deliveries, taxi drop offs and other adhoc servicing requirements, these have been calculated using TRICS data as they relate to the individual uses within the development plots. In response to these requirements as detailed within the SDS, the principle dedicated off street servicing bays are located within the highways drop-in application. These consist of three bays located on High Street (East works) in front of each respective development plot, and a single bay at the bottom of Plot 11. There are additional loading bays being provided within the tertiary streets between the plots to supplement these bays as part of the RMA applications. This provision satisfies the servicing and delivery requirements for the plots pursuant to the s73 requirements.

#### *Pedestrian and Cycle Strategy*

- 8.43 Pursuant to Condition 2.8(a) a Pedestrian and Cycle Strategy has been submitted for Phase 1 (South) which also covers the highways drop-in application. This outlines the principle pedestrian and cycle requirements in terms of routes and infrastructure for the Phase, to connect with site wide and wider reaching cycle networking outlined in the Area Wide Walking and Cycling Strategy (AWWCS). The road and cycle lane infrastructure is outlined above under the 'Highway Network' section of this report and is sufficient for the purposes of discharging this requirement of the S73 Permission.

#### Compatibility with Character and Appearance Requirements of the S73

- 8.44 The S73 Permission provides design guidance for areas of public realm and highways through the RDAS, RDG and Public realm and open Space Strategy (PROSS). These controls collectively set out the design aspirations for different parts of the BXC site, providing a range of standards and guidelines that enable the different streets to achieve their required highway function pursuant to the S73 Transport Assessment and Transport Matrix, and character aspirations for different areas throughout the BXC area.
- 8.45 Detailed guidance in terms of street typologies is set out within the RDG, 'Illustrative Street Typologies'. Of relevance to the drop-in proposals are the guidelines for High Street, Claremont Park Road and Claremont Avenue. In relation to Claremont Avenue, it should be noted that the RDG typology is not consistent with the drop-in proposals given that the RDG detail is based on Claremont Avenue's original designation as a primary vehicular route, whereas as a result of the NMA (18/6469/NMA) to Parameter Plan 002 currently under consideration it will become a Managed Vehicular Route with servicing vehicular access only. Following the determination of this NMA application, an application pursuant to Condition 2.5 to incorporate the relevant consequential amendments to the RDG will be submitted in due course.
- 8.46 The PROSS provides the further guidelines for High Streets/Main Roads and for Secondary Streets which are of relevance to the drop-in proposals which fall in either of these categories;

*"6.6.2 Primary streets are streets that form part of the strategic circulation network through the development. They are generally characterised by roadway provision and provide the primary*

*linkages between the Brent Cross Cricklewood Development and the surrounding areas. Wherever possible, provision will be made to include tree planting, seating and segregated cycle and pedestrian routes. Some of these primary routes are also High Streets...*

*6.2.3 The primary street network will be complemented by a series of secondary streets. These are generally associated with local circulation and neighbourhood access, although some streets will be located in the commercial quarter. There will be provision for tree planting and seating, and quiet recreation. There may be opportunities to introduce café seating, where the opportunity for more generous pavement width permits.”*

- 8.47 The Landscape Design Report submitted with the drop-in application sets out the different approaches taken for the three principle routes covered by the application. For High Street (East Works) and Claremont Park Road (Part 1), Concrete paving flags are proposed for the pavement and tarmac on the carriageway, designed to LBB’s adoptable standards. This will provide an urban character and tie the street into their respective surroundings. Elements of landscaping and tree planting are also evident in the proposed layout plans and Landscape design report.
- 8.48 Claremont Avenue is proposed to be paved in feature pavers, with varying unit size and bond to define spill out zones for commercial premises, pedestrian routes and servicing routes. Pockets of seating and amenity areas within the green strip of planting will be paired with self-binding gravel surfacing providing an informal park like character. For all proposed elements of tree planting and landscaping throughout the Phase 1 South drop-in proposals, species have been chosen in order to foster the ecology and biodiversity aspirations of the S73 Permission as well as creating unique character areas.
- 8.49 The Council’s Tree Officers have reviewed the proposals and raise no objections to the approach taken overall. Some substitute tree species have been suggested on practicality grounds, as well as possible opportunities to provide linked tree pits for better rooting areas for street trees. Final details of tree species can be secured by planning condition providing opportunity to fix the species list prior to any planting being undertaken. In terms of tree pits, there will be an opportunity to review the approach prior to planting being undertaken, however it should be noted that the tree pits as proposed adhere with the Council’s current adoptable Highways standards. An informative is recommended to highlight the potential for alternative approaches to be discussed with the Councils Tree’s Officers prior to the installation of the tree pits and planting taking place.
- 8.50 On the basis of the submitted information and above assessment, the highways and public realm proposed in the drop-in application in terms of character and landscaping would represent sufficient conformity with the S73 Permission guidelines and are considered acceptable.

#### Environmental Impacts

- 8.51 As set out above, a key test in being satisfied that a drop-in application is acceptable within the context of the S73 Permission is determining that the proposals would not result in any additional significant environmental impacts compared to those reported within the original ES that supports the S73 Permission. A request for an Environmental Impact Assessment Screening Opinion pursuant to Regulation 6(2) of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, was submitted to the LPA in November 2018 relation to the drop-in proposals. The screening report tested the drop-in proposals against the Environmental topics that featured within the original s73 ES, and any other topics that have been introduced within the 2017 version of the EIA regulations, and concluded that the drop-in proposals, in lieu of a portion of the outline permission in that location, would not cause any additional significant construction or operation related environmental impacts.
- 8.52 The EIA Screening request has been assessed by the LPA and a formal Screening Opinion will be issued under application 18/6696/ESR prior to the Committee meeting.

#### Conclusion for Conformity with the S73 Permission

- 8.53 In relation to the three considerations and in the context of the amendments being made through s96A application 18/6469/NMA: (1) the proposed designs for the highways and public realm under the drop-in application are considered to be sufficiently compatible with the overarching masterplan for BXC; (2) would be in sufficient conformity with the S73 Parameters and would not impinge upon or prejudice the delivery of comprehensive development of BXC regeneration scheme; and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. The drop-in application is therefore capable of being approved.

#### **Highways and Transport Impacts**

- 8.54 Policy 6.3 of the London Plan (2016) requires development proposals to be fully assessed at both strategic and local level to ensure development does not adversely affect safety on the transport network. This is similarly a requirement set out in the draft New London Plan (2017) – draft Policy T4. Policy CS9 of the Core Strategy DPD identifies the need for major proposals to incorporate transport assessments, travel plans and delivery and servicing plans. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 8.55 Paragraphs 108 and 109 of the NPPF (2018) are also relevant to the consideration of this planning application. In assessing applications for development, paragraph 108 advises that it should be ensured that (inter alia) *‘(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’* Paragraph 109 also states that

*'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- 8.56 The planning application is supported by a transport assessment entitled, 'Phase 1 South Transport Report', prepared by Arup, dated October 2018. This report has been submitted pursuant to condition 37.6 of the S73 Permission and relates to the composite parts of the S73 Permission currently under consideration in the phase, comprising development Plots 11 and 13, amendments to Plot 12. As an integral part of the Phase 1 South proposals, the highways and public realm drop-in application is also addressed in the submitted transport report.

#### Assessment of Highways Design

- 8.57 The Council's Highways Officer has reviewed the drop-in proposals in relation to the suitability of the highway layout in accordance with LBB and TfL policies and guidance.
- 8.58 The Site Layout submitted with this application shows that the proposed highway layout will connect to the existing adopted highway at Claremont Road with a proposed 3 arm priority junction that connects the development via the proposed Claremont Park Road (Part 1), and will replace the existing junction with Claremont Way. In the interim condition during construction of Phase 1(South), there is potential to retain the eastern section of Claremont Way and the junction with Claremont Road to provide access before this junction is replaced with the new Claremont Park Road junction. The proposed junction is approximately 20 metres north-east of Claremont Way junction with Claremont Road. At this junction it is proposed for a raised table and zebra crossing incorporating an uncontrolled cycle crossing as detailed in Phase 1C Highway Layout General Arrangement Sheet 5 of 5. Visibility splays are shown on Phase 1C Highway Layout Visibility Splay Sheet 5 of 5 shows a visibility splay of 2.4m x 43m that meets Manual for Streets requirements for 30mph. The Swept Path Analysis for 10m Rigid vehicle shows a slight encroachment to the opposite carriageway on Claremont Road that would require some amendment to the kerb radius during detail design stage of the highways approvals process which takes place after the Planning application process.
- 8.59 The rest of the development is new highway apart from a small section of Claremont Way that is required to be stopped up, the developer has indicated through the consultation that they are only offering High Street South for adoption. All of the roads and streets will be designed to adoptable standards however.
- 8.60 The proposed Claremont Park Road runs from the proposed priority junction on Claremont Road west along the edge of Claremont Park as shown on Phase 1C Highway Layout General Arrangement Sheet 4 and 5 of 5. It will connect development access streets for Plots 11,12 and 13 giving access to parking and delivery and servicing but these streets do not form part of this application. It is proposed to install raised tables at the proposed priority junctions with these streets. The Highway Cross Sections shows that the carriageway on Claremont Park Road will be 7.8m wide footways are to be 1.7m and complies with the

agreed outline requirements under the BXC S73 application. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the carriageway to make drivers aware. Inset parking bays and a loading bay are provided. Visibility splays are shown on Phase 1C Highway Layout Visibility Splay Sheet 4 and 5 of 5 shows a visibility splay of 2.4m x 25m that meets Manual for Streets requirements for 20mph.

- 8.61 The proposed Claremont Avenue runs from the proposed Claremont Park Road to the proposed High Street South from North to South. This is a pedestrian and cycle priority route with occasional delivery or service vehicle access.
- 8.62 The proposed High Street South runs to the north of Plots 11,12 and 13 as shown on Phase 1C Highway Layout General Arrangement Sheet 2 and 3 of 5. It is proposed to install a zebra crossing and raised table where the carriageway meets the junction of the proposed Claremont Avenue and this is proposed to connect to the proposed Living Bridge to the north as part of the BXC Phase 1a North Infrastructure Works. To the north-west section of the proposed High Street a signalised junction is proposed with advanced stop lines for cyclists and pedestrian crossing points on all three arms. The layout is in approved in principal subject to detail design. The Highway Cross Sections shows that the carriageway will be 10.4m wide including 2m mandatory cycle lanes. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street, parking bays are shown as 2.5m and loading bays as 2.7m and complies with the agreed outline requirements under the BXC S73 application. Bus stops are provided in both directions and this has been consulted with TfL. Visibility splays are shown on Phase 1C Highway Layout Visibility Splay Sheet 2 and 3 of 5 and shows a visibility splay of 2.4m x 25m that meets Manual for Streets requirements for 20mph. The inter-visibility splays for the signalised junction are in accordance with the Design Manual for Roads and Bridges.

#### 20mph Designed Environment

- 2.18 The new primary routes through the development are proposed to be adopted highways. This will include High Street South and potentially Claremont Park Road, subject to the provision of the dedicated parking spaces for the Whitefield Estate Replacement Units (Part 2). Claremont Avenue, which will be a pedestrian and cycle route mainly, is not proposed for adoption and, along with the residential streets in the development, will be managed and maintained by the Estate Management Company for BXS.
- 2.19 The highway layout design has been consulted with the LBB Commissioning Team for the Environment as the proposals include raised tables to be installed on the existing highway (Claremont Road) and on the proposed new streets. The application is based on an overarching strategy to provide high quality public realm that meets all user needs including those of pedestrian and cyclists and the promotion of reduced speed with a 20mph zone. In line with this strategy the applicant has included raised tables to enhance pedestrian and cycle priority and reduce traffic speed that ultimately will reduce accidents and create a better environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but it should be noted that this will require further detail design under the relevant highways agreements.

### Parking Provisions

- 8.63 Saved Policy C8 of the UDP relates to the provision of parking within the Cricklewood, Brent Cross and West Hendon regeneration area specifying standards for particular uses. Policy 6.13 of the London Plan and associated Table 6.2 in the Parking Addendum sets out the maximum parking standards which are to be the basis for considering planning applications. Policy DM17 (g) of the Development Management Policies DPD requires that development should provide parking in accordance with the London Plan standards.
- 8.64 Parking provision should be considered in view of the strategic approach to transport in Outer London (Policy 2.8 of the London Plan), of which the most salient of these approaches to the proposed development is improving public transport access and encouraging greater use of cycling and walking in respect of how staff travel to and from the site. Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, parking for disabled people in line with Table 6.2, and meet minimum cycle parking standards.
- 8.65 The proposed highway network subject of this report, supports access to the wider road network, as well as the plots in Phase 1 (South) where car and cycle parking has been provided to the required standards and where walking is encouraged by level access/crossing of roads and through quiet, overlooked and safe streets.
- 8.66 It is considered therefore the proposed parking and cycling provisions comply with saved Policy C8 of the UDP, Policy DM17 of the Development Management Policies DPD and Policy 6.13 of the London Plan.

### Construction Traffic

- 8.67 The Environmental Screening Report submitted to support the drop-in application has considered the traffic and transport effects of the proposals against the ES for the S73 Permission. This concludes that there are no significant highways impacts expected from the drop-in proposals when compared to the consented development due to the fact that the highways proposals do not change the quantum of development and therefore there are no significant changes in traffic flows expected.
- 8.68 However the construction impacts of the highways works do need to be mitigated. Whilst it is expected that the proposed highways and public realm works will be delivered by the Developer as part of the wider development in Phase 1 (South) as approved through the S73 Permission, since this is a stand-alone application it is appropriate and necessary to impose conditions on any drop-in planning permission to secure any necessary mitigation.
- 8.69 Therefore, conditions are recommended to secure the submission of a Construction Environmental Management Plan and a Construction Transport Management Plan to control and mitigate construction activities and construction traffic movements during the works associated with the drop-in applicaiton.

- 8.70 It is therefore considered that the applicant has provided sufficient evidence to demonstrate that the proposed development accords with the requirements of Policy 6.3 of the London Plan and Policy DM17 of the Development Management Policies DPD.

### **Protecting Barnet's Character and Amenity**

The proposed development needs to be considered in terms of potential to generate impacts relating to noise and vibration, air quality, visual amenity, and land contamination on nearby sensitive receptors. These are assessed further below under the respective headings.

#### Local Character, Landscape and Visual Impact, and Design:

- 8.71 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity<sup>4</sup>. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*.
- 8.72 On a more strategic level, London Plan policies under the 'London's Living Spaces and Places' Chapter sets out aspirations for high quality public realm environment. Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation of surrounding buildings; ensure buildings create a positive relationship with street level activity; and allow buildings to make a positive contribution to the character of a place to influence the future character of the area. Further to this, policy 7.5 states that London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
- 8.73 The approach to the highways and public realm design has had due regard to achieving a high quality public environment for residents and visitors the area. The proposals are consistent with aspirations within the BXC regeneration and outline permission to create a new town centre which, through the use of considered design and attention to material details and landscaping, fosters a sense of place in its own right whilst also being sympathetic and welcoming to its immediate surroundings.
- 8.74 As such, it is considered that the proposed development would not be incongruous to the existing character of the area, namely the adjacent residential areas, nor the character envisaged by the approved BXC masterplan. In this respect, it is considered that the proposed development is

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<sup>4</sup> Paragraph 10.5.5 of the Core Strategy DPD (2012).

in compliance with Policy 7.4 of the London Plan, Policy CS5 of the Core Strategy and saved Policy C2 of the UDP; and more broadly, befitting to the aspirations of the BXC regeneration scheme.

Air Quality and Noise and Vibration:

- 8.75 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 8.76 The Application Site is located within an Air Quality Management Area (AQMA) which applies to the entirety of the LB Barnet. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site
- 8.77 With regards to noise and vibration, Policy 7.15 of the London Plan states that development proposals should seek to manage noise by (inter alia) (a) avoiding significant adverse noise impacts as a result of new development; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without imposing unreasonable restrictions; and (e) the application of good acoustic design principles. Saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD states that development within the (BXC) regeneration area should protect and, wherever possible, improve the amenities of existing and new residents, and that mitigation of noise impacts should be delivered through design, layout, and insulation where appropriate. Policy CS13 of the Core Strategy also makes reference to the need to provide a Noise Impact Assessment.
- 8.78 There is potential for air quality and noise and vibration impacts to occur during the construction phases and operation phases of the development subject to this application. These are addressed below in turn.

*Construction Phase*

- 8.79 The proposals under consideration through this application do not include demolition. This will be undertaken in accordance with the outline permission, which includes relevant pre-commencement conditions that safeguard neighbouring amenity from adverse impacts with respect to air quality and noise and vibration as follows:



- Condition 8 (Code of Construction Practice (COCP) and Construction Environmental Management Plans (CEMP)), specifically Conditions 8.1, 8.2 and 8.3, which will require, inter alia, details of construction management and measures to suppress dust from construction activities and vehicles.
- Condition 28 (Construction) that will require, inter alia, approval of the CEMP prior to any construction, site engineering and preparation works being undertaken, and various compliance conditions with respect to the construction period relating to; inter alia, working hours and maximum noise levels at nearest noise sensitive receptors
- Condition 30 (Air Quality and Dust) will also apply which will require the approval of locations for dust monitoring prior to any demolition being undertaken.

8.80 In relation to the drop-in site curtilage, following the completion of demolition works under the controls set by the S73 Permission, the drop-in permission will be considered to have been formally implemented upon commencement of the construction works associated with the drop-in proposals. At this point, the drop-in permission will supersede the S73 Permission in relation to the area covered by the drop-in. It is therefore necessary and appropriate to impose conditions on any drop-in permission to secure the appropriate level of mitigation to govern the remainder of the construction phase. The Environmental Screening submission to support the drop-in proposals has acknowledged this situation and recommends that conditions are attached to any permission granted so that the same level of mitigation may be secured, in doing so ensuring there would be no additional significant environmental impacts compared to those reported in the original ES.

8.81 Overall it is considered that, subject to the imposition of conditions relating to construction management, that the proposed construction activity would not have a detrimental impact on the amenities of nearby residents and will accord with the abovementioned development plan policies

#### *Operational Phase*

8.82 During the operational phase, the highways network subject to this application will function as an integral component of the BXC highways and public realm environment. The initial operation will be under the interim arrangements which are self contained for Phase 1 (South), and later on linking with the wider greater BXC network and beyond once subsequent phases come forward.

8.83 Principle origins of noise, vibration and air pollutants with regards to the highways network are likely to be the result of vehicular movements around and throughout the site. These have been assessed at the outline stage of the permission under the s73 ES in relation to the highways layout and hierarchy proposed. Appropriate mitigation in relation to the specification of developments through the BXC where sensitive uses are proposed, such as residential and education uses, is secured through the existing S73 Permission controls. In relation to the highways and public realm, the provision of landscaping and planting throughout the BXC area, and in this case occupying the drop-in site curtilage, provides appropriate mitigation for improving the environment at

street level.

- 8.84 In terms of layout, the highways infrastructure proposed for High Street and Claremont Park Road as part of the drop-in proposals provides sufficient conformity with the existing parameters, and changes to Parameters proposed under the Claremont road retention NMA, in terms of location, road hierarchy and uses, so that the assumptions of the ES remain with regards to expectations on adjacent building design and public realm specification. In relation to Claremont Avenue, the drop-in proposals create a managed vehicular access route only in comparison to the outline permission expectations for this road as a primary vehicular route. As set out above, this change is subject to a separate NMA application which is currently under consideration by the Council. The downgrading of Claremont Avenue brings with it benefits in terms of significantly reduced vehicular activity on this stretch of road, with the associated benefits in terms of noise, vibration and air quality.
- 8.85 In relation to areas that are not proposed to be adopted by the Council, namely Claremont Avenue and Claremont Park Road, management arrangements would, under the terms of the S73 Permission, be secured through the Estate Management Framework requirements pursuant to condition 7.1 of the S73 Permission. In the case of the drop-in however, an appropriately worded condition to mirror the estate management requirements will need to be attached to ensure these areas are managed appropriately with respect to tables and chairs in the interest of safeguarding residential amenity.
- 8.86 Therefore, subject to imposing the aforementioned conditions on any planning permission to be granted pursuant to this application, it is considered that the proposed development would not give rise to any significantly adverse or unacceptable air quality or noise impacts and, as such, complies with Policies 7.14 and 7.15 of the London Plan, saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD.

Lighting:

- 8.87 Policy C3 of the UDP seeks to protect the amenity of new and existing residents. More appropriately, Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity or biodiversity.
- 8.88 The Council's Street light technicians have advised that detailed information has not been provided in order to allow for the assessment of light impacts. An overview of the lighting strategy for the public realm subject to the drop-in proposals is outlined on page 33 of the submitted 'Landscape Design Statement: Public Realm'. This shows the location of street lighting across the site, and confirms the intention to provide coherent street lighting arrangements within this drop-in curtilage. This will be required in order to create a safe and accessible environment, but will also have to be balanced with the need to safeguard amenities of nearby residents as well as protected species.
- 8.89 To mitigate any potential light spill beyond the Application boundary, in particular toward the amenities of new residential properties proposed as part

of the BXC scheme, and any adjacent existing residential properties, a condition is recommended to require details of the lighting to be submitted to and agreed by the LPA. Therefore, subject to this condition it is considered the development would accord with the abovementioned development plan policies.

### **Trees and Biodiversity**

8.90 Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management Policies DPD states that the Council will ensure that development protects existing site ecology and makes the fullest contribution to local biodiversity improvements; and also affords protection to existing SINC's. Equally, Policy 7.19 of the London Plan states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity; and states that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

8.91 Tree removal in this location had been permitted indicatively at outline level under the terms of the S73 Permission, as part of the overall program of tree planting and landscaping detailed within the PROSS. This includes Clitterhouse Playing Fields and Claremont Park improvements principally, as well as a comprehensive network of planting and landscaping proposed throughout the BXC within smaller open spaces and the public realm proposed.

In lieu of the initial site arboricultural and ecological surveying requirements under condition 27, the drop-in proposals are accompanied by a tree removal plan prepared by Haydens Arboricultural Consultants. This plan has been prepared in accordance with BS 5837 (2012) 'Trees in Relation to Construction' providing details of the position, species, trunk diameter, height, canopy spread and condition of the trees on the drop-in site. This plan identifies that the entirety of the plot curtilage with regards to trees, shrubs and vegetation would be cleared. There are no A category trees on the site, two category B trees are identified as being removed and the remainder of tree removals are within category C or lower. The supporting planning statement identifies that the drop-in proposals considered in isolation would likely result in a net loss of biodiversity in light of the proposals being for highways area predominantly and public realm. However, within the context of the planting and ecological provisions within the wider BXC development, the loss in this instance can be considered acceptable.

8.92 In terms of the provision of landscaping, the submitted landscaping and public realm document outlines how the development has utilised opportunities to incorporate soft landscaping and choices of tree species to foster greater biodiversity. The overview of the approach to landscaping is supported and considered to be appropriate for the site and context. Exact details of species will be secured through planning condition whilst management will be secured through a Landscape and Ecology Management Plan (LEMP) as per the requirements of the S73 Permission.

8.93 Therefore, subject to the inclusion of appropriate conditions, the proposed development is considered to be in compliance with Policy CS7 of the Core

Strategy, Policy DM16 of the Development Management Policies DPD and Policy 7.19 of the London Plan.

### **Sustainable Construction and Climate Change**

- 8.94 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy be lean, be clean and be green. Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including incorporation of renewable energy technologies and low or zero carbon technologies, and achieve regulated carbon dioxide standards. Whereas, Policies 5.10C and 5.11A relate to the provision of green infrastructure and sustainable design considerations, stating that major development proposals should contribute to urban greening and deliver as many objectives as possible including (but not limited to) sustainable urban drainage and enhancement of biodiversity. Additionally, Policy CS13 of the Core Strategy promotes the highest environmental standards and efficient use of natural resources; and saved Policy C4 of the UDP states that the Council will seek to ensure that the redevelopment of the BXC regeneration area pursues the highest standards of environmental design.
- 8.95 The highways and landscaping proposals within their own right provide limited opportunity reduction in carbon emissions which the hierarchy described above which is applicable to buildings principally.
- 8.96 As such, it is considered that the proposed development is in compliance with Policies 5.2, 5.3, 5.10 and 5.11 of the London Plan, Policy CS13 of the Core Strategy DPD and saved Policy C3 of the UDP.

### **Flood Risk and Drainage**

- 8.97 In respect of flood risk, Policy 5.12B of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) over the lifetime of the development. The national Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3).
- 8.98 The proposed development would be considered to fall within the 'less vulnerable' category; and coincides with Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS) and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open

water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it. In connection with this, Policy 5.15 of the London Plan states that development should minimise the use of mains water. Also, in regard to wastewater, Policy 5.14 of the London Plan requires development proposals to ensure that adequate wastewater infrastructure capacity is available in tandem with development.

- 8.99 The application is accompanied by a flood risk assessment (FRA) which has been submitted during the course of the application following requests from Officers. It has been undertaken with regards to the previously submitted and approved Section 73 FRA (BXC16), also having regards to relevant policies and guidelines that have since been updated, or not as the case may be, since the s73 FRA was approved. It assessed the risk of flooding arising from, fluvial and tidal, pluvial, groundwater, and from canals and artificial sources. This FRA concludes that the site complies with the planning conditions set out in the BXC Section 73 Permission and is not at significant risk of flooding from all sources and will not increase the risk of flooding to others. The proposals for surface water management are consistent with the aims of the NPPF and demonstrate a sustainable approach consistent with current good practice.
- 8.100 In line with the recommendations of the S73 FRA and FRA submitted to accompany the S73 Permission, a drainage strategy that applies to Phase 1 (South) and includes the Highways and Public Realm curtilage has been prepared by Arup and submitted to support the suite of Phase 1 (South) applications. The proposed drainage strategy outlines that, through a variety of water attenuation methods, including SUDS features, the environment will comply with the s73 compliance conditions that relate to sustainable urban drainage, principally conditions 44.5, 44.9 and 45.2.
- 8.101 The proposed strategy has been assessed on behalf on the Lead Local Flood Authority who have confirmed they have no objections to the proposals subject to the imposition of a condition that requires, prior to the commencement of works, the submission and approval of a detailed surface water drainage scheme based on the recommendations of the aforementioned Phase 1 (South) Drainage Strategy. The Environment Agency have confirmed they have no objections to the proposals. In light of these recommendations, the inclusion of condition to secure these details is set out within Appendix 1. It should be noted that the Lead Local Authority to date has not commented on the FRA submitted with the application given this was submitted late into the determination of this application. Any representations from them between the time of publishing this agenda and reporting the application to Planning Committee will be included as an addendum for Members consideration.
- 8.102 Taking into account the design of the proposed development and mitigation measures proposed alongside the relatively low vulnerability of the Site in terms of groundwater pollution, potential to affect the water quality of the River Brent and flood risk from fluvial and surface water sources; it is considered that the proposed development generally satisfies the requirements of the abovementioned development plan policies, particularly making allowance for

the limited opportunities to provide more innovative SuDS within the boundary of the operational railway.

### **Land Contamination**

- 8.103 Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation; and London Plan Policy 5.21 states appropriate measures should be taken to ensure previously developed land does not activate or spread contamination. Development which could adversely affect the quality of groundwater will not be permitted.
- 8.104 The S73 Permission includes details site investigation primarily and remediation if required under Condition 31 (Remediation and contamination). The application is not accompanied by details of any dedicated site investigations and remediation. Therefore, subject to inclusion of, and compliance with, the an appropriate condition that secures appropriate site investigation and ermediation, the proposed development is considered to be in compliance with Policy 5.21 of the London Plan and Policy DM04 of the Development Management Policies DPD.

### **Access and Inclusivity**

- 8.105 The S73 Permission sets out strategies relating to access and inclusivity and includes requirements in relation to access consultant involvement to ensure that detailed design meets the required design standards, good practice guidance and Building Regulations access requirements. The application is accompanied by an 'Access and Inclusivity Statement: Plot 11, 13 and the Phase 1 (South) (Highways and Public Realm Application)' dated October 2018 and prepared by All Clear Designs Ltd.
- 8.106 The statement confirms that the access consultant has been actively involved in the preparation of the submitted proposals, and ensured the integration of accessibility measures. In addition to the details outlined within the Access and Inclusivity Statement, the Southern Developer has engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 1 (South). The CAF has been set up at the outset of the BXC regeneration and is a group consisting of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the local area and other facilities. Its formation is a planning obligation under Schedule 13 of the Section 106 Agreement for the S73 Permission, with the subsequent terms of reference insofar as regularity of engagement with the CAF and provisions for providing advice on development proposals set out within Schedule 13 and also the CAF terms of reference document approved under ref:14/07957/CON.
- 8.107 Two meetings have taken place with the CAF group prior to the submission Phase 1 (South) applications, on the 23<sup>rd</sup> July 2018 introducing members to the Phase 1 (South) proposals, and 24 January 2019 where the outcomes of

previous discussions were presented to CAF members with the addition of the Access and Inclusivity statement for the Highways and Public Realm application available at this juncture for members to view. The focus of these meetings has been on access and inclusivity elements of the proposed Phase 1 (South) applications, including Plot 13 and the drop-in proposals.

8.108 Some of the key provisions within the scheme are outlined below;

- Raised table designs to ensure that the edge is detectable by guide dogs and cane users, also employing the camber of the road and street features.
- All thresholds onto the public realm from buildings will be flush, with no more than a 15mm level change and joints of no more than 10mm wide. Where possible, thresholds between materials will also have a visual contrast (by use of different materials) to assist people with visual disabilities.
- Placement of cycle stands and parking/loading bays coordinated with planting to create clear circulation routes.
- Benches and seating will be provided with a mixture of arm-rests and backs to make them easier to rise from.
- Wayfinding to be secured through planning condition as part of the overall Wayfinding strategy across the BXS site.

8.109 The proposal is considered to comply with the relevant policies and standards for provision of an inclusive and accessible environment.

### **Planning Obligations**

8.110 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's *'Planning Obligations SPD'* (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix 1, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated.

8.111 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis and as outlined above, it is considered that the use of appropriate planning conditions is adequate in this instance to control the development.

## 9 ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 This drop-in planning application is supported by an EIA Screening Report (dated November 2018) prepared by Arup pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. Given the relationship of the drop-in application with the BXC regeneration scheme and the fact that the proposed adjacent development plots would be delivered as part of the BXC Development permitted by the S73 Permission, the screening submission is structured around the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent S73 Application in 2014.
- 9.2 The screening report tested the drop-in proposals against the Environmental topics that featured within the original s73 ES, and any other topics that have been introduced within the 2017 version of the EIA regulations, and concluded that the drop-in proposals, in lieu of a portion of the outline permission in that location, would not cause any additional significant construction or operation related environmental impacts.
- 9.3 The relevant assessments and conclusions from the assessments as contained within the Screening submission have been considered by the LPA in consultation with the appropriate statutory and other technical advisers and it is concluded that the proposed development would not give rise to any new or different significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures secured through appropriately worded planning conditions as listed in Appendix 1 of this report.
- 9.4 A formal Screening Opinion will be issued by the LPA under application 18/6696/ESR prior to the Committee meeting.

## 10 EQUALITY AND DIVERSITY ISSUES

- 10.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*
- 10.2 For the purposes of this obligation the term “protected characteristic” includes:
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;
  - religion or belief;



- sex; and
- sexual orientation.

- 10.3 In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that should a decision to grant planning permission for this proposed development be taken, it would comply with the Council's statutory duty under this important legislation.
- 10.4 The Application Site would be accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. As such, the proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all. The Southern Developer has also engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 1 (South).
- 10.5 Additionally, the proposed development would facilitate the Phase 1 South proposals as part of the wider BXC regeneration scheme which would deliver substantial benefits in respect of accessibility, housing, employment opportunities and community facilities.

## **11 CONCLUSION**

- 11.1 This drop-in application seeks approval for the new roads and public realm that provide access to and connect the first development plots within Phase 1 (South) of the BXC regeneration. The proposals have been designed to principally serve as the setting and means of access to Plots 11, 12 and 13 as well as to connect to the existing highways network and future streets to be delivered in the next phases of the regeneration.
- 11.2 The need for a drop-in application has arisen as a result of the Southern Developer's review of the masterplan for Brent Cross South whereby they are now seeking to revise the design and layout of some of the approved roads and associated public realm to provide street based layout that is more reflective of the place making aspirations that Argent Related and the Council wish to deliver. Those parts in question fall within Phases 1A (North) and Phase 1A (South) for which RMA's have already been approved but the deadline for which further RMAs can be submitted has now passed.
- 11.3 The drop-in application has been submitted as part of a suite of applications which include Reserved Matters for the residential-led mixed use buildings on Plots 11 and 13, as well as a Section 96A ('S96A') application to make non-material amendments to the S73 Permission parameter plans to retain Claremont Road and revise Claremont Avenue from a Primary Route to a Managed Vehicular Route. The layout and detailed design of the streets proposed under this application are prepared on the basis of the updated parameter plans.

- 11.4 The drop-in will provide the High Street South (East Works), Claremont Park Road (Part 1) and Claremont Avenue components of the approved BXC masterplan. High Street South will be put forward for adoption by the Council. Claremont Park Road may be offered for adoption subject to the provision of car parking for Whitefield Estate (Part 2) units. Claremont Avenue will be managed by the Estate Management Company for BXS.
- 11.5 The application is based on an overarching strategy to provide high quality public realm that meets all user needs including those of pedestrian and cyclists and the promotion of a 20mph zone. In line with this strategy the applicant has included raised tables at key locations relating to access to Claremont Park and Clitterhouse Playing Fields and to the new Living Bridge to enhance pedestrian and cycle priority. The highway layout design has been consulted with the LBB Commissioning Team for the Environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but it should be noted that this will require further detail design under the relevant highways approval processes.
- 11.6 The use of drop-in applications is not unusual for large developments such as BXC. The drop-in application for highways and public realm has been considered in the context of the amendments being made through s96A application 18/6469/NMA and has demonstrated that: (1) the proposed designs for the highways and public realm are sufficiently compatible with the overarching masterplan for BXC; (2) the proposals would be in sufficient conformity with the S73 Parameters and would not impinge upon or prejudice the delivery of comprehensive development of BXC regeneration scheme; and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. It is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore would continue to satisfy the requirements for the comprehensive redevelopment of the regeneration area in accordance with saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD.
- 11.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the LPA as set out in this report. The assessment has considered the key material considerations relating to the principle of the proposed development, local character and amenity, highways and transport impacts, biodiversity (including trees), flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be generally acceptable in regard to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.
- 11.8 It is concluded that the proposed development accords with the relevant development plan policies. It is therefore considered that there are material

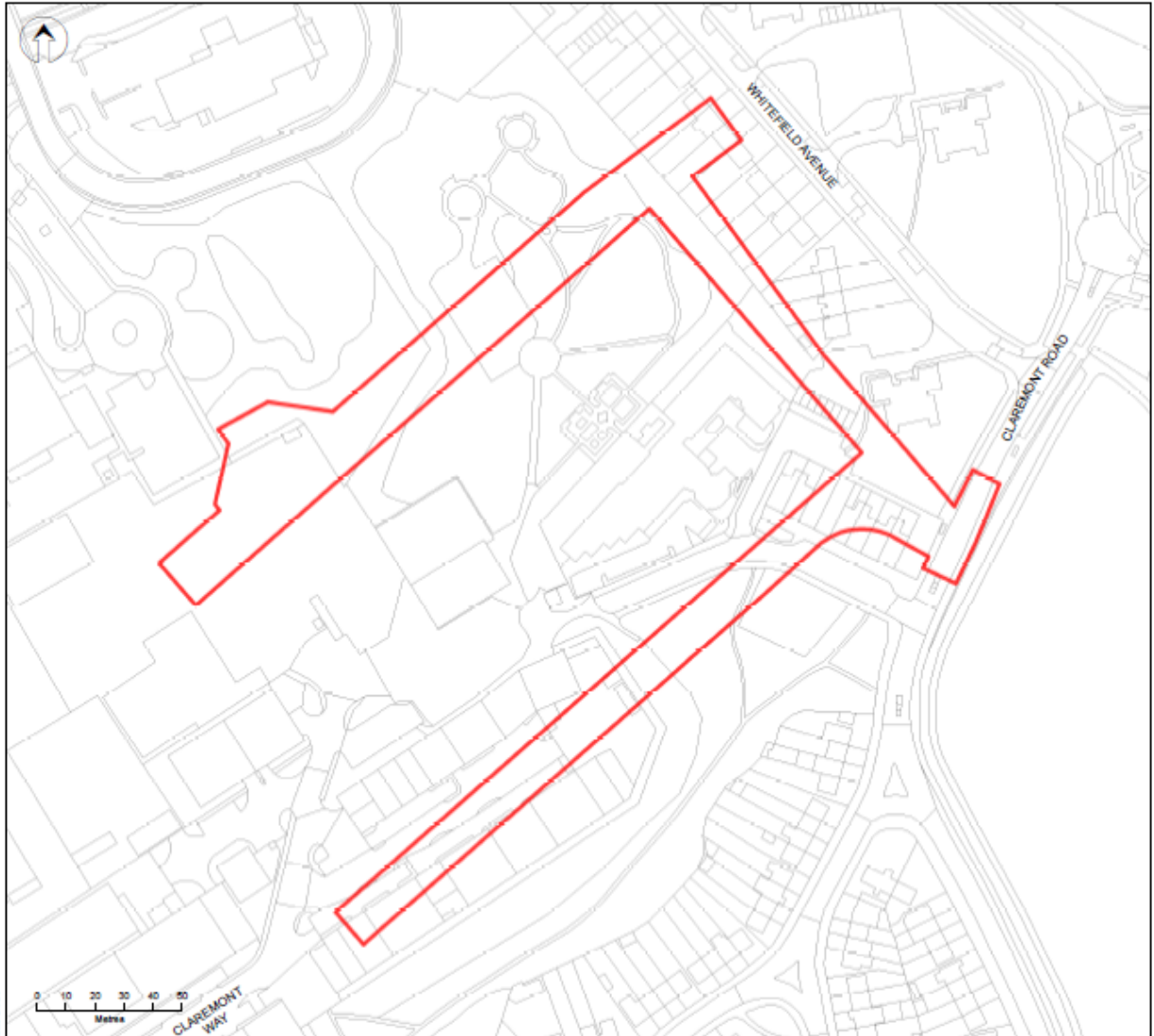
planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to conditions as set out in Appendix 1 of this report.



**Site Plan**

**SITE ADDRESS: Land In The Vicinity Of Claremont Way, Brent Cross  
Cricklewood Regeneration Area**

**APPLICATION REFERENCE: 18/6645/FUL**



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## APPENDIX 1

### DRAFT LIST OF PLANNING CONDITIONS

CONSTRUCTION OF HIGHWAYS INFRASTRUCTURE AND ASSOCIATED PUBLIC REALM COMPRISING HIGH STREET SOUTH (EAST WORKS), CLAREMONT PARK ROAD (PART 1), CLAREMONT AVENUE (SOUTH OF HIGH STREET SOUTH (EAST WORKS) AND CLAREMONT ROAD JUNCTION NORTH, REQUIRED IN ASSOCIATION WITH PHASE 1 (SOUTH) OF THE CONSENTED REDEVELOPMENT OF THE BRENT CROSS CRICKLEWOOD REGENERATION AREA (REF: F/04687/13). PROPOSAL INCLUDES INCLUDING ENABLING WORKS AND OTHER WORKS INCIDENTAL TO THE HIGHWAYS AND PUBLIC REALM DEVELOPMENT

PLANNING APPLICATION REF. 18/6645/FUL

### DRAFT CONDITIONS

#### COMMENCEMENT AND TIME LIMITS

1. The development hereby permitted 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.

#### APPROVED DRAWINGS

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

Drawing Title	Drawing No. of plan submitted for approval
Landscape Drop In Surface Finishes Plan	TOWN621.01(08)3301 R04
Highway Layout General Arrangement Plan Sheet 1 of 5 (1:500 @ A1)	BXS-ARP-1C-XX-DR-TP-2101 P2
Highway Layout General Arrangement Plan Sheet 2(1:250 @ A1)	BXS-ARP-1C-XX-DR-TP-2102 P2
Highway Layout General Arrangement Plan Sheet 3 of 5 (1:250 @ A1)	BXS-ARP-1C-XX-DR-TP-2103 P2
Highway Layout General Arrangement Plan Sheet 4 of 5 (1:250 @ A1)	BXS-ARP-1C-XX-DR-TP-2104 P2
Highway Layout General Arrangement Plan Sheet 5 (1:250 @ A1)	BXS-ARP-1C-XX-DRTP-2105 2

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

### CONSTRUCTION

3. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include (but not be limited to) the following details:
- a) Access arrangements into/out of the site;
  - b) Parking provision for operatives and visitors;
  - c) Hours of construction including deliveries, and loading and unloading of plant and materials;
  - d) Storage of plant and materials used in the construction of the development;
  - e) Erection of any means of temporary enclosure or security hoarding;
  - f) Measures to prevent mud and debris being carried onto the public highway; and
  - g) Measures to minimise dust, noise and vibration pollution including a Dust Management Plan.

The Construction Environmental Plan shall be implemented as approved throughout the duration of the construction of the development hereby permitted.

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); and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014);

4. The permitted hours of construction work and/or any Site engineering and Preparation Works hereby permitted shall only be between:
- a) 8:00am to 6:00pm Mondays to Fridays
  - b) 9:00am to 1:00pm Saturdays.

No construction work and/or any Site engineering and Preparation Works shall be carried out outside of these hours without written consent from the LPA.

No construction or site engineering and preparation works shall be carried out on Sundays or bank holidays.

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

5. Unless otherwise approved by the Local Planning Authority under Section 61 of the control of Pollution Act 1974, the start-up and shut down periods shall be 7:30am to 08:00am and 6:00pm – 6:30pm respectively Monday to Friday and 1:00pm to 1:30am on Saturdays.



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).

6. Piling or any other foundation designs using penetrative methods, shall not be permitted other than with the express written consent of the LPA, which may only be given for those parts of the site where it has been demonstrated (having due regard to relevant details approved under condition + (Contamination), that there is no resultant unacceptable risk to groundwater. The Development shall be carried out in accordance with the approved details.

Reason: To ensure the development can be implemented with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

7. Noise levels at any occupied residential property due to construction or demolition or Site Engineering and Preparation Works shall not exceed 75dB LAeq (10 hour) measured at 1m from the façade of the nearest occupied property, during the hours from 8.00am to 6.00pm Monday to Friday, and 75dB LAeq (5 hour) during the hours from 8.00am to 1.00pm on Saturday unless such works have the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (September 2012) and Policy 7.15 of the London Plan (2016).

8. Noise from construction work or Site Engineering and Preparation Works shall give rise to noise levels no higher than 65dB LAeq (1 hour) and 70dB LAeq (1 minute) at any educational premises measured at 1m from the façade of the building during school hours in term time, unless such works have the prior approval of the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (September 2012) and Policy 7.15 of the London Plan (2016).

9. Prior to the commencement the development hereby permitted a Construction Transport Management Plan ('CTMP') shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall thereafter be implemented as approved for the duration of the demolition and construction phase of the development.

Reason: To minimise traffic congestion associated with the demolition and construction of the proposed development in accordance with Policy 6.14 of the London Plan (2016).

## HIGHWAYS AND ACCESS

10. Prior to the commencement of the development, details comprising Highways Engineering Drawings and detailed Construction Specifications of the access and estate road(s) with a minimum scale of 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The estate road as approved shall be constructed in accordance with the approved details.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and 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.

11. Prior to the commencement of the development hereby approved detailed designs of the kerb radii for the junctions between Claremont Park Road and the residential side streets, and the junction between Claremont Park Road and Claremont Avenue shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details.

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

## BIODIVERSITY AND LANDSCAPING

12. The removal of trees and shrubs shall only be undertaken outside of the bird breeding season (March to August, inclusive). Any tree works or removal within the bird breeding season shall be carried out no more than 24 hours following an inspection by a suitably qualified ecologist confirming the absence of any breeding birds.

Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).

13. No more than eighteen months before the felling of any tree within the application site, an inspection of the relevant tree shall be undertaken to determine the potential for roosting bats. Should bat potential be identified, further surveys should be undertaken as required to determine the presence/likely absence of roosting bats. Should bat roosts be identified, this shall be reported in writing to the LPA, and tree removal shall not be undertaken until any necessary Natural England mitigation licence has been obtained. The mitigation measures, which shall first be submitted to and agreed in writing by the LPA, shall be undertaken in accordance with the requirements of the mitigation licence.

Any pre-felling inspections are to be undertaken in accordance with the most up to date best practice guidance (Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) 2016, and any updated guidance).

Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7

of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).

14. Prior to the commencement of the relevant part of the development, details of materials and site furnishings (including samples where appropriate) as set out within section 4 of the approved 'Landscape Design Statement: Public Realm' prepared by Townshend Architects dated October 2018, or otherwise specified with justification provided, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Design and location of any electricity infrastructure, including surface treatment and means of enclosure;
  2. Surface materials and finishes;
  3. Highways details (e.g. crossing and kerb heights);
  4. Access and wayfinding strategy;
  5. Materials, types and siting of all furnishings including cycle racks, benches, communal seating, movable seating, cycle parking, bins for litter (including drawings and sections showing thresholds);
  6. Street furniture, lighting and signage;
  7. Details of all proposed trees (including tree pit details), hedge, shrub and other soft landscaped features, including proposed species, plant sizing, density and arrangement;
  8. Ecological enhancements;
  9. Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  10. The position of any proposed excavation within the recommended protective distance referred to in BS5837:2012;
  11. Means of planting, staking and tying of trees, including tree guards;
  12. Details of all proposed hard landscape works, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings.
  13. Timing of planting.

The detailed phase of the development shall be carried out in accordance with the approved details.

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.

15. All new planting shall comply with the requirements specified in BS 5236 (1975) Advanced Nursery stock Trees; BS 3936 (1980) 'Specification of nursery stock: Part 1, Trees and Shrubs', and in BS 4428 (1969) 'Recommendations for general landscape operations', or subsequent versions of such standards. Apart from formative pruning in accordance good arboricultural practice, none of the new trees, plants or shrubs planted shall be pruned within a period of five years from the completion of the development.

Any trees, plants or shrubs which, within a period of five years, from the completion of the development die, are removed, or become seriously damaged or diseased or otherwise fail to thrive, shall be replaced in the next planting season with others of similar size and species unless and to the extent that any variation to the approved landscaping works is first approved in writing by the LPA

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.

16. Prior to the development hereby approved coming into use or being open to the public, a Landscape and Ecology Management Plan (LEMP) including long-term design objectives, proposed management responsibilities and draft maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the LPA. The LEMP shall be carried out and implemented as approved and subsequent variations shall be agreed in writing by the LPA. Further to the above, the LEMP shall include the following elements:
- a) detail extent, type and provenance of new planting (native species only)
  - b) details of maintenance regimes
  - c) details of monitoring for all landscape and ecological elements
  - d) details of treatment of site boundaries and/or buffers around water bodies.

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.

17. The Development shall not begin (including Temporary Works and Preparatory Works save and except the works required in accordance with this Condition) unless and until a pre-construction survey has been carried out in respect of the application site curtilage to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to Japanese Knotweed, Giant Hogweed and Himalayan Balsam. The survey should be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the LPA and implemented before development begins. Development shall proceed in accordance with the approved method statements.

Reason: To prevent the spread of non-native plants, and in particular Japanese knotweed and Giant hogweed, which are invasive species, 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).

## LIGHTING

18. Prior to the commencement of the relevant part of the scheme, an External Lighting Assessment of lighting proposed within the application site, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting assessment submitted shall detail the existing average night time luminance and light spread levels across the site area at night, identify the levels of light pollution received at the windows to adjacent residential properties and, where appropriate, identify the measures to be used to mitigate any impacts to species including bats. Any light pollution mitigation identified in the external lighting assessment shall be implemented in full prior to occupation of the detailed elements of the scheme.

Reason: to ensure the development does not cause harm to the amenities of adjoining occupiers to accord with Policy DM01 of the Local Plan and to mitigate the impact to species including bats in accordance with Policies CS7 and DM16.

## DRAINAGE STRATEGY

19. Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed

The scheme shall be based upon the principles within the agreed Drainage Statement prepared by Arup dated October 2018 and shall also include:

- ii) Drainage Strategy with plan layout;
- iii) Evidence of third party agreement for discharge to their system;
- iv) Maintenance program and on-going maintenance responsibilities/adoption of the surface water drainage system;
- v) Detailed development layout;
- vi) Detailed drainage design drawings;
- vii) Detailed hydraulic calculations including the proposed attenuation and flow control structure;
- viii) Development Management & Construction Phasing Plan;
- ix) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan.

## CONTAMINATION

20. 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.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.-

21. Where remediation of contamination on the site is required under Condition 22 of this permission, completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

## **OTHER**

22. Prior to the use of the highway and public realm as consented by this permission, an Estate Management Framework, which shall be prepared in consultation with the LPA and may include the establishment of an Estate Management Body for adopting managing cleansing maintaining repairing and/or renewing area of public realm and highways as permitted under this planning application, shall have been submitted to and approved by the LPA.

Reason: To ensure that the future management maintenance repair and upkeep of development is delivered to an appropriately high standard of safety and quality across

the whole of the Development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and saved Policies CGrick and C1 of Chapter 12 of The Council's UDP (2006), and Policy CS2 of The Council's Local Plan: Core Strategy DPD (2012).

23. Save in respect of land owned by the Local Planning Authority, no development permitted by this planning permission can be carried out on any part of the land benefiting from the planning permission until the relevant part of the land (which for the avoidance of doubt may be part only of the site) has been bound by a planning obligation entered into pursuant to Section 106 of the Town and Country Planning Act 1990, containing the following obligation:

The Owner covenants that from commencement of planning permission reference 18/6645/FUL within the land shown edged red on Plan BXS-PLAN-PLAP-06-A-P01 Rev P01.2 no further works shall be carried out on that area of land pursuant to planning permission reference F/04867/13 dated 23 July 2014.

Reason: to ensure the delivery of the S73 planning permission granted on 23rd July 2014 (planning reference F/04687/13) ('S73 Permission') is not prejudiced therefore securing the continued objectives contained within saved Policies CGrick and C1 of Chapter 12 of The Council's UDP (2006), and Policy CS2 of The Council's Local Plan: Core Strategy DPD (2012).

## DRAFT INFORMATIVES

- A. 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.
- B. The applicant is advised that a Section 38 Agreement under the Highways Act 1980 will be required in relation to any carriageway or footway that is required to be adopted by the Highway Authority and maintained thereafter as public highway.
- C. The applicant is advised that a Stopping Up Order is required for any public highway that is required to enable the implementation of this permission. Such Stopping Up Order will be progressed under Section 247 of the Town and Country planning Act 1990 (as amended) and all council costs pertaining to the Order will be paid for by the applicant.
- D. The submitted Construction Environmental Management Plan shall include, as a minimum, details of:
- Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - Confirmation 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
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
  - 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.
- E. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2018) / National Planning Practice Guidance;
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;



- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

### **National Grid Informative**

- F. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

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**LOCATION:** Brent Cross Cricklewood Regeneration Area  
North West London

AGENDA ITEM 12

**REFERENCE:** 18/6337/RMA

**Received:** 25.10.2018

**Accepted:** 25.10.2018

**WARD:** Golders Green

**Expiry:** 24.01.2019

**APPLICANT:** BXS Limited Partnership

**PROPOSAL:** Reserved Matters Application in respect of Plot 13 of Phase 1C pursuant to Condition 1.3(i), 2.1 and 1.7 of planning permission F/04687/13 (dated 23rd July 2014) for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Area. The application seeks approval of details relating to layout, scale, appearance, access and landscaping for the residential led mixed use development of Plot 13, comprising 348 residential units, flexible retail (Use Classes A1/A3), cinema (Use Class D2) and a community facility (Use Class D1), basement car parking, cycle parking, refuse storage and plant to be provided within two buildings (six blocks) with heights ranging from 7+1 to 16 storeys arranged around a private courtyard, together with a north-south publicly accessible tertiary street for the provision of access. Application is accompanied by an Environmental Statement of Compliance.

## 1. RECOMMENDATION

This application is recommended for **APPROVAL** subject to conditions attached in Appendix 1 of this report.

**AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and associated reasons as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

## 2. APPLICATION SUMMARY

This report relates to a Reserved Matters Application for housing-led mixed-use development on Plot 13 within Phase 1C of the Brent Cross Cricklewood Regeneration Scheme. It has been submitted as part of a suite of applications in relation to development within Phase 1 South of the BXC regeneration which include Reserved Matters for Plot 11 and a 'drop-in' application for new roads and public realm around these first development plots. Together, this forms the first phase of development within the Southern part of the BXC regeneration and will deliver the first new homes as well as uses that will form part of the new town centre.

The proposal for Plot 13 comprises 348 residential units, flexible retail (A1 and A3 uses) and cinema on ground floor along with a new community centre proposed over ground and first floor. The development comprises two principal buildings formed from six blocks, arranged around a central podium residential courtyard which provides private amenity and a communal outdoor amenity space for residents. The site also includes the southern section of the tertiary street to the west between Plot 13 and Plot 16.

The majority of the proposed buildings on the plot comprise 7 storeys with a set-back 8<sup>th</sup> level. The height increases to 7 plus 2 set-back levels on the north western corner facing a new public space referred to as 'neighbourhood square'. On the north east corner of the plot at the intersection of High Street with Tempelhof Avenue at the end of the route over the new Tempelhof bridge, the building features a tower element of 16 storeys.

The submission provides details of Layout, Scale, Appearance, Access and Landscaping for the proposed buildings on Plot 13. It conforms with the general parameters and principles relevant to these development plots and the residential form of development. However in relation to building height, the proposed 16 storey would breach the height parameter plan with respect the north east corner of the plot facing onto High Street. The townscape and visual impact of this breach has been assessed through information submitted with an Environmental Impact Assessment Screening Opinion in accordance with regulation 6(3) of the Town and Country Planning EIA Regulations 2017 and found to not give rise to any new or different significant environmental effects from those reported in the Environmental Statement supporting the S73 Permission for the BXC development.

### 3.0 BACKGROUND

#### 3.1 Outline Consent

The proposed RMA is submitted in association with the delivery of the Brent Cross Cricklewood ('BXC') regeneration scheme, in particular, the delivery of a residential led mixed use development plot within the Market Quarter Zone. The BXC regeneration was first established as a Supplementary Planning Guidance (SPG) in 2004, in accordance with the then current London Plan. The comprehensive redevelopment of the wider BXC regeneration area was granted outline planning permission in 2010 (with planning reference C/17559/08) and was subsequently amended via a Section 73 planning application (with planning reference F/04687/13) which was approved on 23 July 2014 (the 'S73 Permission'). The description of the 2014 permission is as follows:

*"Section 73 Planning application to develop land without complying with the conditions attached to Planning permission Ref C/17559/08, granted on 28 October 2010 ('the 2010 permission'), for development as described below: Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application)."*

#### 3.2 Phasing of the BXC Regeneration Scheme

The S73 Permission is a multi-phase scheme of 7 Phases and a number of sub-phases. Reserved Matters permissions have been granted for sub-Phases 1A (North), 1A (South) 1B (North) and 1B (south) as summarised below:

**Phase 1A (North)** - this includes all highways infrastructure to support the northern development and key highways infrastructure to support Phase 1 South. Phase 1A (North) falls under eight Reserved Matters Applications (RMAs). Subsequent to these RMA approvals, six items of infrastructure have been re-phased to Phase 1B (South).

**Phase 1A (South)** - this comprises three highway links to support Phase 1 of the Southern Development. Two of these roads have been re-phased and Phase 1A (South) is now comprised solely of Claremont Park Road (Part 1).

**Phase 1B (North)** - this includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the replacement bus station, reconfigured shopping centre, extension to the shopping centre, hotel and leisure uses, northern pedestrian routes, the Riverside Park, Sturgess Park improvements and residential uses.

**Phase 1B (South)** - this includes the Market Square, Clarefield Park Temporary Replacement Open Space and residential Plot 12, RMA approval for which has been granted providing 292 units including the Whitefield Estate Replacement Units (Part 2). Phase 1B (South) in addition comprises other development/infrastructure, as follows:

- Claremont Park;
- Clitterhouse Playing Fields (Part 1);
- Claremont Avenue;
- Claremont Road Junction North;
- High Street South (East Works); and
- Orchard Lane

**Phase 1C** - this includes the remaining plot development within the southern development area of Phase 1 (South) comprising Plots 11 and 13 which will provide 700 residential units along with retail, community and leisure uses on the ground floor in line with the Market Quarter land use allocations.

### **3.3 Associated Applications Relating to Phase 1 South**

This application forms part of a suite of applications which have been submitted in relation to development within Phase 1 South of the BXC regeneration. These form a comprehensive set of proposals for Phase 1 (south). These are as follows;

- **Plot 13 RMA (18/6337/RMA)** - residential led mixed use scheme for Plot 13 comprising 348 residential units with retail, community and leisure uses on the ground floor. (The subject of this committee report);
- **Plot 11 RMA (18/6409/RMA)** - residential led mixed use scheme for Plot 11 comprising 352 residential units with retail uses on the ground floor. This is subject to its own EIA screening opinion request;
- **Drop-in planning application for Highways and Public Realm (18/6645/FUL)** – detailed designs for the new road network and public realm surrounding Plots 11, 12 and 13 to reflect the retention of Claremont Road. This represents an update to the roads previously approved in this part of the development and encompasses parts of Phase 1A South, parts of Phase 1B (South) and Phase 1C, along with elements of Phase 1A (North) that have been re-phased to Phase 1 South. This is subject to a EIA screening opinion request.

(This application is the subject of a separate report also before the Planning Committee for consideration);

- **Minor Amendments to extant RMA consent for Plot 12 (18/6482/BXE)** – submitted pursuant to Condition 1 of RMA consent 17/6662/RMA to make minor amendments to the consented landscaping for Plot 12 to reflect and tie into the reserved matters details now submitted for Plots 11 and 13;
- **Two Section 96a applications to the s.73 permission (18/6469/NMA & 18/6447/NMA)** - relating to non-material minor amendments to the S73 Permission for the retention Claremont Road and the redistribution of floorspace between building zones respectively. These are subject to their own EIA screening opinion request; and
- **Relevant pre-RMA condition discharge applications** to support the two RMA submissions for Plot 11 and 13 and the highways and public realm drop in submission. These are pursuant to Conditions 1.22 (Servicing and Delivery strategy), 2.8 (Pedestrian and Cycle Strategy), 11.2 (Car Parking Standards Strategy), 27.1 (Landscaping Mitigation strategy), 33.3 (Telecommunications Strategy), 37.5 (Reserved Matters Transport Report), 1.17 (Illustrative Reconciliation Plan) and 29.1 (Acoustic Design reports for plots 11 and 13).

The above applications have been submitted concurrently in order to provide the LPA with details of a comprehensive approach to developing Phase 1 South (defined as comprising Phase 1A (South) 1B (South) and 1C), with elements of Phase 1A (North) also falling within its remit.

This approach was necessary in order to enable the changes to the parameter plans in relation to the retention of Claremont Road and floorspace distribution proposed by Argent Related through NMA applications to be assessed by the LPA in the context of detailed designs for Plot 11, Plot 13 and associated Highways and public realm as listed above.

The layout changes relate primarily to Parameter Plan 002 (Highways Infrastructure) involving the retention of Claremont Park Road, and concurrent downgrading of Claremont Avenue from its original primary vehicular route designation to a pedestrian approach to the living bridge with managed vehicular access only. The floorspace changes involve the transfer of office floorspace from the Station Quarter Development Zone to the Market Quarter, with the concurrent transfer of residential floorspace within the Market Quarter Building Zone to MQ1 to align with the greater residential quantum now proposed in this initial phase.

In layout terms, the highways ‘drop in’ proposals respond to the need to provide an updated highways and public realm context, that is consolidated against the updated highways Parameter Plan, and within which the RMA’s are situated. The ‘drop in’ also performs the function of addressing the areas of overlap with consented highways infrastructure under Phase 1A (North) and 1A (South). Specifically, it provides an updated layout that is consistent with the current RMA proposals and parameter changes, in doing so superseding those areas of extant Phase 1A (North) and Phase

1A (South) approvals that would be inconsistent. This is set out in detail in the committee report for 'drop in' application reference 18/6645/FUL. These changes could not be pursued through the submission of updated RMA's for Phase 1A (North) and 1A (South) given the time frame for submission of RMA's against these phases has expired (Condition 1.2.1 of the S73 Permission).

The proposed plot developments for Plot 11 and 13 are dependent on the transfer of floorspace proposed under 18/6447/NMA. This is explained in more detail under Parameter Plan 'Development Quantum' section below. Equally the acceptability of transferring floorspace into the MQ1 building zone as proposed under the NMA application is dependent on an acceptable design being demonstrated for the associated Plots. As such the applications have been submitted concurrently given their interdependence and need to maintain a deliverable and comprehensive development package that aligns with the s.73 outline permission.

It should be noted that for Plot 13 is not directly affected by the Claremont Road changes sought under 18/6469/NMA, and is therefore consistent both the updated and existing Parameter Plan 002 and capable of determination ahead of the NMA.

### **3.4 Pre-Reserved Matters Conditions**

The Section 73 Permission for the Brent Cross Regeneration includes a number of Pre-Reserved Matters conditions intended to establish key principles of the forthcoming development. The majority of these require submission prior to applications for reserved matters being submitted to the Council. Reserved Matters applications are required to accord with commitments and strategies approved under these conditions where relevant.

All of the relevant pre-RMA conditions applications have been submitted. However, there remain a number of which are yet to be approved. The wording of these conditions does not specifically require their discharge prior to the approval of Reserved Matters but in some instances there is a direct material relationship between the details of the reserved matters submission and the principals being captured within the conditions.

Appendix 3 of this report shows those Pre-Reserved Matters Conditions for Phase 1 (South) and Phase 1C which have relevance to Plot 13 but have yet to be formally determined. In most instances agreement has been reached on the content of the submission but the application was unable to be formally discharged prior to the publication of the Committee agenda papers. In some cases there remain issues subject to discussion between the Developer and the LPA which are being resolved. In all of these circumstances those sections relevant to the reserved matters application for plot 13 have been confirmed in discussions between the LPA and the Developer to be acceptable.

Condition 1.31 allows for the determination of relevant reserved matters applications in circumstances where conditions have yet to be approved:



*“Where in these conditions any document strategy plan or other document or information is required to be submitted prior to any Reserved Matters Application or Other Matters Application required under this Permission, the grant of the relevant Reserved Matters Approval(s) or Other Matters Approval(s) shall be subject to the LPAs prior or simultaneous approval or confirmation (as the case may require) of the relevant document strategy plan or other document or information.*

*Reason: To ensure that an accurate and consistent interpretation is applied in the application and enforcement of these Conditions and the corresponding provisions in the S106 Agreement.”*

As the relevant aspects of these conditions are acceptable to the LPA in the development of the Plots, the Planning Committee is in position to make a decision prior to the formal approval of these outstanding conditions.

An update will be reported in the Addendum to the Planning Committee in relation to those Pre-RMA applications that have been discharged since the publication of this report.

## **4. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

### **4.1 Site description and Surroundings**

The Brent Cross Cricklewood (BXC) regeneration area is a 151 hectare development site. On the western side, the site is bounded by the Edgware Road (A5) and the Midland Mainline railway line; and to the eastern side by Hendon Way road (A41). The North Circular road (A406) which runs in an east west direction across the site separates the Northern and Southern development areas.

The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) which is identified in the London Plan 2016 as a Strategic Regional Shopping Centre, Bus Station and existing Sturgess Park and will continue to be delivered by Hammerson and Standard Life. Brent Cross London Underground Station is situated to the east of this Brent Cross East (BXE) development.

The Southern development area to the south of the A406 is comprised of some large footprint retail, Hendon Leisure Centre, the Whitefield estate (of approximately 220 units), parks and open spaces, Whitefield Secondary School, Mapledown Special School and Claremont Primary School and Claremont Way Industrial Estate.

The Templehof Bridge and the A41 flyover provide the only existing direct north-south links within the site which run across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Shopping Centre.

The site is surrounded to the north, east and south by traditional low rise suburban development, predominantly two storey semi-detached houses. Cricklewood Railway Station located to the west of the BXC site, lies on the Midland Mainline railway line which runs between London St. Pancras and the north of England. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

#### Plot 13 Site

This application relates to Plot 13 within Phase 1C which forms part of the BXS portion of BXC regeneration. The site extends to 0.8 hectares within the Market Quarter Development Zone. This location is to the south east of the A406 North Circular and to the north west of Clitterhouse Playing fields, and directly north of the proposed Claremont Park Road (currently Claremont Way).

The Market Quarter Development Zone, as described within the Revised Development Specification and Framework ('RDSF'), is to sit at the heart of BXC masterplan. The predominant land use of the Zone is to be residential, with mixed active ground floor uses. The principal areas of public realm, including the High Street South, are expected to be enlivened by local shops and services that serve the day to day needs of the residential and working population. Development within the Zone is to be

facilitated by the demolition of Claremont Industrial Estate, the Rosa Freedman Centre and removal of Clarefield Park. These demolitions form part of the approved outline permission.

## 4.2 Proposal

The development proposed for Plot 13 is a residential led mixed use development comprising 348 residential units, flexible retail (A1 and A3 uses) and cinema on ground floor along with a new community centre proposed over ground and first floor.

The proposed unit mix is as follows:

Unit size	Number of units
Studio 1 person	31
1 bed 2 person	137
2 bed 4 person	150
3 bed 6 person	28
4 bed 8 person	2
Total	348

The proposed development comprises two principal buildings formed from six blocks, arranged around a central podium residential courtyard which provides private amenity and a communal outdoor amenity space for residents. The site also includes the southern section of the tertiary street to the west of the Plot.

The two buildings are comprised of six courtyard blocks of varying heights. Blocks facing the north south routes to the west of the plot, along the southern façade facing Claremont Park Road and on the eastern edge facing the pocket park and neighbouring development Plot 12 are 7 storeys with a set-back 8<sup>th</sup> level. The height increases to 7 plus 2 set-back levels on the north western corner facing a new space referred to as 'neighbourhood square'. It should be noted that Neighbourhood Square does not form part of the RMA proposals and is shown indicatively on Figure 1 of the 'Layout Update' document, submitted with the RMA, and is identified as likely to be brought forward in future detailed applications for that part of BXS in due course.

On north east corner of the plot, the building features a tower element which is 16 storeys tall. The tower is located at the termination of the approach over the new Templehof Bridge.

Blocks E and F, on the southern side of the plot comprise market sale units. Blocks A, B C and D on the northern portion of the plot are proposed with the flexibility to be either market sale or 'Build to Rent' (BTR).

## **5.0 MATERIAL CONSIDERATIONS**

### **5.1 Key Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the London Plan at the strategic level and, at the local level, Barnet's Local Plan - the Core Strategy and the saved UDP Policies. The Development Management Policies DPD (2012) states at paragraph 1.4.3 that it will not apply to planning applications for comprehensive development in the Brent Cross regeneration area unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy.

The London Plan Consolidated with Alterations since 2011 published March 2016 and updated January 2017 forms the Development Plan for Greater London.

Policy within Barnet's Local Plan (2012) which comprises the Development Plan for Brent Cross includes the Core Strategy (2012) and the saved UDP Policies (saved in 2012). Relevant policies are referred to in the body of this report.

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The London Plan Consolidated with Alterations since 2011 published March 2016 and updated January 2017 forms the Development Plan for Greater London.

Policy within Barnet's Local Plan (2012) which comprises the Development Plan for Brent Cross includes the Core Strategy (2012) and the saved UDP Policies (saved in 2012). Relevant policies are referred to in the body of this report.

### **5.2 Pre-Application Public Consultation**

Applicant has undertaken pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXS regeneration scheme.

This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response to guidance published by Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states '*The aim of pre-application*

*consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot’.*

The submitted ‘Statement of Community Involvement’ sets out that initial community and stakeholder engagement was undertaken between February 2016 and February 2017 around the wider masterplan, introducing residents to BXS LP’s emerging proposals. Following this, between March 2017 and September 2017, the engagement focus was on the Plot 12 RMA proposals. The statement sets out that during this period, in relation to the wider BXS and Plot 12 RMA proposals, a total of; seven separate Community Liaison Group (CLG) events, nine workshops, two sets of public exhibitions, a number of pop-up street interviews and numerous one to one stakeholder meetings took place. To advertise these events and notify residents and local businesses, a dedicated project website with regular updates has been established, along with a newsletter with a distribution area of 15,000 residential and business addresses, and a GDPR compliant project database with over 500 individuals.

In keeping with the previous BXS consultation approach outlined above, two separate communication streams were used. This comprised written communication and updates on the dedicated website of the proposals and forthcoming public consultation events, and subsequent events themselves, and focussed communication with CLG members ahead of the public exhibitions and CLG events. The material presented to residents and stakeholders through these channels has been centred on the proposals for Phase 1 south as a whole, comprising Plot 11 and Plot 13 Phase 1C RMA’s and the Highways and Public realm ‘Drop in’ application. Given these applications, in conjunction Plot 12 (Phase 1B), together comprise a holistic picture of this part of the BXS regeneration, and are subject to separate applications submitted concurrently, it is appropriate for consultation to have been undertaken on them collectively.

Two days of public consultation events took place on the 14<sup>th</sup> and 17<sup>th</sup> of July 2018, attended by members of the design teams for the development plots and highways and public realm ‘Drop in’ proposals. Further information on the wider project and other forthcoming BXS including Claremont Park Improvements and the Temporary Open Space were also shown alongside to provide context and for allow for early feedback submissions

Following these events a single CLG meeting took place on the 30<sup>th</sup> July 2018 held at the Whitefield School, which provided an opportunity for residents who may have already attended the public exhibitions to reflect on the proposals and raise any queries with the BXS developers in the meeting.

## 5.2 Public Consultations and Views Expressed

### Adjoining occupiers

Following registration of the application 1450 neighbouring properties were consulted by letter. The application was advertised in the local press on 6<sup>th</sup> November 2018 and 5 site notices were put up on site also on 6<sup>th</sup> November. The consultation allowed a 4 week period to respond.

The consultation letters and site notices included details of three concurrent applications in relation to Phase 1C of the development as follows:

- Reserved Matters for Plot 13 (18/6337/RMA);
- Reserved Matters for Plot 11 RMA (18/6409/RMA); and
- Drop-in planning application for Highways and Public Realm (18/6645/FUL) within Phase 1C.

1 x Letter of objection was received in response to this consultation. The letter made comments on the highways drop-in application in relation to existing junctions and highway capacity in the area. These are addressed in the committee report for application 18/6645/FUL. No comments or objections were made in relation to the Plot 13 proposals.

### Consultation Responses from Statutory Consultees and Other Bodies

#### **Environment Agency:**

The Environment Agency have confirmed that they have no comments to make on the application and have no objection to the reserved matters submitted.

#### **Historic England (Archaeology):**

The Greater London Archaeological Advisory Service have confirmed that, having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

#### **London Fire Brigade:**

On the basis of revised details provided to The Fire Brigade consultee, LFB have provided a written response to confirm that no objections to the proposed development are raised.

#### **Metropolitan Police, Designing Out Crime Officer (DOCO)**

The DOCO contact for Barnet has raised no objections to the development but recommended the inclusion of a condition that requires the scheme to provide details of Secured by Design accreditation. A condition has been incorporated accordingly.

#### **Thames Water:**

Thames Water have confirmed they have no comments to make on the Reserved Matters application but have requested conditions relating to confirmation prior to occupation of the development that surface water network upgrades and waste water network upgrades required to accommodate the additional flows from the development

have been completed or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

In relation to waste they have suggested that the surface water drainage strategy for this development should follow policy 5.13 of the London Plan. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows: Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer.

*Officer comment:*

*A Drainage Statement covering Plot 11, 13 and the highways works has been submitted with the application. This includes a detailed drainage statement for Plot 13. Furthermore, water usage and drainage are covered by the following conditions attached to the S73 Permission:*

*33.1 – impact statement for existing water supply infrastructure;*

*33.2 – statement of compliance with water use principles of the RDSF;*

*1.27 and 44.5 – Sustainable Urban Drainage Systems to ensure surface water run-off rates;*

*44.7 – strategy for monitoring water levels;*

*44.9 – no infiltration of surface water drainage into the ground from development without express written consent of the LPA;*

*Officers are therefore satisfied that water and drainage have been adequately addressed for the proposed development.*

**LB Brent:**

The London Borough of Brent confirmed that they have no objection to the application. They conclude that given the siting and distance to the borough boundary, the consideration and assessment of elements such as the design, siting and landscaping would not cause significant harm to the residents of Brent.

**NHS Barnet Clinical Commissioning Group:**

NHS Barnet CCG have raised no objections to the application and have confirmed that they do not require the Temporary Health Centre to be provided in the Development, and therefore it does not need to be included within the Plot 13 reserved matters application. NHS Barnet CCG's preference is for a single new health centre to serve the Development to be provided as the Main Health Centre in Phase 2. It envisages that the demand for services from Phase 1 (South) can be accommodated by providing additional capacity at existing GP practices. However, this is a short term solution and it is likely that this additional capacity will need to be re-provided in the Main Health Centre, in accordance with the aim to provide primary care services 'at scale'. NHS Barnet CCG are exploring options for the Main Health Centre and are in ongoing discussions with Argent Related with regards the size, timing and specification requirements for the facility.

## Consultation Responses from Internal Consultees

### **LBB Environmental Health:**

The EHO has reviewed the Acoustic Design Report submitted separately under Condition 29.1 in relation to Plot 13 which addresses mitigation against noise from A1/A3/D1/D2/gym activity and noise from plant and are satisfied with the details.

No objections were raised in relation to the Plot 13 RMA, however comments were raised in relation to potential for odour impact from cooking odours associated with the A1/A3 units. It should be noted that Condition 30.4 of the S73 Permission requires details of all extraction and ventilation equipment to be submitted to and approved in writing by the LPA prior to commencement of any building. This will include details of any flues and odour filtration systems for the A3 units to ensure that odour can be adequately controlled.

### **LBB Transport team:**

The Transport Officer has reviewed the submitted RMA, the associated Reserved Matters Transport Report and other Pre-Reserved Matters details in relation to car parking strategy and servicing and delivery strategy. Following responses from the applicant and amended information, the Transport Officers have no objections to the approval of this RMA subject to the inclusion of appropriately worded conditions in respect of details of bicycle stand and storage design. (Full appraisal in Section 6.6 of this report).

### **LBB Trees and Landscape**

The Arboricultural Officer has been engaged in discussions with the Developer throughout the pre-application and submission stage of the process. Comments and have been addressed in the submitted information. No objections raised in relation to Plot 13 RMA subject to a standard landscape condition requiring details of tree and shrub species to be submitted prior to commencement, and subject to a LEMP.

Condition 27.9 of the S73 Permission requires a Landscape and Ecology Management Plan (LEMP) to be submitted and approved by the LPA for each phases or sub-phase of the development. This includes long-term design objectives, proposed management responsibilities and draft maintenance schedules for all landscaped areas (except privately owned domestic gardens).

### **LBB Urban Design Officer**

The Council's Urban Design Officer has been engaged in the pre-application design process for Plot 13 since November 2017 and has reviewed the application and confirmed it complies with the overarching principles established in the control documents of the Outline Permission and raised no objection.

### **LBB Community Commissioning Team:**

The LBB Commissioning team for community facilities have review the proposed community facility with Plot 13 and note that whilst the existing proposals provide a community space that delivers on the specific floorspace requirements set out in the outline application and the S106 agreement, the lack of clarity around how the D1 space will be used at this Reserved Matters stage has limited their ability to consider the impacts of, and have confidence in the deliverability of, intentions behind the



outline application - namely the provision of community space that includes useful and meaningful local facilities, and is available to local communities at affordable rates.

They have requested an appropriate condition that requires the developer to:

- i) Identify the proposed uses of the D1 (community) space
- ii) Identify the means for funding the fit-out of the D1 space – clarifying if fit out costs are to be passed on to the lettings.
- iii) Clarify the extent to which day-to-day management, maintenance and operation of the facility are funded through lettings or alternative funding sources, and the impact this has on the ability to offer preferential (affordable) rates to community groups.
- iv) Provide a business plan to demonstrate that the proposed use of the D1 space is a viable proposition, and that it will deliver community benefit to the local area.
- v) Clarify the impact of the proposed D1 uses and how they will be mitigated in relation to the surrounding residential spaces in a way that will not impact on the operation or viability of the community facility.

They also suggested that an appropriate condition that requires the developer to have:

- i) Secured planning permission for the above agreed facilities
- ii) Secured funding for the delivery and operation of the agreed facilities
- iii) Secured any other appropriate approvals required prior to commencing the fit-out of the community facilities.
- iv) Any other requirement to demonstrate that the D1 community space is deliverable and therefore can be made available to the neighbouring communities in timely manner.

## 6.0 PLANNING APPRAISAL

The main areas for consideration are set out in the below table. This section of the committee report is structured to deal with each consideration in turn.

<b>Principle of development</b>	Reserved matters details Parameters of the S73 Permission
<b>Landuse</b>	Mix Development Quantum Market Quarter Zone Obligations
<b>Housing</b>	Principle of Build to Rent, Affordable Housing and Viability Residential Density Residential Mix
<b>Design</b>	Layout - Masterplan Details Layout Plot Details Scale and Massing Elevation Design Treatment Landscaping
<b>Residential amenity</b>	Communal Space Standards (Internal) Housing Space Standards External Amenity Play Strategy Daylight and Sunlight Assessment Wind Assessment Noise Assessment
<b>Highways</b>	Car and cycle parking Refuse and Recycling Storage
<b>Other material considerations</b>	Access and Inclusivity Safety and Security Sustainability

The RMA has been submitted pursuant to the following conditions:

- 1.3(i) relates to timescales for the submission of RMA's in Phase 1C;
- 1.7 relates to attainment of all RMA approvals prior to the commencement of relevant Critical Infrastructure (Non Pre-Phase) in that phase; and
- 2.1: relates to documents and topics covered that all RMA's must be accompanied by.

Pursuant to condition 1.3(i), this RMA was received and registered by the LPA 25 October 2018. As set out in the Section 3 of this report, RMA's for Phase 1A (North), 1B (North) and 1A (South) have been submitted and approved in line with their respective timeframes under Condition 1 of the S73 Permission.

Pursuant to Condition 1.7, the proposals incorporate a multi-use community centre which is a requirement set by the Phase 1 Triggers and Thresholds (Condition 20.19 relating to Community Facilities in the Market Quarter Zone). This is an item of Critical Infrastructure ((Non Pre-Phase (South) as defined in both the s73 Glossary to Conditions and Schedule 1 (Defined Terms) of the Section 106 definitions under; Critical Infrastructure ((Non Pre-Phase (South), paragraph (c)(vi).

Pursuant to condition 2.1, the Explanatory Report (Table 2.1 'Requirements') submitted with the RMA sets out structure of the submission, providing details of the documents submitted under the relevant material consideration headings. Condition 2.1 states that such documents shall be required by the LPA to consider the proposals. The application is accompanied by the relevant documentation and therefore provides the LPA with appropriate details for considering the RMA proposals pursuant to Condition 2.1.

## **6.1 Principle of Development**

The principle of submitting residential led mixed use development in this part of the BXC masterplan is established by Section 73 planning permission F/04687/13 which was approved on 23 July 2014 (the 'S73 Permission').

### **Parameters of the Section 73 Permission**

The S73 Permission provides a number of parameter plans which establish 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 fixed quantum of works, while determining the maximum and minimum controls in relation to the built forms, land uses, height levels and access arrangements.

The approved Parameter Plans need to be read in conjunction with the other control documents approved under the S73 Permission, in particular: the Revised Design Guidelines (RDG), Revised Design and Access Statement (RDSF) and the Revised Development Specification Framework (RDSF) which the Parameter Plans are appended to. Collectively these establish a series of development principles are used to guide the detailed design of future phases. For information, the key parameter plans of relevance to the consideration, as identified on page 15 of the submitted Explanatory Report, are as follows:

- *Parameter Plan 001: Development Zones (Rev 16)*: This plan identifies development zones across BXC that reflect specific areas of character.
- *Parameter Plan 002: Transport Infrastructure (Rev 19)*: This plan identifies a range of transport infrastructure requirements to facilitate the comprehensive redevelopment of BXC.
- *Parameter Plan 003: Public Realm & Urban Structure (Rev 19)*: This plan identifies the network of new and existing public spaces and routes between them for pedestrians and cyclists. The development parameters

specify the limitations for projecting balconies on key frontages, namely that they may project beyond the façade to a depth no greater than 6m, and shall retain a minimum clearance from finished ground level of no less than 6m.

- *Parameter Plan 004: Ground Level Land Uses to Frontages (Rev 16):* This plan identifies the describes the land uses on principle ground floor frontages.
- *Parameter Plan 005: Upper Level Land Uses to Frontages (Rev 17):* This plan identifies the general geometry and use of upper floor frontages.
- *Parameter Plan 006: Proposed Finished Site Levels (Rev 17):* This plan identifies finished site levels above ordinance datum (AOD) for infrastructure and public realm.
- *Parameter Plan 007: Maximum Building and Frontage Heights (Rev 15):* This plan identifies the maximum building and frontage heights permitted within different building zones.
- *Parameter Plan 008: Minimum Frontages Heights (Rev 12):* This plan identifies the minimum frontage heights permitted within different building zones in order to define key public spaces and routes.
- *Parameter Plan 009: Basement and Service Access (Rev 14):* This plan identifies the building zones where basements are, or are not, permitted and those frontages that can incorporate direct carpark or service yard entrances.
- *Parameter Plan 014: Floorspace Thresholds (Rev 15):* This plan and supporting text identifies floorspace thresholds for Building Zones within their respective Development Zones, listing the Primary Use and Remaining Floorspace.
- *Parameter Plan 015: Indicative Layout (Rev 7):* This plan illustrates one layout which the BXC development could be constructed.
- *Parameter Plan 020 – Parameter Plan 28: Indicative Zonal Layout Plans (Rev 7):* This plan illustrates one way in which the development zones could be implemented.
- *Parameter Plan 029: Indicative Phasing Plan (Rev 6):* This plan illustrates the staging of each phase of the overall BXC scheme under the s73 planning application.

Details submitted as part of this Reserved Matters application for Plot 13 demonstrate conformity with the parameters of the outline consent with some exceptions. These are addressed in more detail in the relevant subsections of this report. In terms of deviations from parameters, a summary is set out in the below table, including the relevant sections of this report where these deviations fall to be considered.

*Deviations from Parameter Plans:*

Parameter Plan	Deviation	Impact, consideration
<i>Parameter Plan 003: Public Realm &amp; Urban Structure (Rev 19):</i>	Some of first floor balconies on Claremont Park road and western tertiary street do not achieve minimum clearance	Highways Impact upon refuse vehicles
<i>Parameter Plan 004: Ground Level Land Uses to Frontages (Rev 16):</i>	Some non-residential uses on the ground floor in locations identified for predominantly residential	Landuse Residential amenity Highways (Servicing)
<i>Parameter Plan 007: Maximum Building and Frontage Heights (Rev 15):</i>	16 storey tower on north-eastern corner of the plot extends to a maximum height of 53.55mAOD, exceeding the frontage parameters by 18.55m (including the +2m limit of deviation), and the overall height parameter by 8.55m.	Design Residential amenity
<i>Parameter Plan 008: Minimum Frontages Heights (Rev 12):</i>	Minor breaks in the massing, western and eastern facades, where minimum frontage height not achieved.	Design

With regard to the impact of these deviations in Environmental Impact terms, namely whether or not the changes would render the conclusions of the s73 ES valid or warrant the submission of the further Environmental Statement, paragraph 1.8 of the RDSF states:

*“Wherever parameters and principles are referred to in the planning permission sought, the design and other matters subsequently submitted for approval will be required to comply with such parameters and principles, unless any proposed departures would be unlikely to have any significant adverse environmental impacts beyond those already assessed.”*

Therefore, in environmental impact assessment terms, deviations from the parameters and principles referred to in the S73 Permission may be considered acceptable providing the proposals have no adverse environmental impacts. The LPA issued an Environmental Screening Opinion (18/6400/ESR) dated 28 January 2019 which assessed the proposal for Plot 13. This Screening Opinion confirmed that the Plot 13 proposals would not give rise to additional significant environmental impacts compared to those assessed and mitigated against under the S73 Permission and ES and is not therefore required to be accompanied by a EIA. This is further explained in Section 7 of this report.

## **6.2 Landuse**

### **Mix**

The landuse expectations for different parts of the BXC development are set out within the s73 documents, principally the RDAS and RDSF along with appended parameter plans. The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. Plot 13 is located within the Market Quarter Development Zone, and Building Zone MQ1. The RDAS establishes a vision for Market Quarter as an area home to a diverse mix of uses with a vibrant and dynamic town centre character.

The proposals for Plot 13 comprise a residential led mixed use development incorporating primarily a mix of different types of residential homes ranging from 1 to 4 bedrooms on the upper floors, and a range of non-residential uses on the ground floor.

As such, the mix of uses is consistent with the character aspirations for the Market Quarter Zone as set out within RDSF and RDAS, and more specifically with Table 8a where the Anticipated Primary Use for Plot 13 is listed as 'Residential and Retail.' A more detailed discussion around the layout of the uses, in particular the non-residential uses on the ground floor, and how they relate to their surroundings is set in in the 'Layout' section of this report.

### **Development Quantum**

The RDSF through a series of schedules provides a hierarchal breakdown of floorspace by use and Development Zone as follows:

- Table 1 'Development Floorspace' provides the overarching consented quantum for each landuse in the BXC;
- the 'Zonal Floorspace Schedule' (contained in Appendix 5 of the RDSF), sets out how the consented floorspace under Table 1 'Development Floorspace' may be distributed across the BXC within the respective Development Zones.
- the 'Floorspace Thresholds for Building Zones' table, included within Parameter Plan 014, divides the floorspace quantities within each Development Zone further into Building Zones, listing the Primary Use and Remaining Floorspace. The Primary Use is specified whilst the Remaining Floorspace comprises all other uses consented within the Development Zone as set by the 'Zonal Floorspace Schedule'.
- The Indicative Plot Schedule (Table 8a), which forms part of supporting text to Parameter Plan 029: Indicative Phasing, provides further controls by way of setting out the primary landuse for each development plot.

The Council recently approved a Section 96a non-material amendment (18/6447/NMA) which re-distributed a portion of floorspace from the Station Quarter Zone into the Market Quarter Zone (update to the 'Zonal Floorspace Schedule') and

then within Market Quarter Building Zone (update to the 'Floorspace Thresholds for Building Zones'). This increased the permitted development quantum within the Market Quarter Zone to align with the detailed designs being proposed for Plot 13 and Plot 11, including the development already approved on Plot 12. The revised floorspace values are set out below:

#### Floorspace Thresholds for Buildings Zones – Proposed Amendments

Development Zones	Building Zone	Development Floorspace m <sup>2</sup> (Primary Use)	Remaining Floorspace m <sup>2</sup>
Brent Cross East	BXE1	33,459 (any permitted use)	0
	BXE2	16,956 (any permitted use)	0
	BXE3	93,206 (any permitted use other than)	0
	BXE 4	4,035 (residential)	0
Brent Cross West	BXW1	4,942 (residential)	0
Eastern Lands	EL1	32,158 (residential)	20,996
	EL2	58,138 (residential)	416
	EL3	71,125 (residential)	20,113
	EL4	51,092 (residential)	3,902
	EL5	16,274 (residential)	279
	EL6	24,463 (any permitted uses other than residential)	1,974
Market Quarter	MQ1	<del>48,707</del> <del>51,450</del> (business and employment residential) – see note 1	<del>28,574</del> <del>25,831</del> – see note 2
	MQ2	<del>100,266</del> <del>56,204</del> – see note 3 (residential)	1,595
	MQ3	63,098 (residential)	1,138
Station Quarter	SQ1	<del>96,683</del> <del>140,745</del> – see note 4 (business and employment)	1,161
	SQ2	232,806 (business and employment)	73,691
Brent Terrace	BT1	5,575 (residential)	46
	BT2	83,200 (residential)	93
	BT3	4,864 (any permitted uses other than residential)	0
	BT4	105,779 (residential)	465
Railway Lands	RL1	24,618 (WHF)	5,574
	RL2	29,263 (rail freight facility)	7,433
Cricklewood Lane	CL1	2,380 (residential)	1,800
Clitterhouse Playing Fields	CPF	251 (any permitted uses other than residential)	0

The proposed residential floorspace for Plot 13, including that consented under Plot 12 and proposed as part of the Plot 11 RMA amount to 100,266sqm which corresponds exactly with the revised 'Floorspace Thresholds for Building Zones' value for MQ2.

In relation to the 'Remaining Floorspace' field in the updated 'Floorspace Thresholds for Building Zones' table, which covers all other non-residential uses, the total for development plots in MQ2, comprising Plots 11, 12, and 13, would amount to 5,127sqm. This is 3,532sqm above the MQ2 threshold for Remaining Floorspace. However as illustrated within the table associated with paragraph 4.5 of the 'Floor Area and Landuse Statement', the Remaining Floorspace proposed in MQ2 would not breach the 'Zonal Floorspace Schedule' limits for the Market Quarter Zone as a whole. Pursuant to this, Parameter Plan 014 allows for the uplift of floorspace within a Building Zone of 15%, with an equivalent reduction in floorspace to a neighbouring Building Zone within the same Development Zone, which in this case is the Market Quarter Zone. Accordingly, an additional 3,532sqm of Remaining Floorspace is equivalent to a 3.5% increase above the MQ2 thresholds, and as set out above, there is sufficient Remaining Floorspace within the Market Quarter Zonal Floorspace Schedule allocations for it to be deducted from. As such the quantum of development is acceptable as it would align with the relevant floorspace schedules.

## **Market Quarter Zone Section 106 Obligations**

### Community Centre

The provision of a Community Centre within the Market Quarter Zone, with a minimum floor area of 1000sqm within the Market Quarter Zone, is a requirement of the s73 controls, namely the infrastructure triggers under condition 20 (Phase 1 Triggers and Thresholds). The s73 permission provides a broad definition of what uses the Community Centre shall provide as set out below:

*“Community Facilities (Market Quarter Zone)” means 1,000 sq m gross external floorspace of the multi-use flexible floorspace the whole or part of which is to be provided in either Plot 11, Plot 12 and/or Plot 13 as shown on the Indicative Phasing Parameter Plan and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF and to be provided in accordance with paragraphs 2.35 to 2.36, and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;*

The scheme incorporates a Community Centre with a floor area of 1007sqm. Appendix 1 of the submitted Design Access statement provides two indicative layouts (Fig 107 and 108) which have been prepared with regard to the above definition. The indicative layouts show how the Community Centre could be set out over two floors and provide a range of community orientated facilities including a community café, theatre, Creche, multi-purpose space, meeting rooms and office space. The submitted Design and Access statement clarifies that the internal layout will be developed in the next stage



of design and construction with the appointed providers.

The Section 106 Agreement requires the Developer to provide the Community Centre to the stage of Practical Completion which is defined as “shell and core stage whereby the building(s) are suitable for fitting out” (S106 Schedule 1, Defined Terms), and to “ensure that community groups will have usage rights at preferential rates, subject to reasonable limitations” (Schedule 21, Estates Management Framework (clause 6)).

The indicative layouts have been prepared by the Applicant in consultation with LBB Commissioners for Community Centres. A number of questions have been raised that relate principally to details of the proposed use and operation and who will be responsible for the fit out of the space, and what measures will be in place to ensure the Community Centre is a financially viable operation whilst securing usage rights for community groups at preferential rates. These concerns have been acknowledged by the Developer who will be seeking to secure an occupier for the space.

A planning condition is recommended in this report to provide the Council with operational details including a management plan with details of hours of use, number of staff, and management arrangements to ensure the amenity of adjoining residents is safeguarded.

In light of the above, it is considered the inclusion of the community floorspace within the scheme satisfies the landuse requirements set by Condition 20.19, subject to the submission of further details as part of a planning condition, whilst the operational requirements as set out under the above stated terms of Section 106 Agreement will be ongoing obligations once the use is commenced.

#### Temporary Health Centre

The provision of a Temporary Health Centre within the Market Quarter Zone is a requirement of the S73 Permission, namely the infrastructure triggers under condition 20 (Phase 1 Triggers and Thresholds). Condition 20.17 which relates to the Market Quarter Zone states:

*20.17. On the date of the submission of the first Reserved Matters Application for residential units in the Market Quarter zone the Developer shall confirm with the Barnet NHS/healthcare provider (or successor body or appropriate health provider as agreed with the LPA) its space requirements and location for the Temporary Health Centre (up to 300 sq.m) in the Market Quarter Zone and shall not occupy any residential units in Market Quarter Zone until the developer has offered a lease to the Barnet NHS/healthcare provider of that facility on reasonable terms. Subject to completion of an agreement of the lease in accordance with the obligations as set out in paragraph 7 of Schedule 2 to the S106 Agreement, no more than 450 residential units in the Market Quarter Zone shall be occupied until the Temporary Health Centre has been provided. The facility shall remain in place until the Main Health Centre is provided or the lease of the Temporary Health Centre expires, whichever is the earlier.*

*Reason: To ensure the timely provision of the Temporary Health Centre in accordance with the ICP.*

Officers have engaged with Barnet NHS Clinical Commissioning Group (CCG) to understand their requirements and the current health care capacity within the area. The CCG have provided a response to the consultation on Plot 13 RMA confirming that they do not require the Temporary Health Facility. This is in response to up to date HUDU modelling undertaken on behalf of the CCG, assessing the need for additional health floorspace for existing and projected population in the area, the results of which clarify that there is sufficient capacity within existing surrounding facilities to deal with existing and projected population arising from this first phase of the regeneration. Through engagement with the CCG the Developer has begun discussions over the requirements for the permanent Main Health Centre which will be delivered in Phase 2.

The Temporary Health Centre floorspace is not a component of the 'Zonal Floorspace Schedule' in Appendix 5 of the RDSF, given its temporary nature until the permanent facility is delivered. In addition, Schedule 2, paragraph 7 (Health Facilities) 'Southern Development' of the s73 Section 106 Agreement includes provisions for a payment in lieu to the Council in the event that the health facility is not provided, to be paid prior to the occupation of residential units within Phase 1C. The CCG letter confirms that such funds should be directed toward the provision of the Main Health Centre to be delivered in Phase 2.

### **6.3 Housing**

#### **Principle of Build to Rent accommodation**

Phase 1 South of the BXC development comprises Plot 11, 12 and 13. Plot 12 is within Phase 1B (South) and includes the provision of affordable housing for the Whitefield Estate replacement units Part 2. Plots 11 and 13 fall within Phase 1C and are not required to include any further affordable housing (see Affordable Housing section below).

All of the units within Plot 13 are designed as homes for market sale in terms of the relevant design and amenity space standards. However, the Developer has indicated their intention to retain a proportion of the homes on this plot as Build to Rent (BTR).

Build to Rent (BTR) accommodation comprises blocks of homes that are purpose built for longer rental tenancies. The apartment blocks are professionally managed with high quality customer services and often include additional on-site facilities. BTR is not the same as Private Rental Sector (PRS) accommodation which is typified by investors buying individual or groups of flats in a regular market sale housing development which they then rent out. This leads to multiple landlords and no unified management regime for the building as a whole.

BTR is attractive to institutional investors seeking long-term income stream. For this reason BTR does not operate the same financial model as conventional for-sale housing where the Developer takes a risk on the property market and where return is

dependant on the speed at which they can sell the new homes. Conversely, entire blocks of BTR accommodation will be sold, but the Developer's investment is tied up for longer. BTR offers a reliable long-term income stream by avoiding downturns in the property sale market. Including BTR as part of a mix of housing in a development alongside private sale homes, can accelerate speed of delivery overall because the Developer is not restrained by the market absorption rate when it comes to selling individual flats.

Because BTR is a relatively recent product in the UK housing market, the S73 Permission for BXC does not recognise it as a housing type within its control documents and Section 106 Agreement. However BTR is now recognised within Chapter 3.3 (Build to Rent) of the Mayors Housing SPG (March 2016). Chapter 3.3 of the housing SPG has been updated through Part 4 of The Affordable Housing viability SPG (August 2017). This SPG recognises the role of the private rented sector in providing homes for Londoners, acknowledging that at the time of publication it accounted for 28% of all households in London. Pursuant to this, the SPG cites Policy 3.8 (B a1) in its recognition that the planning system should take a more positive approach to enabling this sector to contribute to the achievement of housing targets, and that positive support should be given for purpose built private rented homes through the land use planning system at the local as well as the strategic level.

In terms of the characteristics of BTR, Affordable Housing Viability SPG (August 2017) sets out that BTR housing shall:

- be a development, or block/phase within a development, of at least 50 units;
- hold its constituent homes as Build to Rent under a covenant for at least 15 years;
- provide units that are all self-contained and let separately;
- operate under unified ownership and management;
- offer longer tenancies (three years or more) to all tenants, with break clauses that allow the tenant to end the tenancy with a month's notice any time after the first six months;
- offer rent certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
- include on-site management, which does not necessarily mean full-time dedicated on-site staff, but must offer systems for prompt resolution of issues and some daily on-site presence;
- be operated by providers who have a complaints procedure in place and are a member of a recognised ombudsman scheme; and
- not charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.

In addition to the above criteria, BTR developments also typically provide shared amenities beyond the "front door" of individual homes such as a large entrance lobby

and concierge, gym or other sports facilities, hireable meeting rooms, bookable dining and entertaining suites, shared internal and external amenity spaces, gardening facilities, cycle maintenance workshops etc.

In the case of Plot 13, all of the homes have been designed to the same standards as market sale homes with the same approach to amenity space provision and car parking. The housing is therefore acceptable in terms of quality of accommodation as either rental and sale properties (See Residential Amenity below). The impact of providing a proportion of the units on Plot 13 as BTR accommodation has also been tested as part of the viability assessment for Phase 1 South and does not alter the viability and trigger for further Affordable Housing requirements (See Affordable Housing below). It is therefore not required to secure the units as BTR for a covenanted period in this instance.

In the context of Plot 13 and Phase 1 South, it is considered that BTR accommodation has the potential to provide a wider mix of housing products and a further choice for future occupiers in the BXC in line with London Plan policy 3.8 which advises that: 'Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments'. In the case of Phase 1 South, delivering a proportion of the units as BTR would allow the Developer to construct and deliver homes on concurrent plots at the same time by not being restricted to sales absorption rates which in turn enables a critical mass to be established more quickly in this early phase of the regeneration. This means that a sense of place is able to be created promoting place making and stewardship at an early stage in the scheme.

## **Affordable Housing**

### Phase 1 (South) Affordable Housing Obligations

The S73 Permission (RDSF, Paragraph 2.24) sets a baseline requirement to provide 15% of all residential floorspace, with a target of up to 30%, as Affordable Housing, that is housing that would fall under the Section 106 definitions of Social Rented, Affordable Rent and/or Intermediate Tenures.

For Phase 1 (South), within which Plots 11, 12 and 13 are situated, the Section 106 Agreement contains specific Affordable Housing requirements reflecting the need to provide replacement homes for the Whitefield Estate. In relation to Phase 1 (South) these are defined in the Section 106 Agreement as 'Whitefield Estate Replacement Units (Part 2)'

In addition to the Whitefield Estate Replacement Units (Part 2), the S106 agreement sets out the circumstances where any additional affordable housing would be triggered in Phase 1 South.

Therefore the 15% affordable housing provision for Phase 1 (South) is established through the sum of the Whitefield Estate Replacement Units (Part 2) and any 'Phase 1 South Additional Minimum Affordable Housing Units'.

Phase 1 (South) Additional Minimum Affordable Housing Units is defined as follows:

*"Means 50 (fifty) Affordable Housing Units to be delivered within Phase 1 (South) pursuant to clause 1.6.7(b) of Schedule 2A SAVE THAT if pursuant to the approved Affordable Housing Scheme for Phase 1 (South) or pursuant to Reserved Matters Approvals covering the whole of Phase 1 (South) the proposed number of Dwellings within Phase 1 (South) is higher or lower than 1568 (one thousand five hundred and sixty eight) Dwellings (which is the number assumed at the date of this Agreement) then the said minimum figure of 50 (fifty) Affordable Housing Units shall be:*

- (a) increased by 1 (one) Affordable Housing Unit for every 6.67 Dwellings by which the total in Phase 1 (South) in excess of the assumed 1568 (one thousand five hundred and sixty eight) Dwellings; or*
- (b) decreased by 1 (one) Affordable Housing Unit for every 6.67 Dwellings less than the assumed 1568 (one thousand five hundred and sixty eight) Dwellings proposed within Phase 1 (South)."*

The effect of this would be that, in accordance with 'part (a)' for every 6.67 dwellings within Phase 1 (South) above the 1568 units assumed at the time of the outline approval there would be a requirement for an additional affordable housing unit. Similarly in accordance with 'part (b)' for every 6.67 units below the 1568 units assumed at the time there would be a reduction of an affordable housing unit.

Therefore the minimum provision for Phase 1 (South) therefore comprises:

- The Whitefield Estate Replacement units; and
- The Phase 1 (South) Additional Minimum Affordable Housing Units which is 50 Affordable Housing Units subject to adjustment described above.

Reserved Matters have been approved for Plot 12 within Phase 1B South which comprises 292 residential units including the 110 Whitefield Estate Replacement Units (Part 2). Phase 1C comprises Plots 11 (352 units) and 13 (348 units) giving a total of 992 units for Phase 1 South. Part (b) of the ratchet mechanism set out above is therefore applicable. If the total number of units in Phase 1 South is 334 units (i.e. 50 x 6.67) below 1,568 there is no requirement for additional affordable housing in Phase 1 (South). i.e. if the phase comprises less than 1,252 units. The total number of residential units to be provided within Phase 1 (South) is 992, which is below the threshold of 1,252 units and therefore no additional affordable homes beyond the Whitefield Estate Replacement Units (Part 2) are required to be delivered.

The inclusion of the Whitefield Estate Replacement Units towards the minimum provision of affordable housing in these early sub phases of the development was agreed at the outline application stage in recognition of the significant infrastructure costs associated with such early phases and the need to rehouse the Whitefield Estate Residents.

From Phase 2 onwards the minimum of 15% affordable housing will be provided as new affordable housing with a site-wide target of providing 30%.

The Affordable Housing Viability Testing Report (AHVTR) for Phase 1 South pursuant to condition 1.13 was approved by the Council in February 2018. The AHVTR assumed

a total of 997 residential units in Phase 1 South. The viability appraisal which was independently reviewed by the District Valuation Service (DVS) of the Valuation Office Agency, concluded that based on the predicted provision of 997 units within Phase 1 (south) as a whole, the provision of further Affordable Housing could not be viably delivered within Phase 1 (South). The conclusions reached on viability grounds were found to be acceptable, based largely on the first phase having the highest infrastructure costs, including the re-provision of social housing for the Whitefield Estate (Part 2).

### Plot 13 Affordable Housing Requirements

As outlined above, there are not any 'Phase 1 (South) Additional Minimum Affordable Housing Units' required for Plot 13.

In terms any additional Affordable Housing Requirements in line with the Phase 1 South AHTVR assessment, the independent appraisal of the Phase 1 South AHTVR recommended the conclusions on viability may be affected if the residential floorspace within actual RMA proposals for Plots 11 and 13 resulted in an increase or decrease of 5% or more in comparison to the assumptions within the AHTVR. The total Phase 1 (South) proposals based on 292 consented units within Plot 12, 352 proposed within Plot 11 and 348 proposed within Plot 13 would not breach 5% limit of deviation and therefore with respect to quantum the AHVTR conclusions remain valid.

The AHVTR appraisal for Phase 1 (South) assumed 200 units within Plot 13 would be provided as BTR. However as set out above, the proposals for Plot 13 now seek the flexibility for those units to be market sale also. Given this is a different tenure to that considered under the Phase 1 (South) AHVTR, the LPA commissioned the DVS to further independently check the sensitivity test on the impact of this change upon the conclusions reached within the AHVTR. The conclusions were that assessing these 200 units as private sale rather than BTR would not enhance the overall development viability of the Phase. In fact, the effect of delivering these 200 units as private sale had a negative impact on viability of the phase for a number of reasons.

In summary, the development of Plot 13 is not required to provide Affordable Housing as this has already been provided for Phase 1 South through the Whitefield Estate Replacement Units (Part 2) on Plot 12.

### **Residential mix**

The Plot 13 proposals provide the following mix of residential homes

Unit size	Number of units	% of Plot 13 mix	% of Plot 13 mix	RDSF Site Wide Target Private Mix (Para 2.23)
Studio 1 person	31	9%	48%	35%
1 bed 2 person	137	39%		
2 bed 4 person	150	43%	34%	47%
3 bed 6 person	28	8%	9%	18%

4 bed 8 person	2	1%		
Total	348	100%	100%	100%

There are departures from the RDSF site wide target, notably a higher quantity of one bedroom units and a lower quantity of 3 and 4 bed properties. The submission sets out that the mix is weighted in this way due to Plot 13 forming part of the first phase of the regeneration, to be constructed and occupied prior to the delivery of much of the new and improved infrastructure proposed across the regeneration, principally the Education campus, Children Centre's and Main Health Centre, all of which are required within Phase 2.

In addition, it should be noted that the RDSF target mix is a site wide requirement and therefore not to be enforced strictly on a plot basis. Rather it is an ongoing control to be monitored throughout the regeneration with the aim of providing a balanced community pursuant to the development objectives. On this basis, and taking into consideration the fact that this plot is part of the early phase of the development, the mix is considered acceptable for the Plot 13 proposals.

### **Residential Density**

The proposal has an approximate residential density of 435 units per hectare, based a plot size of 0.8 hectares. Table 3b of the RDSF outlines an illustrative residential density of 386 units per hectare (u/ha) for the Market Quarter Zone. The indicative densities were derived primarily from the parameter controls and thresholds identified in the RDSF in relation to building heights, floorspace and other standards. The London Plan density matrix under policy 3.4 'Optimising Housing Potential' outlines a maximum range of 215–405 u/ha, for central locations with between 4-6 PTAL levels. The proposed development would therefore exceed both ranges.

Notwithstanding the above, The Mayors Housing SPG also advises that in appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix (paragraph 1.3.51), such as in an Opportunity Area or Area of Intensification pursuant to London Plan Policy 2.13 'Opportunity Areas and Intensification Areas'. In addition, paragraph 2.28a of the RDSF identifies that density is not an assessment tool in its own right, and actual densities will be calculated at reserved matters stage as a derivative of various controls and standards including sunlight/daylight, private amenity space, building heights as well as the scale thresholds.

Noting the above, it is accepted that appreciation of housing density is important to realising the optimum potential of sites in the BXC. However, the LPA will only consider a departure from the indicative density for the Zone if development proposals can clearly demonstrate that they comply with or exceed the necessary residential amenity, design and parking standards and not result in any demonstrable harm. This is discussed in below subsections of this report with the conclusion that in this instance the development meets acceptable standards with regards to residential amenity and design.

## 6.4 Design

### Layout

#### Masterplan context

The indicative masterplan layout for BXC is shown on Parameter Plan 015 (Indicative Layout Plan). A closer zonal indication for the area relevant to Plot 13 is shown on Parameter Plan 020 (Indicative Zonal Layout Plan Market Quarter). The parameters do not fix the layout or location of the development plots, rather they provide a general arrangement as one way in which the regeneration would be built out in accordance with the parameters. Accordingly, the parameters incorporate limits of deviation.

The S73 Permission incorporates a reconciliation process through Condition 1.17 (Illustrative Reconciliation Plan), that requires an up to date base plan to be submitted based on Parameter Plan 015 and containing the approved RMA proposals. The purpose of this is to reconcile the proposed RMA against extant RMA's and Parameter Plans, to demonstrate that the proposals are complimentary and as such demonstrate that comprehensive delivery of the masterplan is capable.

In this instance, the IRP has been submitted for Phase 1C which incorporates Plots 11 and 13. The plot details are shown in basic plan form. Plot 13 is shown as occupying the development plot in its entirety at ground level, rising up to a series of distinct massing elements around a central raised podium giving the development a perimeter block character.

The IRP for Phase 1C has been submitted under application (18/6438/CON). Of relevance to the Plot 13 RMA proposals are the following conclusions of the IRP process:

- The Plot aligns itself with extant Plot 12 RMA curtilage, maintaining an appropriate width for the tertiary street between the two plots pursuant to Parameter Plan 002 (Highways Infrastructure);
- The Plot aligns itself with its Local Highways network pursuant to Parameter Plan 002 (Highways Infrastructure), namely 'Claremont Park Road' to the South, and 'High Street South' to the North;
- The kink in the High Street shown to the west of Plot 13 would be within the limits of deviation of up to 35m (Notwithstanding this is outside of the Phase 1C and Plot 13 RMA site curtilages);
- Parameter Plan 015 incorporates an east west pedestrian route from Market Square, through Phase 1B and 1C development Plots adjoining Claremont Park, and terminating at Station Square. This is not featured in the current Plot 13 proposals, nor within the IRP. This route however is not defined within the s73 Parameter Plans, and not therefore strictly required. The IRP illustrates that a combination of east west routes are still enabled through the BXS area, namely via Claremont Park Road, High Street and a route to the north of the flat iron building.



### Layout - Plot details (uses)

The S73 Permission documents, namely the RDSF and appended Parameter Plans, RDAS and RDG, together create a series of development controls to secure the mixed use development aspirations for this part of the Market Quarter Zone.

In terms of uses, the main guiding principle for Plot 13 is the establishment of Key Frontages within Parameter Plan 004. This establishes predominantly retail, leisure or hotel uses facing onto High Street to the north of the plot in line with the Market Quarter use and activity aspirations to make this a vibrant area within the development. This is contrasted by ground floor residential use allocations on the southern and western sides, facing Claremont Park Road and Claremont Park beyond, and the adjoining Plots to the west, which adheres with the more residential neighbourhood feel to these locations.

The proposed building footprint occupies the full extent of the building plot creating a defined ground floor edge around the building perimeter with a minor break in the continuous frontage on the western façade. In terms of addressing the Key Frontages, the buildings principal façade faces onto the High Street with predominantly retail uses at ground level. The Claremont Park Road façade comprises maisonettes featuring private front doors at ground level. Residential lobby entrances are also located on the residential street to the west. These details adhere with Key Frontage Parameters.

On the eastern façade, the building is orientated toward the tertiary street in between Plot 13 and Plot 12 and the Pocket Park. This frontage is not a designated Key Frontage. The environment approved under the Plot 12 RMA, which included the tertiary street within its curtilage, created a neighbourhood street environment. The proposed Community Centre within Plot 13 is located on this façade and deliberately addresses the Pocket Park space. The residential basement car park access a refuse stores are also located on this façade. In terms of ground floor uses, this is an appropriate location for the Community Centre given the residential neighbourhood location, whilst the parking and refuse access also corresponds with the proposed residential vehicular access and servicing route.

In terms of the western façade, the ground floor would be occupied by a combination of non-residential uses, comprising flexible retail/restaurant uses on the corner with High Street and 'Neighbourhood Square' and toward the Claremont Park Road end, and a cinema positioned approximately in the middle of the frontage. Parameter Plan 004 identifies the key frontage in this location as residential. The proposed uses however remain in line with the Market Quarter mixed use town centre character and also correspond more closely with the evolving masterplan aspirations for this area of 'Neighbourhood Square', which is shown indicatively and likely to come forward in future RMA proposals. As such the principle of the departure from residential uses in this location is acceptable. This change is further discussed in subsequent sections of this report in relation to residential amenity and servicing implications.

### Layout – Local Highways Infrastructure

The Plot 13 site curtilage subject to this application includes a single item of Highways Infrastructure to the west of the plot. This is proposed as an access only tertiary street,

providing a servicing bay and vehicular turning head for transit sized vehicle and visitors parking bays. This no-through tertiary route adheres with Parameter Plan 002 (Highways Infrastructure). Only emergency vehicular access is provided to the tertiary route from the High Street South. Pedestrian and cycle access is provided along the entire length of this tertiary route, in compliance with Parameter Plan 003 and its designation as a Main Connection for pedestrians and cyclists. The footpaths adjacent Plot 13 are a minimum of 2m in width. The height of the footpath kerbs along tertiary streets are 50mm which create an informal 'home zone' character to the streets surrounding the residential buildings. A more detailed assessment of how this physical infrastructure corresponds with servicing and other related highways requirements for the plot is set out under the 'Highways' section of this report.

In terms of the wider BXS highways context, within which the Plot 13 proposals are shown, as set out in the 'Development Context' to this report, these adjoining areas are subject to their own applications which together provide the details for the Plot development and highways and public realm infrastructure for this part of the masterplan area. Of key relevance to this Plot 13 proposal in terms of local highways infrastructure is the Highways and Public Realm 'drop in' application and amendments application to the extant Plot 12 RMA. In summary, the physical highways and public realm layout proposed through these applications is considered to comply with the relevant parameters in terms of layout. This is not set out in detail under this Plot 13 committee report but dealt with in detail within the respective drop in and Plot 12 amendments applications.

## **Scale and Massing**

The proposed development comprises two principal buildings formed from six blocks, arranged around a central raised podium courtyard which provides private and communal outdoor amenity space for residents.

The two buildings are comprised of six courtyard blocks of varying heights. The approach is to create a series of linked yet distinct building forms on each side of the development plot which address the townscape which they face onto. On the east and west façade, small breaks in the massing are incorporated providing separation between the different blocks. On the north and south elevations, the massing is continuous creating a strong and defined edge to the Market Square to the north and Claremont Park boundary to the south.

Blocks facing the north-south routes to the west of the plot, along the southern façade facing Claremont Park Road and on the eastern edge facing the pocket park and neighbouring development Plot 12, are 7 storeys in height with a set-back 8<sup>th</sup> level. The height increases to 7 plus 2 set-back levels on the north west corner facing 'Neighbourhood Square'. On the north east corner of the plot at the termination of Templehof bridge approach, the building features a tower element of 16 storeys.

The proposed layout and massing has been prepared with due consideration for the S73 Permission controls, namely the RDSF and appended Parameter Plans, RDAS and RDG. These controls seek to regulate the height and form of buildings in order to secure a varied, high quality and considered townscape but also to ensure

development creates a good quality of external amenity for residents and people moving through the public realm.

The principle of the perimeter block approach is in accordance with the RDAS which identifies this as an acceptable way for delivering residential led development plots in the BXC. It is also a recognised good practice urban design principle for providing active frontages to streets and public spaces while locating private space within the block. The main parameter controls relating to height are: Parameter Plan 007: 'Maximum building heights' and Parameter Plan 008: 'Minimum Frontages Heights (Rev 12)'. The RDAS provides further detailed guidance on height and massing. Of particular relevance to this scheme and the tower element especially is Guideline 4 which explains that there is an opportunity for buildings to exceed the maximum frontage height for a restricted length for no more than 30% of the length of any frontage.

The perimeter block approach maintains a legible park frontage and defined building edge facing onto the Market Square as prescribed by the Masterplan principles. Small breaks in the massing on the east and west side represent deviations in terms of minimum frontage height requirements, however these are minor in width and provide relief with associated benefits to the townscape and residential amenity within and outside the plot curtilage.

The variation in height combined with variations in materiality allow for the development to be perceived as a collection of buildings. The predominant scale of seven storeys and a set back above (8 total) is fitting for this urban environment and creates a legible height to width ratio along with the proposed tertiary streets. This also complies with the maximum building height parameters. Having regards to the above, the general massing on the Plot would have sufficient conformity with the requisite massing and height controls and guidance contained in the s73 Permission. The exception is the 16 storey tower on the north eastern corner of the plot which has been designed to act as a visual marker and bookend to the urban block on the High Street.

The 16 storey tower element extends to a maximum height of 53.55mAOD, exceeding the frontage parameters by 18.55m (including the +2m limit of deviation), and the overall height parameter by 8.55m. In terms of the width of this height deviation, this would not occupy more that 30% of the frontage in accordance with RDAS guideline 4 cited above. Nevertheless, the breach of height parameters requires assessment in townscape and amenity terms.

The RMA was accompanied by an EIA Screening Opinion Request to determine whether or not in the LPA's view the massing, in particular the breach in height for the tower element, would result in unacceptable environmental impacts in Townscape and Visual terms, in comparison to the original indicative massing prepared with the S73 Permission. The 'Visual Assessment Study' dated October 2018 prepared by Arup, based on the viewpoints 1-6 established in the original ES during the construction period, operation (year 1) and the completed scheme, concluded that there would be no significant additional environmental impacts compared to those reported in the original ES. Other Environmental indicators relating to microclimate, namely wind comfort and daylight and sunlight, concluded equally that the additional height would not result in additional significant environmental impacts. These are dealt with in more

detail under the 'residential amenity' part of this report. Based on these conclusions, the LPA issued its screening Opinion (18/6400/ESR) dated 28 January 2019 confirming that the RMA proposals, namely the additional height, would not result in additional significant impacts in comparison to the effects reported in the original ES. The additional height would be seen in the context of the setting within the approved development and the new skyline created by it which includes buildings to the north of Plot 13 adjacent to the A406 North Circular which are permitted up to 100m in height.

When considering the Plot as a whole, the massing would satisfy the overarching principles for a strong presence on the High Street, a legible park interface and a marker structure on the north-eastern corner as a way of terminating the route over Templehof Bridge approach. It would also provide for calmer residential streets to the east and west of the southern perimeter block. The massing is therefore considered to be acceptable and in accordance with the principles of the approved S73 Parameters.

### **Elevation Design Treatment**

The S73 Permission contains various controls in relation to the appearance of the BXC development. Those of relevance to the proposed buildings at Plot 13 are explained and assessed in this section.

Section A2.5 of the RDAS emphasises the need for buildings to be "durable, attractive and visually harmonious". In respect of low and medium rise buildings specifically, this section states they will "be generally solid, rather than lightweight – a masonry architecture should prevail; although lighter elements in metal, timber and as well as moments of ornament will add delicacy and richness to the composition". This same section encourages the use of natural materials and states that brick should be the most typical material.

The RDG sets out guidance relating to the appearance and architectural design of buildings. Section B4.2 provides palettes for building frontages and also provides elevation typologies which are intended to inform the design of the development. Section B4.2.1 specifically sets out guidance of frontage detailing including vertical articulation, horizontal articulation, doors and entrances, building projections and balconies, breaks in frontages and material. The guidelines are non-prescriptive but rather set a framework for the grain and articulation of the building frontages that relates to the hierarchy of streets and spaces

The design evolution for the plot 13 is outlined within the submitted Design and Access Statement. Within this analysis, a summary of the relevant design guidance provided by the S73 Permission is set out, as well as acknowledgment of the architectural precedents and sources which have inspired the chosen approach. In summary, the perimeter blocks take inspiration from the London Mansion Block building typology, in particular; the ordered façade treatment with appropriate and considered distribution of both recessed and projecting balconies, an appropriate solid to fenestration ratio, predominantly brick finished façade treatment with incidences of detailing providing interest, and a set back mansard level constructed in a darker material typically slate.

The majority of the Plot 13 building facades are finished in brick with the 16 storey tower which clad in glass reinforced concrete. The tower element is deliberately clad

in a contrasting material to distinguish it from the other buildings and emphasise it as a marker block. Paragraph 4.4.3 of the submitted Design and Access Statement illustrates the distribution of different brick types across the development blocks, applying a 'Red Brick' to Blocks B, C and D within the northern portion of the plot and 'Buff Brick' to the southern element facing the park. Such an approach is successful in creating a distinction between the different parts of the scheme and reducing the overall impression of scale across the development as a whole.

In detailed design terms, the elevations are approached through a series of defined and well-proportioned bays with a vertical emphasis that correspond with the internal layouts; incorporating windows, reveals and brick detail within each respective bay. These provide good legibility to the facades in terms of identifying a particular residential unit both internally facing the courtyard and externally, whilst also serving to introduce articulation and interest reducing the overall impression of mass across the façades. The overall impression is of a series of well ordered facades that also incorporate sufficient variety through fenestration, balconies and massing form.

In terms of the 16 storey tower element, the Design and Access statement explains that the building adopts a vertical emphasis to make its profile more slender. In this instance this is achieved through the Glass Reinforced Concrete grid structure following the internal apartment layouts, incorporating patterned metal panels to the side of the windows and inset balconies adding visual interest and articulation and breaking up the scale. This approach is considered to be complimentary with the remainder of the scheme, whilst also creating a sufficiently striking building in its own right that is appropriate for this "marker element".

A condition is recommended to secure details of all external materials for approval by the LPA. The elevation design treatment is considered to be acceptable. External landscaping and overall scheme sustainability is dealt with in subsequent sections of this report.

## **Landscaping**

The S73 Permission contains various controls in relation to the landscaping of the BXC development. Those of relevance to the proposed development of Plot 13 are explained and assessed below.

Parameter Plan 003 (Public Realm & Urban Structure) identifies a network of new and existing public spaces and routes between them for cyclists and pedestrians. The accompanying text to this plan explains that the general location of a series of green spaces, civic squares and green corridors have been identified on Parameter Plan 003, however, the exact location, configuration and size of such spaces will be defined at the reserved matters stage. The relevant extracts from the s73 control documents are outlined below;

Section A2.6.1 of the RDAS sets out the following principles that underpin the landscaping strategy for BXC and are to inform RMA proposals:

- Create a sense of place and identity;
- Promote health and wellbeing;

- Integrate and enhance ecology;
- Make spaces that are inclusive, accessible and secure;
- Promote education and learning through the public realm;
- Create a place for pedestrians and cyclists;
- Integrate the private vehicle and public transport without overwhelming streets and spaces;
- Make a place where stopping and relaxing is encouraged;
- Place the concepts of play and leisure at the centre of the strategy; and
- Make a public realm that is lively and diverse.

The same section states that the character of each open space and street will vary according to the role it plays in the overall hierarchy of the development. The strategy proposes a comprehensive network of public parks, city gardens, and public squares interlinked by a highly accessible pedestrian and cycle network.

The typology of residential development which clusters apartments around communal garden courtyards will provide a substantial network of private green spaces that will offer safe accessible environments for recreation and play for new residents. In addition to this many apartments will have their own private balconies or terraces while new houses will have their own private gardens.

The consented RDG sets out in more detail the configuration of streets and spaces throughout the development while also articulating how building frontages will relate to these spaces. The most relevant extracts are listed below;

- Section B4.1 provides component palettes for the public realm to inform the design of new development at Plot 12. It should be noted these are indicative and illustrative.
- Section B4.1.1 sets out detailed guidance in respect of soft landscaping. The guidance identifies the type(s) of planting that may be suitable for the various street typologies across BXC.
- Section B4.1.2 sets out a detailed pallet providing guidance of materials that may be suitable for the various street typologies across BXC. The palette includes details of: street surface, footpath surface, car parking surface, and facilities in spaces (such as play facilities, sports facilities, performance space).
- Section B4.1.3 sets out the palette of street furniture and facilities including details of: lighting, seating, bollards, refuse, cycle stands, bus stops, public art and water features, thresholds, and fences and screens.

Lastly, the s73 permission itself includes conditions, principally 2.1 (g), that requires RMA's to be accompanied by details of the landscape including summary of tree details, specification of temporary and permanent surface finishes, post-construction landscaping near trees, tree planting (including tree pit details) and details of green and brown roofs. Other landscape related conditions such as 27.4 and 27.6 and Table 10 of the RDSF require landscape proposals of RMA applications to be supported with ecological enhancement, maintenance, and programme for commencing and

completing planting.

Pursuant to the above the Plot 13 proposals are accompanied by a scheme of landscaping which is centred principally on three areas. Firstly, the raised podium communal garden in the centre of the plot featuring private gardens, communal terrace on the eighth floor, and the tertiary street on the western side of the plot. These are addressed in turn.

With regards to plot specific proposals, the application is supported by a Landscape and Design Statement (Plot 13) prepared by Andy Sturgeon Design, dated October 2018. The statement outlines the design evolution having regards to the s73 guidelines outlined above. The resulting scheme in relation to the courtyard garden is described in the submitted documentation as being inspired by a flowing natural river, represented by an arrangement of stones, green spaces and plants. The arrangement creates a hierarchy of spaces and areas of different characters and planting styles referred to as; Dry Riverbed, Shade tolerant, Sun loving, Landscaped Stairs and Lawn, according to the planting conditions. The scheme also features a cascading, stepped landscaped element on the western side down to street level. The communal terrace on the eighth floor provides a variety of sitting areas with raised planters and pergolas creating subdivision. The surface is finished with paving and timber decking.

Overall the approach is considered to provide a high quality and considered approach to landscaping within the plot. The Council's Tree Officer has reviewed the scheme of landscaping and planting and is satisfied with the overall approach subject to final species being subject to detailed approval through planning conditions.

With regards to the street level landscaping and tree planting, details are set out within the Landscape Design Statement: Public Realm for Phase 1 (South) prepared by Townshend Landscape Architects, dated October 2018. Relevant details are those that relate to the tertiary street to the west of the plot on page 14 ('Residential Streets') of the document. It sets out that the primary objective for the street is to provide a pedestrian focused environment by minimising traffic speeds and maximizing the amount of space for planting. This is achieved through carriageway design incorporating recessed parking bays with street trees and planting beds providing the setting. The approach is conducive to the neighbourhood aspirations and contributes to the overall biodiversity of the scheme. The details have been reviewed by the Council's Tree Officer who has queried the choice of species on practicality grounds, as well as the tree pit specification on grounds of potential to provide better rooting environment for trees. Final tree species will be secured through planning condition including tree pit details. Based on the details provided and forthcoming additional details secured through planning condition, the landscaping is considered acceptable.

### **Flood Risk and Drainage**

In line with the recommendations of the S73 Flood Risk Assessment, a drainage strategy that applies to Phase 1 (South) as a whole has been prepared by Arup and submitted to support the suite of Phase 1 (South) applications. The Plot 13 provisions are outlined within Appendix F, prepared by Consulting Structural and Civil Engineers AKT II Ltd. The proposed drainage strategy outlines that, through a variety of water attenuation methods, including SUDS features, the environment will comply with the

s73 compliance conditions that relate to sustainable urban drainage, principally conditions 44.5, 44.9 and 45.2.

In terms of ground levels, Condition 45.2 requires that all finished floor levels (excluding car parks, service yards, customer collection areas, goods handling and ancillary basement activities) shall be set no lower than 300mm above the 1 in 100 year (+climate change) flood level. Section 4 of the accompanying Drainage Statement prepared by AKT II confirms all finished floor levels and basement levels are above the requisite level accordingly. Therefore, in respect of flood risk, the proposed development is in accordance with the parameters and principles of the S73 Permission.

Condition 44.5 requires SUDS to be maximised across the site and integral to the proposal. Paragraph 2.75 of the RDSF requires proposals to include a careful selection of SUDS features. Section 4 of the accompanying Drainage Statement prepared by AKT II confirms the design for the plot and public realm incorporates a number of proposed SUDS features such as Green and Brown Roofs, detention basins, gravelled areas, swales, permeable paving and pipe storage. Therefore, in respect of SUDS, the proposed development accords with the parameters of the S73 Permission.

In terms of green/brown or biodiverse roofs, Condition 1.17 and 2.69 of the RDSF requires green and brown roofs to be provided on a minimum of 10% of available roof area distributed across the site. This is achieved within the Plot 13 proposals, as set out within the accompanying application pursuant to condition 1.17. Therefore, the total green roof area proposed for Plot 13 adheres with the minimum requirement and accords with the requirements of the S73 Permission.

As such the drainage environment for Plot 13 is considered acceptable and in compliance with the relevant requirements within the s73 permission.

## **6.5 Residential Amenity**

This section of the report focusses on the residential amenity and standard of accommodation aspects of the proposed scheme, focussing primarily on the conditions that would be experienced by future residents and also, where appropriate, the impact of the development upon the amenity of the users of surrounding public realm, neighbouring development plots and also existing residential properties in the vicinity of the development.

### **Communal Space (Internal)**

The development provides three principle entrances. The main entrance to northern blocks (A, B and C) is located on the High Street frontage, which comprises a large reception and lounge with a separate package room. The secondary entrance to the northern portion, namely Block D, is located on the tertiary street frontage to the east of the plot. On the south west corner with Claremont Park Road, the principle entrance to the southern block is provided which also provides a generously sized reception and lounge.



In terms of internal circulation, these entrances lead onto their respective lift and stairwell cores. The maximum number of units served by a single lift core in the development is 9. These are located in Block F (1<sup>st</sup> to 5<sup>th</sup> floor) and Block D (1<sup>st</sup> to 6<sup>th</sup> floor). For Blocks E and C the number of flats served by a single lift core is typically 8, for Block B its 7 and the within the tower element (Block A) its 5.

The Mayors Housing SPG (March 2016), Standards 12, advises on the benefits of maintaining a reduced number of residential units per core in developments, not exceeding 8. The rationale is that this can help in creating a sense of community and ownership of communal corridor spaces, whilst physically reducing the distances residents will need to travel in corridors which often lack natural light and outlook owing to design constraints. For Plot 13, it is acknowledged that Blocks F and D would marginally exceed the recommended level, however the layout incorporates a source of natural light and outlook facing into the courtyard gardens. This is also incorporated in Block C. In addition the corridor widths will need to be designed to Building Regulations Part M4 (2) standards, as secured through planning condition attached to the S73 Permission, that requires communal parts of the approach route to dwellings including corridors to have a minimum clear width of 1200mm or 1050mm where there are localised obstructions. Further accessibility details are outlined under the accessibility part of this report.

The shared circulation provisions are considered acceptable whilst the above shared provisions enhance the amenity afforded to future residents.

Further to shared amenity, in addition to the generous sized lounge and receptions at ground level, the development incorporates a number of other elements including: at basement level a workshop space; at ground level a pet cleaning room, gym for residents and rentable lockers; at first floor a lounge and private dining/co-working space facing onto the central podium garden; and at eighth floor communal lounge space facing onto the shared roof terrace. These provisions add to the general amenity afforded to future residents.

### Housing Space Standards

Condition 36.10 of the S73 Permission requires all housing to meet the space standards set out in Policy 3.5 and Table 3.3 of the London Plan. The table below provides a minimum gross internal floor area for different types of dwelling and shows the areas relevant to the unit types in this proposal.

Table 3.3 Minimum Space standards for new dwellings (adapted from London Plan)

	Dwelling Type (bedroom/persons-bed spaces)	Minimum Gross Internal Area (GIA) (m <sup>2</sup> )
	1 bedroom 2 person	50
Flats	2 bedroom 3 person	61
	2 bedroom 4 person	70
	3 bedroom 5 person	86
	3 bedroom 5 person (2 storey)	93

4 bedroom 6 person	99
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The submitted plans and accommodation schedule demonstrate that all flats proposed meet these minimum standards with many exceeding them. The individual dimensions and room sizes within the flats comply with the standards set out in Annex 1 of the London Housing SPG and have been designed to incorporate sufficient storage. A further assessment of quality of outlook and natural light afforded to the development including the individual dwellings is set out below under the 'Daylight and Sunlight' section.

### External Amenity Space Provision

Section A2.6.4 of the RDAS sets out that the strategy for the provision of private amenity space for residential development in the BXC. This is to provide a variety of private amenity space typologies in the form of balconies, terraces, communal courtyards and private gardens. The relevant RDAS standards are set out in the table below for reference;

Unit Type	Minimum private amenity space per dwelling (m <sup>2</sup> )	How private amenity space can be achieved.
1 or 2 Bed Flat on Ground Level	5m <sup>2</sup>	Terrace min. depth 1.5m (separate from communal courtyard)
1 or 2 Bed Flat on Upper Level	5m <sup>2</sup>	communal courtyard, terrace or balcony min. depth 1.5m*
3 or 4 Bed Flat on Ground Level	14m <sup>2</sup>	Terrace min. depth 1.5m (separate from communal courtyard)
3 or 4 Bed Flat on Upper Level	8m <sup>2</sup>	Terrace or Balcony min. depth 1.5m

\*30% of units to have a minimum 3sqm balcony or terrace

In line with the RDAS guidelines, the development provides a mixture of both private and communal amenity space. The amenity space provision is principally orientated around a central podium level communal garden which incorporates a variety of landscaped and sitting areas with elements of natural play. Apartments on this level facing inwards also benefit from private gardens around the periphery of the podium space. On upper floors, the amenity space requirements are provided through a combination of private recessed and projecting balconies. On the 7<sup>th</sup> floor, which is set back from the front elevations the flat roof area is utilised as private amenity space for residential units at that level. On the eighth floor, a decked communal terrace that is available for all residents of the development is proposed with sitting areas, trees and pot planting.

In terms of quantum, chapters 5.3 - 5.4 of the submitted Design and Access Statement detail how the requirements set out above are delivered through the combination of

these private and communal amenity spaces. In terms of private space;

- Apartments and maisonettes on the first floor facing onto the Courtyard Garden will have private gardens achieving the minimum sizes of 5sqm for 1/2 beds and 14sqm for 3/4 beds at ground level. This ground floor level requirement is rightly interpreted at podium level given the proposed layout of the site;
- 47% of 1 bed and 2 bed units will have a private balcony or terrace exceeding the minimum requirement of 30%.
- all upper level 3/4 bed units will have private balcony or terrace achieving the minimum size of 8sqm.

This satisfies the minimum requirements for private amenity. In terms of communal external space, for those 1 bed and 2 bedroom apartments that do not have private amenity, the RDAS guidelines allows for the required 5sqm quantum to be delivered through communal space. Accordingly, paragraph 5.3 of the submitted Design and Access Statement calculates that based on the number of 1 and 2 beds that do not have private amenity space, there would be a requirement to provide a minimum of 114sqm shared outside space. The development would exceed this through the provision of 1690sqm of shared amenity space within the communal garden, as well as the shared roof terrace. As such, the external amenity provision is acceptable.

### **Play Strategy**

Section A2.6.3 of the RDAS sets out the broad play space strategy for the BXC. A hierarchal approach is set out. This is of comprised of: 'Doorstep Play' to be provided within communal courtyards and the public realm within 125m walking distance of the front door; 'Neighbourhood Play Space' including play equipment, sports facilities and social spaces within 400m walking distance, and 'Community Play Space' characterised as a destination play space for both formal and informal play including equipment and sports facilities.

For plot developments, condition 46.6 is of particular relevance which requires residential development to provide on-site under 5 play space in accordance with the GLA SPG 'Shaping Neighbouring hoods: Play and Informal Recreation' (September 2012). In addition, Section A2.6.3 of the RDAS states that where 'Doorstep Play' is required, it needs to be at least 180sqm. A summary of the estimated child yields for Plot 13 and associated play space requirements for all age groups including under 5 years old using GLA's Play Space Calculator is summarised below. The GLA's benchmark standard is a minimum of 10sqm of dedicated play space per child.

Building 12N		
<b>Age group</b>	<b>no. children</b>	<b>Playspace requirement (m2)</b>
under 5	16	160
5 to 11	6	60
12 +	4	40

<b>Total</b>	26	260
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Based on the GLA calculator, the proposed development would need to provide 'Doorstep Play' for a minimum of 16 children. Chapter 4 (Play Strategy) of the submitted Landscape Design Statement sets out that a total of 472sqm of 'Doorstep Play' is proposed within the communal courtyard. This is based on 244sqm of 'Natural Play' comprising a landscaped dry riverbed (shown in orange in Figure 19 of the Landscape Design Statement) which creates individual playable spaces, machined and rounded rocks and boulders to climb, play and sit on, as well as immersive planting areas, simple metal features, insect hotels and a range of interesting textures. The remaining quantum is arrived at through the inclusion of the open lawns which amount to 228sqm.

In terms of the wider provision in line with the open space hierarchy, other parks in the wider regeneration in close proximity to Plot 13, namely Claremont Park and Clitterhouse Playing Fields, provide Neighbourhood and Community play space to accommodate for the needs of older age groups.

Claremont Park is located immediately to the south of this plot (maximum distance of 270m from the furthest residential core of Plot 12). The consented Claremont Park Improvements (15/00769/RMA) and will provide a minimum play space area of: 500m<sup>2</sup> for 1-5 years, 1,000 m<sup>2</sup> for 5-12 years old, 500m<sup>2</sup> for Youth Activity Areas, and 1,000m<sup>2</sup> of Informal Wild Play Area. Clitterhouse Playing Fields is also located to the south of Plot 13 where consent for additional and enhanced playing facilities and sport pitches are to be provided. It is therefore considered appropriate that the play space requirements for 5 to 11 and over 12 years old be provided in nearby Claremont Park and Clitterhouse Playing Fields within the wider development.

Having regard to the play provision as a whole, with regards to the 'Door Step Play', the inclusion of open lawns which also function primarily as amenity space for residents in the development are not strictly play space. Notwithstanding this, given the amenity space provisions for the development as a whole exceeds the minimum standards there will be opportunities for the lawns to function as playable areas, whilst the 'Natural Play' provisions exceed the requirements in their own right. In addition, as set out above the development is located within close proximity to Neighbourhood and Community Play space, including the recently approved 'Pocket Park' as part of the Plot 12 proposals. As such the play provision is considered acceptable.

## **Daylight, Sunlight and Overshadowing**

### Assessment Criteria

Page 48-49 of the RDSF requires buildings to be designed to meet best practice standards, that is 'Site Layout Planning for Daylight and Sunlight, a guide to good practice' (Second Edition, BRE).

The application is accompanied by a Daylight, Sunlight and Overshadowing Assessment prepared by appointed consultants GIA. In undertaking the assessment, the report has made baseline assumptions around the built environment surrounding Plot 13, namely using the consented built form for Plot 12 RMA, and a 3d model of the

updated illustrative masterplan context surrounding the plot, produced by Allies and Morrison, the original masterplan architects for the outline scheme.

With regards to daylight, the BRE outlines principally three methodologies for calculating levels received within residential homes. These are; Average Daylight Factor (ADF), Room Depth Criterion (RDC) and No Sky Line (NSC). These Indicators should be interpreted concurrently, together providing an accurate indication of daylight levels.

The BRE also provides guidance on measuring sunlight using 'Annual Probable Sunlight Hours' (APSH), in relation to individual dwellings and external amenity space. An explanation of these individual forms of measurement is set out below. It should be noted that whilst an assessment of these individual increments of natural light is required, a holistic assessment is also required in order to reach a view overall as to whether a satisfactory natural lighting environment is being provided.

- Average Daylight Factor (ADF) - Is the amount of daylight received inside a habitable room and is the principle indicator of daylight. The BRE provides minimum ADF values for specific rooms in dwellings which is; 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. In assessing the combined living / kitchen / dining (LKD) spaces within the development, whilst there is an aspiration to achieve 2% (as per kitchen), given these rooms are inherently larger than either a standalone kitchens or living space, 1.5% ADF is considered an appropriate minimum target value for these spaces.
- Room Depth Criterion (RDC) – is a measure of the ratio of room depth to window area. This is particularly of use where access to daylight from windows in one wall only, and therefore the depth of a room can become a factor in determining the quantity of light.
- No Sky Line (NSC) – is the percentage of floorspace within a habitable room where, at a working plane height of 0.85m, there would be no view of the sky. The BRE guide recommends that this area should not exceed 20% of the floor area.
- 'Annual Probable Sunlight Hours (APSH) – is the form of measurement for the calculating amount of sunlight reaching an individual dwelling. It is only applicable to homes that contain windows within 90 degrees of due south as these are likely to receive sunlight. For those dwellings, the BRE advises they will receive reasonable levels if the centre of the main living room can receive at least 25% APSH, including at least 5% APSH in winter months between 21 September and 21 March.
- 'Annual Probable Sunlight Hours (APSH) – is the form of measurement for calculating the amount of sunlight within external amenity areas. The BRE advises in paragraph 3.3.17 that for areas to appear to be adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March.

## Plot 13 Assessment (Daylight/Sunlight/Overshadowing)

The results are set out within the report; Part 8 (daylight/sunlight individual dwellings) and Part 9 (APSH external amenity areas), with the conclusions over total natural light levels set out in Part 6 (6.1 – 6.4).

In relation to daylight for individual dwellings, the report sets out that overall; 75% of rooms would meet ADF minimum requirements (rising to 90% for bedrooms alone), all rooms would satisfy RDC requirements, and 69% of rooms would achieve NSL requirements. The report also remarks that overall 84% of L/K/D's specifically would achieve satisfactory NSL level. In addition only 3 out of the total 31 of studio flats would experience below what could be considered a reasonable ADF level of 1.5%, one of which would also achieve an extremely high compensating APSH level in any case.

In daylight terms specifically, notwithstanding the results outlined in the report, Officers calculated that of the 348 dwellings in total, 32 L/K/D's and 78 Living Rooms fail to achieve 1.5% ADF. This accounts for 31.6% of all apartments within the development. In relation to those living rooms, it should be noted that these are also open plan spaces as per the L/K/D's recorded, and hence the windows which serve them also serve as a source of natural light for kitchen that is generally set further back into the room.

With regards to NSC, of those 110 units recorded with main living space ADF deficiencies, 19 L/K/D's and 54 living rooms would not achieve the recommended NSC levels. The dwellings where the greatest deficiencies are recorded are predominantly located at lower levels, within the inner corners of the courtyard (at the junctions of Blocks B and C in the northern portion, and E and F in the southern portion in particular), and on facades without a window within 90 degrees of due south.

In terms of APSH, for those units within the scheme which have a living room window within 90 degrees of due south, the report identifies that 90.5% would achieve or exceed recommended levels. Whilst these results for those units recorded is positive, it should be noted that this accounts for 199 dwellings whilst 149 units (43% of the scheme) would not feature a living room window within 90 degrees of south and therefore would be perceived as insufficiently sunlit.

In terms of APSH levels afforded to external amenity spaces, the overshadowing test shows that 100% of the roof terrace area within Block C would receive at least two hours of sunlight on 21<sup>st</sup> March, far exceeding the 50% minimum as recommended by the BRE. For the raised podium courtyard, this level is reduced to 40%. As set out in the report however, the assessment revealed that 9 days after the 30<sup>th</sup> March, the 50% minimum would be achieved. It should also be noted that the 1690sqm podium space far exceeds the minimum requirements for communal space of 114sqm, which rises further with the inclusion of the communal roof terrace, hence the scheme would provide in excess of external amenity space with acceptable APSH levels.

In terms of assessing these results together for natural light, focussing primarily on those 110 units with living rooms or L/K/D's with ADF deficiencies, 35 would have a compensating factor of acceptable APSH levels. For those 75 units without this compensating APSH level, 22 would have acceptable NSL levels, leaving 53 units

where ADF, NSL and APSH deficiencies would be experienced.

The Daylight Sunlight Report sets out that additional compensating factors have been incorporated for these units comprising; maximising window area, placing bedrooms in areas receiving less light, incorporating light veneer to internal floors and optimising the layout to have the living area closer to the window, dividing the kitchen area from the living room.

It is also acknowledged that in some instances the positioning of balconies have had a negative impact on natural light levels but have the benefit of providing good quality private amenity space of residents. Additional compensating factors should also be acknowledged, having regard to the provision of a compliant amount of external amenity in terms of its size and APSH levels as set out above, the additional internal amenities provided within the development and the compensating views to the north for those units without a living room window within 90 degrees of due south. In light of these compensating elements, it is considered on balance the natural lighting environment for residents is acceptable.

#### Daylight/sunlight Assessment - Neighbouring Plots

An assessment was carried out to assess the impact of the Plot 13 proposals upon habitable room windows within the consented Plot 12 scheme, in comparison to levels recorded in the Plot 12 daylight and sunlight assessment based on a parameter compliant Plot 13 scheme. The methodology for assessing the impact was to assess the impact on ADF, NSL and RDC levels. The report identifies that the Plot 13 massing would have only a minor impact upon the lowest floor level of south western façade, with only 4 bedrooms falling below the minimum ADF recommendations, seeing a reduction of 0.1 – 0.2%. In sunlight terms, in relation to the Pocket Park the Plot 13 scheme would result in an improvement of APSH levels in comparison to the Parameter compliant scheme whilst for the central podium the impact would be negligible. As such, in sunlight and daylight terms, the impact upon Plot 12 would be acceptable.

In terms of impact upon neighbouring plots, the daylight potential within a Parameter compliant Illustrative Masterplan has been undertaken. The assessment is based on the Vertical Sky Component (VSC) predicted within habitable rooms of adjacent developments with the proposed Plot 13 development in place. The BRE guide states that daylighting may be affected if the VSC calculation is less than 27% or less than 0.8 times its former value as a result of the proposed development. This test is useful at the massing stage, but it has some limitations as it does not take into account internal and external reflectance values, and type and size of fenestration and internal arrangement.

The expected VSC levels are mapped across neighbouring building facades using a colour code. The lighter colours (yellow) denote facades that will meet the recommended VSC level whilst darker tones identify where achieving minimum VSC levels will require careful design (orange), be very difficult to achieve (red) and is often not possible to achieve (purple). The report sets out that the results are typical of an urban regeneration, and that the daylight potential for plots surrounding Plot 13 will have the opportunity to achieve appropriate daylight levels indoors through the design

of their developments.

## **Wind**

Condition 34.1 requires any RMA that includes a building of more than 4 storeys in height which abuts any principal open space or public realm or any pedestrian route to be accompanied by a wind tunnel or other assessment which demonstrates that appropriate levels of amenity, as set out in the Lawson Criteria for Distress and Comfort, which are summarised in Table 7 of the DSF, can be met.

Condition 34.5 requires all RMAs to demonstrate that mitigation measures (such as recessing of entrances, entrance screens, softening sharp building corners, canopies above entrances, localised shelter to create pockets for outdoor sitting) have been considered in order to alleviate adverse wind conditions in accordance with the mitigation proposed in the ES of the S73 Permission.

Pursuant to this, the application is accompanied by a Pedestrian Wind Comfort assessment for Plot 13 proposals, dated October 2018 prepared by AKTII. The conclusions of this assessment confirm trends of acceptable pedestrian wind comfort across the external environs of the scheme, including the central podium garden, 8<sup>th</sup> floor terrace and individual balconies, with some minor exceptions. Where exceptions are recorded, the summary table sets out these are not significant departures and tend to only effect in the winter months.

In Environmental Impact terms, the Council recently issued an EIA screening opinion confirming that, where these minor exceptions are recorded, which would fall under the 'Microclimate' topic of the original ES, based on the findings of the submitted wind comfort analysis these would be unlikely to result in any new or different significant effects related to wind from those reported in the original ES. As such the proposals are acceptable with respect to wind comfort.

## **Noise**

Condition 29.1 requires, prior or coincident with Reserved Matters Applications submissions, an Acoustic Design Report that describes the design features that have been used to achieve good internal noise standards with reference to BS8233 as also referred to in Paragraph 2.82 of the RDSF. The report is required to demonstrate that a hierarchy of noise mitigation measures has been considered so that the use of noise insulation, whilst necessary in some areas, is minimised.

An 'Acoustic Design Report' was submitted coincident to this application for the discharge of Condition 29.1 regarding the design measures that have been and will be adopted, and the potential noise impacts upon Plot 13.

Based on an assessment of the external traffic noise and sound insulation performance of the building façade, the report confirmed the predicted noise levels within the proposed development are acceptable and that good internal noise standards with reference to BS8233 can be achieved for all proposed units, through the adoption of acoustically rated glazing and either high performance acoustic passive ventilation or mechanical ventilation.



The Council's Environmental Health Officer has reviewed the submitted documentation and raised no objections in relation to above assessment based on traffic borne noise sources. Concerns have however been raised in relation to the ability of the residential units to be adequately protected against noise generated from plant extraction equipment associated with ground floor flexible restaurant uses in particular, and airborne and structure borne noise arising from the non-residential uses on the ground floor, and first floor in the case of the community centre.

In relation to plant extraction equipment, the submitted roof plan provides details of the proposed location of plant extraction equipment, including restaurant extractors. Details of the equipment have not been provided. The S73 Permission sets maximum noise levels for any plant equipment installed through Condition 29.5, which is they may operate at levels of at least 5db(A) below prevailing background LA90 noise levels, measured at the nearest noise sensitive premises, in this case any residential window. This is a compliance condition that will apply in perpetuity to any plant extraction equipment that is installed on the roof in due course, whilst details of any mitigation required to be installed to satisfy these noise limitation requirements is an existing pre-commencement requirement through Condition 29.8. As such, these details provide sufficient safeguarding against noise from plant equipment.

In relation to noise generation from the non-residential uses within the development this can be subdivided into: noise spilling out from the non-residential premises; and airborne and structure borne noise from within the development transmitted through the building.

In terms of external noise, this would likely arise from customer comings and goings especially late at night, customers potentially sitting and dining outside where the units are occupied with restaurants and lastly noises emanating from any doors left open. With regards to the Cinema and Community Centre, similarly visitors comings and goings could also result in activity around the entrances with noises from open windows and any non self-closing doors. With regards to restaurants, it is considered appropriate therefore to exert some operational controls, namely opening hours, and permitted hours that tables and chairs may be placed outside, to apply in the event the flexible A1/A3 units are used as restaurants. For all ground floor premises, a condition is also recommended that requires all doors to be self-closing to prevent the spilling out of noises.

In relation to the Community Centre, as set out in the landuse section of this report, a separate planning condition will be attached that requires details of the use to be submitted to the LPA for approval, prior to the occupation of the Community Centre. This will require, amongst other things, details of the proposed use, hours of operation and facilities management to satisfy that the community centre will not become a source of noise nuisance in due course.

In terms of internal noise transmission, concerns were expressed around activities within the non-residential uses, in particular restaurants, cinema and the community centre, as well as ancillary residential uses such as the gym. Such uses would need to incorporate sufficient insulation to the fabric of the building, in particular separating walls and floors between the non-residential uses, to ensure the noise amenity of

residents would be safeguarded. Pursuant to this, Condition 29.8 requires a scheme of detailed noise mitigation measures before development begins to demonstrate compliance with the relevant internal noise standards set out within paragraphs 2.82 – 2.85 of the RDSF and Condition 29.4, and as such the permission incorporates sufficient controls to ensure the residential noise amenity is safeguarded.

## **6.6 Transport and Highways**

As set out in the introduction to this report, the Plot 13 scheme has been submitted alongside separate applications to secure the highway network for Phase 1 (South). This comprises the drop-in highways proposals (18/6645/FUL) also subject to consideration under this Planning Committee agenda, and a minor variation application (18/6482/BXE) pursuant to condition 1 of the extant Plot 12 RMA (17/6662/RMA) which makes minor alterations to the consented tertiary streets around Plot 12 in order to align with the current Plot 11, 13 and drop in proposals. Together, alongside the section of highways within the Plot 13 application curtilage, these applications collectively provide the Phase 1(South) highways network within which Plots 11, 12 and 13 are situated, and which connects to the wider BXC and strategic highways network.

In support of these applications, the applicant has submitted four separate pre-RMA condition discharge applications, covering different highways and transport issues as they relate to the Phase 1 South proposals as a whole. These are listed below with the status of their determination also listed as of the day of publishing this Committee Agenda.

- Reserved matters Transport report pursuant to condition 37.5 (18/6437/CON) – pending determination.
- Car Parking Standards and Strategy pursuant to condition 1.22 (18/6304/CON) – pending determination.
- Servicing and Delivery Strategy pursuant to condition 1.22 (18/6304/CON) – pending determination.
- Pedestrian and Cycle Strategy pursuant to condition 2.1(a) (18/6296/CON) – pending determination.

As set out above, these applications are presently pending determination. This is due to some minor outstanding issues subject to discussion between the Developer and the LPA which are being resolved. This is partially due to the breadth of the development proposals within Phase 1 (South) as a whole which these Pre-RMA's cover. However, in all of these circumstances those sections relevant to the reserved matters application for plot 13 have been confirmed in discussions between the LPA and the Developer to be acceptable

### Reserved Matters Transport Report (RMTR) – Phase 1 (South) Transport Report

Prior to the submission of Phase 1 (South) Transport report, herein referred to as the RMTR, the LPA approved the scope of the RMTR document under condition 37.1 (18/5794/CON). This document approved the principle of the RMTR fulfilling the function of covering the full extent of Phase 1 (South), as well as elements of 1A (North) and 1A (South) where it relates to areas to be replaced by the highways and drop in

application. The Highways and Public realm application (18/6645/FUL) currently under consideration on this committee agenda provides full details of the wider breadth of the RMTR where it relates to highways and public realm drop curtilage.

The highway layout design of the drop-in curtilage has been consulted upon with the LBB Commissioning Team for the Environment as it includes raised tables as traffic calming features and to improve pedestrian accessibility. The applicant has provided information to support this application on the overarching strategy to provide a public realm that meets all user needs including those of pedestrian and cyclists and the promotion of reduced speed with a 20mph zone. In line with this strategy the applicant has included raised tables to enhance pedestrian and cycle priority and reduce traffic speed that ultimately will reduce accidents and create a better environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but this will require further detail design and agreement under a highway agreement if on adopted highway

Based on the network as proposed under the drop-in proposals, and the wider network as assumed under the s73 permission, in relation to Plot 13, the Phase 1 South RMTR provides information on the trip generation and trip modes splits for Phase 1C based on the mix of uses proposed and updates any previous Phase 1 Phase Transport Reports. It takes into account the road layouts, junctions, traffic signal proposals and pedestrian and cycle routes.

It provides information on number of car borne as well as sustainable transport mode trips and whether these fall within or exceed the parameters set by the Transport Matrix in the s73 permission. Given that the proposed car parking provision for the phase is low and the sustainable modes such as walking, cycling and public transport (the new Thameslink station will be operational when the first residents move in) are to be promoted to new residents and employees, the number of trips is within the numbers set for this phase in the Transport Matrix for the morning (8-9am) and afternoon (5-6pm) road peaks.

Modelling of the car borne trips on the immediate road network has been provided in the RMTR as well as junction vehicle turning movements. The immediate road network as proposed in this application is able to accommodate the vehicle movements proposed from Phase 1C. The Claremont road retention NMA application is providing modelling for the wider road network.

### Phase Car Parking Standards and Strategy

#### *Car parking*

The S73 Permission envisaged that car parking provision for the residential elements of the BXC developments would be provided in a staggered fashion with the highest provision being provided for the first 2000 units at a maximum ratio of 1 car parking space per unit. This was to drop to a maximum of 0.7 car parking spaces per unit in subsequent phases of the residential development when the rail station, bus station and improved walking and cycling routes would be in place.

In terms of Plot 13 proposals, 17 parking spaces are located on the ground floor whilst a further 156 spaces are provided within the basement. This amounts to a parking ratio of 0.5. These spaces will include bays for disabled parking (10% of total provision) and Electric Charging points (20% of total parking space with capacity for further provision) to London Plan standards. A single blue badge bay is proposed within the tertiary street.

As set out in the submissions in support of Plot 12, the existing residential areas in the vicinity of BXS show a consistent car ownership level equivalent to 0.45-0.54 vehicles per household for similar residential typology in both the 2001 and 2011 LBB census. Taking account of the completion of the new Brent Cross Thameslink Station alongside occupation of Plots 12 and 13 prior to occupation of Plot 11 as well as connection to the replacement Bus Station via the Living Bridge, it is reasonable to consider a lower range of parking provision at an earlier time in the development.

The lower car parking ratio also reflects the current Draft London Plan car parking standards and responds to the Mayor of London's aspirations in the Draft Transport Strategy and Healthier Streets guidance; more use of cycling, walking and sustainable transport for journeys, leading to better air quality and quality of life for Londoners.

To supplement parking provision, car club bays will be provided throughout the BXS development. The RMTR sets out that two bays are proposed within the Phase 1 (South) proposals should operators require them. In addition, the roads within BXS that are proposed to be adopted and publicly maintained, will become a part of a new or an extended Controlled Parking Zone (CPZ), through which on street parking can be controlled.

On street parking permits are not proposed to be offered to any of the new residential or commercial units within the BXC development. The introduction of new or extended CPZs and the prevention of new residents from accessing these areas will control on street parking in existing residential roads and allow LB Barnet Highways to provide for loading/unloading, visitors, disabled drivers and shoppers in a controlled manner. Enforcement of parking on adopted roads will lie with LB Barnet.

No on-site parking is proposed for the commercial elements of the building, although they will be able to use the loading bays and visitor spaces by prior arrangement with the estate management company.

### Cycle parking

Cycle storage is provided to London Plan standards on site for residents and businesses, with visitor cycle parking provided at ground level within the tertiary street. The secure cycle storage comprises a mix of two-tier racks and Sheffield stands required to cater for all bicycle types. The store sizes are sufficient to meet the adopted and draft London Plan standards. Table 17 of the RMTR indicates that for Plot 13, residential cycle parking amounts to a total of 604 long stay spaces within the ground floor secure cycle areas, and 9 short stay spaces externally. This provision exceeds the current London Plan minimum requirements and meets the draft London Plan standards. A further 10 spaces are provided in the public realm around the plot for the visitors to the non-residential uses including the cinema and community centre. The

scheme also features shared secure cycle parking for staff of the non-residential ground floor uses through a secure area with changing facilities and 12 Sheffield stands. Based on the land uses for the proposed scheme and the cycle parking minimum standards set out in the London Plan for these uses, the provision exceeds the requirements.

### Servicing and Delivery Management Strategy

The servicing and delivery requirements for the S73 Permission are outlined at a site wide level under the Framework Servicing Delivery Strategy (FSDS), approved under condition 1.21. Beneath this, it is a pre-RMA requirement pursuant to condition 1.22 for a Servicing and Delivery Strategy (SDS) to be submitted prior to the submission of any RMA under a particular phase. An SDS has been provided for Phase 1 (South) as a whole.

In relation refuse servicing requirements for the residential elements of the Phase 1 (South) development plots, the submission outlines the overall strategy, showing the likely routing of refuse vehicles, dedicated bays where required, and approximate stopping locations adjacent to refuse stores where dedicated bays are not provided. The waste and recycling collections for the residential plots within Phase 1 (South), Plots 11, 12, and 13, occur primarily within the tertiary street which loops around Plot 12 and exits either onto Claremont Park Road or High Street. The only exception to this is the for Plot 11 where refuse vehicles will be able to access residential refuse stores facing onto Claremont Avenue, under the managed vehicular access arrangements that apply to Claremont Avenue. The tertiary street where the majority of collections take place is subject to a separate determination as listed above under 18/6482/BXE. The drop-in curtilage effectively surrounds this tertiary street and provides a means of access to it. Accordingly, the SDS provides sufficient information, by way of visibility splay assessments and swept path analysis, to demonstrate that these operations could be undertaken safely within the Phase 1 (South) road network.

In relation to servicing requirements for the non-residential uses on the ground floors, such as deliveries, taxi drop offs and other adhoc servicing requirements, these have been calculated using TRICS data and Arup's data base as they relate to the individual uses within the development plots. In response to these requirements as detailed within the SDS, the principle dedicated off street servicing bays are located within the highways drop-in application. These consist of three bays located on High Street (East works) in front of each respective development plot, and a single bay at the bottom of Plot 11. This provision satisfies the servicing and delivery requirements for the plots pursuant to the s73 requirements.

In terms of dedicated refuse and recycling provisions for Plot 13, Paragraph 2.66 of the RDSF requires provision of dedicated recycling facilities in accordance with the Council's requirements. In addition Condition 40 requires that residential schemes put in place facilities to enable a minimum of 40% of waste to be recyclables, rising to 60% for commercial waste.

The Council's Waste requirements for households are set out in document Information for developers and Architects: 'Provision of Household Recycling and Waste Service April 2017'. Within this document a maximum collection distance of 10m is allowed

between the bin stores and refuse vehicle. All resident routes to the bin stores shall not exceed 30m. The document also sets out the minimum bin quantities and qualities to be provided subject to the accommodation schedule.

Section 6.3 of the submitted Design and Statement contains a Refuse and Recycling strategy. A total of 90 x 1100-litre Eurobins are proposed within the building. These are located in the basement within separate stores serving each core (blocks A – F). Management arrangements, through the use of electric karts, are in place for the transfer of the bins to the ground floor store adjacent to the dedicated off street bay. All resident routes to the bin stores are less than 30m and therefore comply with LBB standards. All collection routes between bin stores and refuse vehicle are less than 10m and therefore also comply with LBB standards. The proposed strategy therefore complies with the Council's requirements and is considered acceptable.

### Pedestrian and Cycle Strategy

Pursuant to Condition 2.8(a) a Pedestrian and Cycle Strategy has been submitted for Phase 1 (South) which also covers the tertiary route to the west of Plot 13, included within this application curtilage. This outlines the principle pedestrian and cycle requirements in terms of routes and infrastructure for the Phase, to connect with site wide and wider reaching cycle networking outlined in the Area Wide Access and Cycle Strategy (AWACS). Pursuant to this, the proposed tertiary road which falls within the Plot 13 site curtilage provides pedestrian and cycle circulation on this side of the site. The wider road and cycle lane infrastructure for Phase 1 (South) as a whole is outlined within the Highways and Public Realm drop in application subject to a separate consideration under this committee agenda. The conclusions are sufficient for the purposes of discharging this requirement of the S73 Permission in relation to Plot 13.

### Individual Travel Plan

The Individual Travel plan (ITP) is a framework document for Plot 13 and will be populated with survey information once the site is occupied. The aim of the ITP is to minimise car use particularly for journeys that can reasonably be undertaken by sustainable methods of transport, and promote walking, cycling and public transport use.

The ITP will have objectives and targets which will need to be met. The first targets for the site will be set using the S73 permission modal splits for the different uses on site. Given the infrastructure improvements within BXC that will support walking, cycling and public transport use, it is expected that the Plot 13 targets will be exceeded, with lower car based trips and higher sustainable mode trips.

Monitoring of the ITP will be undertaken by Industry Standard surveys (Trics) for consistency and to meet TfL guidance. Management, monitoring, marketing and reporting on the ITP will be through a Travel plan Co-ordinator who will be appointed prior to occupation of the buildings.

## **6.7 Other Material Considerations**

### **Safety and Security**

Section 6.11 – 6.12 of the submitted Design and Access Statement refers to Site Management and Secured by Design elements respectively. This section confirms the design team has met with the Designing Out Crime Officer (DOCO) who made recommendations that will be addressed in the future specification of the buildings. In summary the recommendations cover topics such as Compartmentalization and Access (stair cores, front doors, lifts) Physical Security (doors, windows, post boxes, external intercoms, access control systems, fire exit overrides, CCTV); Landscaping (planting, street furniture including lighting and fencing, level changes); Visitor Accesses, and Basements (allocated parking, gates/shutter, fob in/fob out, induction loops, intercom). As such the provisions within the scheme are acceptable.

### **Access and Inclusivity**

The S73 Permission sets out strategies relating to access and inclusivity and provides details of access consultant involvement to ensure that detailed design meets the required design standards, good practice guidance and Building Regulations access requirements. The application is accompanied by an 'Access and Inclusivity Statement: Plot 13' dated October 2018 and prepared by All Clear Designs Ltd.

The statement confirms that the access consultant has been actively involved in the preparation of the submitted proposals, and ensured the integration of accessibility measures. The statement details accessibility measures in relation to parking, entrances and exits, vertical circulation (lifts and stairs), doors, floor finishes, and Wheelchair Accessible Homes. In relation to the design of residential housing, the statement outlines compliance with Conditions 36.5 and 36.6, which requires all housing to comply with the relevant accessibility standards and for 10% of housing to be wheelchair accessible/adaptable. The LPA recently approved a non-material amendment application (18/6445/NMA) to the S73 Permission to incorporate the most up to date accessibility and wheelchair standards to apply to future development plots. The relevant standards are; Part M4 (2) (Accessible and Adaptable Dwellings) of the Building Regulations which replaces Lifetime Homes requirements, and Part M4(3) (Wheelchair Accessible) which relates to wheelchair accessible/adaptable housing replacing the current wheelchair housing standards. The scheme complies with these standards, through the distribution of appropriately located M4(3) units and the entirety of the housing provision beyond those M4(3) units fulfilling M4(2) housing standards.

In addition to the details outlined within the Access and Inclusivity Statement, the Southern Developer has engaged in pre-application discussions with the Consultative Access Forum (CAF) in the runup to the submission of applications for Phase 1 (South) comprising the plot proposals for 11 and 13 and the Highways and Public Realm Drop in application. The CAF has been set up at the outset of the BXC regeneration and is a group consisting of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the local area and other facilities. Its formation is a planning obligation under Schedule 13 of the s73 Section 106 Agreement, with the subsequent terms of reference insofar as regularity of engagement with the CAF and provisions for

providing advise on development proposals set out within Schedule 13 and also the CAF terms of reference document approved under ref:14/07957/CON.

Two meetings have taken place with the CAF group prior to the submission Phase 1 (South) applications, on the 23<sup>rd</sup> July 2018 introducing members to the Phase 1 (South) proposals, and 24 January 2019 where the outcomes of previous discussions were presented to CAF members with the addition of the Access and Inclusivity statement for Plot 13 available at this juncture for members to view. The focus of these meetings has been on access and inclusivity elements of the proposed Phase 1 (South) applications, including Plot 13 and the Drop-in highways and public realm proposals. At these meetings forthcoming applications in relation to the Claremont Park improvements have also been discussed.

Some of the key provisions within the scheme are outlined below;

- Compliance with Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) outlined in section 3.0 which incorporates step free access throughout the development, including a lift on the western entrance to allow wheelchair access to the Podium Garden;
- 35 of the basement car parking spaces will be accessible. This equates to 20% of the parking spaces, and 10% of the number of units. One accessible space is therefore provided for each M4(3) wheelchair user dwelling, should this be required by the occupant;
- cycle parking exceeds minimum standards providing space for further review of cycle parking layouts at detailed design stage to increase provision for larger and non-standard cycles while still providing cycle parking numbers at least consistent with current London Plan standards.

As such, the provision is considered to comply with the relevant policies and standards for provision of an inclusive and accessible scheme.

## **Sustainability**

The s73 Permission contains various controls within the control documents and conditions in relation to energy and sustainability for the BXC development. Those of relevance to this RMA application for Plot 12 are explained and assessed in this section. An 'Energy and Sustainability Statement', prepared by Sweco, dated October 2018 forms part of this submitted documentation for Plot 13.

In relation to the residential homes, the Council recently approved an NMA application (18/6645/NMA) to remove condition 35.1 (Level 4 requirement of the Code for Sustainable Homes) from the s73 permission. This requires developments to demonstrate, inter alia, carbon (CO<sub>2</sub>) emission reductions, reduced water use, and other sustainability measures. This was submitted by the Southern Developer owing to its revocation nationally as a tool for assessing sustainability credentials of residential schemes. This is principally the result of the 2015 Deregulation Act which, following the Housing Standards Review which began in 2013, and the Government's published Written Ministerial Statement (WMS) 25 March 2015, withdrew the ability of Planning Authorities to set requirements for development to comply with technical standards drawn from sources other than Building Regulations. More precisely,



Section 43 of the Act amended section 1 of the Planning and Energy Act 2008 with the effect of removing the ability of LPA's to set energy efficiency standards that exceed the energy requirements of building regulations.

The NMA was approved owing to this wider legislative background and on the basis that the change shifted the origin of control for sustainability matters previously dealt with through the Code for Sustainable Homes to more appropriate channels within the current building regulations, which schemes including Plot 13 will have to adhere with in due course. Other controls still incorporated within the s73 controls are set out below.

#### Carbon Emissions Residential

The s73 permission requires schemes to demonstrate c02 reductions above Building Regulation Part L (2010) levels under conditions 35.6 and 35.7. This requires a minimum reduction of 40% c02 in line with the Revised Energy Strategy approved under reference 14/08106/CON, dated July 2015. Pursuant to this, the Sweco report demonstrates that, in accordance with the London Plan (2016) Energy Hierarchy (policy 5.2), the scheme will achieve a saving of regulated c02 saving of 46.5% above Part L (2010) levels. This meets the condition 35.6 and 35.7 requirements for the residential units.

#### Carbon Emissions Non-residential

Condition 35.6 and 35.7 requires RMA applications for Plot Development comprising non-residential units to accord with the consented Revised Energy Strategy, application reference 14/08106/CON dated July 2015, including achieving a 25% reduction in regulated carbon emissions over Building Regulations Part L 2010 for nondomestic buildings.

The accompanying Energy and Sustainability Statement provides simulation calculations (using approved software IES VE) that achieves a reduction of 25% over Part L (2010) levels for the non-residential areas. This meets the condition 35.6 and 35.7 requirements for the non-residential units.

Further to non-residential carbon reductions, Condition 35.2 (BREEAM) requires all commercial spaces to achieve at least Very Good rating under BREEAM standards. The accompanying Energy and Sustainability Statement confirms compliance with the above standards. A BREEAM pre-assessment of the retail areas achieving 'Very Good' rating is appended to the Sweco report. Therefore, in respect of this requirement the proposed development complies.

#### District Heat Network

Conditions 35.3, 35.6 and 35.7 require all principal residential buildings pursuant to RMA applications to connect to the district heat network, where feasible to do so. The Revised Energy Strategy approved under the S73 Permission provided for a main energy centre located in Plot 59 as an early phase development.

Section 6 (Be Clean – Heating Infrastructure) and Appendix D (Buro Happold's

Technical Note on the Site-wide Energy Strategy) of the accompanying Energy and Sustainability Statement confirms that all residential and non-residential units of Plot 13 will be served by the district heating network at a later stage when the rest of the first phase plots come online.

In the interim, a short-term energy strategy has been proposed within the RES to cover Phase 1 South (Plots 11, 12, 13 and 18). The Plot 12 RMA was approved by the Council in January 2018 and incorporated within it a heat plant to accommodate this interim provision. As part of the approved strategy under the Plot 12 RMA, another heating plant room is expected to be provided within Plot 19 to serve elements of the Station Quarter area, which will become operational in a later phase. The Sweco report identifies Plot 13 as being connected to this network. As such on the basis of these details the proposals meet the abovementioned conditions

### Water Efficiency

Paragraph 2.63 of the RDSF requires commitment to reduce water use in residential development to 105 litres/person/day. The Energy and Sustainability Statement submitted also incorporates water use assessment confirming the residential dwellings have been designed achieve a water usage of 105 litres per person per day.

In terms of rainwater harvesting, Paragraph 2.71 of the RDSF sets a site wide target for 10% rainwater falling on the site to be harvested for irrigation and cleansing use. The Energy and Sustainability Statement also confirms that rainwater harvesting has been designed to capture 10% of rain falling on the site for irrigation and cleansing use, and 'grey' water will be recycled from commercial buildings, if that proves necessary to meet demand. These provisions satisfy the RDSF requirements.

The Conclusion of the Energy and Sustainability Statement submitted confirmed compliance with all energy and sustainability requirements stated above and provided evidence documentation within the report with the exception of the Drainage Strategy (comprising rainwater harvesting drawings) which was submitted separately. Therefore, in respect of all energy and sustainability requirements the proposed development is in accordance with the parameters and principles of S73 Permission.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'Regulations'), EU Directive 85/337/EEC (as amended), as well as the National Planning Practice Guidance (2014).

The S73 Permission and the original 2010 Outline Permission were subject to Environmental Impact Assessment. The Environmental Statement (the 'ES') for the BXC scheme is comprised of the approved Environmental Impact Assessment which accompanied the S73 Permission and subsequent ES Addendums, Further Information Reports (FIRs) and Supplementary Environmental Statements which have accompanied Reserved Matters Applications (RMAs), Re-phasing Applications and Non-Material Amendments (NMAs) against the S73 Permission.

Regulation 9 of the Regulations requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development.

In accordance with Table 10, Section 6, RDSF (scope of Explanatory Reports for RMAs), RMA submissions are to confirm that a EIA Screening Opinion (where appropriate) has been issued (and that a further ES is not required) and to set out the scope of environmental information, if any, to be submitted.

The RMA was accompanied by an EIA Screening Opinion Request to determine whether the proposals would give rise to environmental impacts not previously assessed. In in Townscape and Visual terms,

The LPA issued its EIA Screening Opinion (18/6400/ESR) dated 28 January 2019 confirming that the RMA proposals, and in particular the additional height of the 16 storey tower, would not result in additional significant impacts in comparison to the effects reported in the original ES. Therefore, the environmental information already before the Council with respect Plot 13 remains adequate to assess the environmental effects of the development and has been taken into consideration in this decision.

## 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 had regard to the requirements of this section and have concluded that a decision to grant Reserved Matters approval for this proposed development will comply with the Council’s statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. 31 of the flats will be wheelchair accessible and/or able to be modified to accommodate a wheelchair occupier. This provision equates to 10% of the units. The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Within the Plot 13 curtilage a single blue badge parking bay is provided within the tertiary street to the west of the Plot. The Southern Developer has also engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 1 (South).

The proposals are considered therefore to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

## 9. CONCLUSION

The proposal seeks approval for the next development plot within Phase 1C of the Brent Cross Cricklewood development. The application proposes residential-led mixed use development on Plot 13 to provide 348 new residential units.

The reserved matters have been considered against the parameters and controls captured within the S73 Permission. Details relating to Landscape, Access, Appearance, Layout, Scale, including land use have been demonstrated to comply with the S73 Permission with the exception of the 16 storey tower element which exceeds the frontage parameters by 18.55m and the overall height parameter by 8.55m. This deviation is within the 30% frontage tolerance in accordance with RDAS guideline 4 and has been assessed in townscape and amenity terms as part of the EIA Screening Opinion. The tower acts as a marker building in the wider masterplan terminating the route over Templehof Bridge approach and the additional height would not result in additional significant impacts in comparison to the effects reported in the original ES.

The supporting technical details accompanying this application demonstrate satisfactory compliance with the relevant standards and policy including daylight and sunlight, drainage, residential space standards and amenity, accessibility and sustainability. Where minor deviations have been identified these have been demonstrated to be acceptable.

The plot will provide a car parking ratio of 0.5 spaces per unit in accordance with Plot 12 previously approved. The level of car parking accords with parking standards established by the S73 Permission and wider policy requirements for a site of PTAL 4-5 at the time of occupation.

The design of the buildings and environment proposed would provide a high quality residential environment and new urban realm.

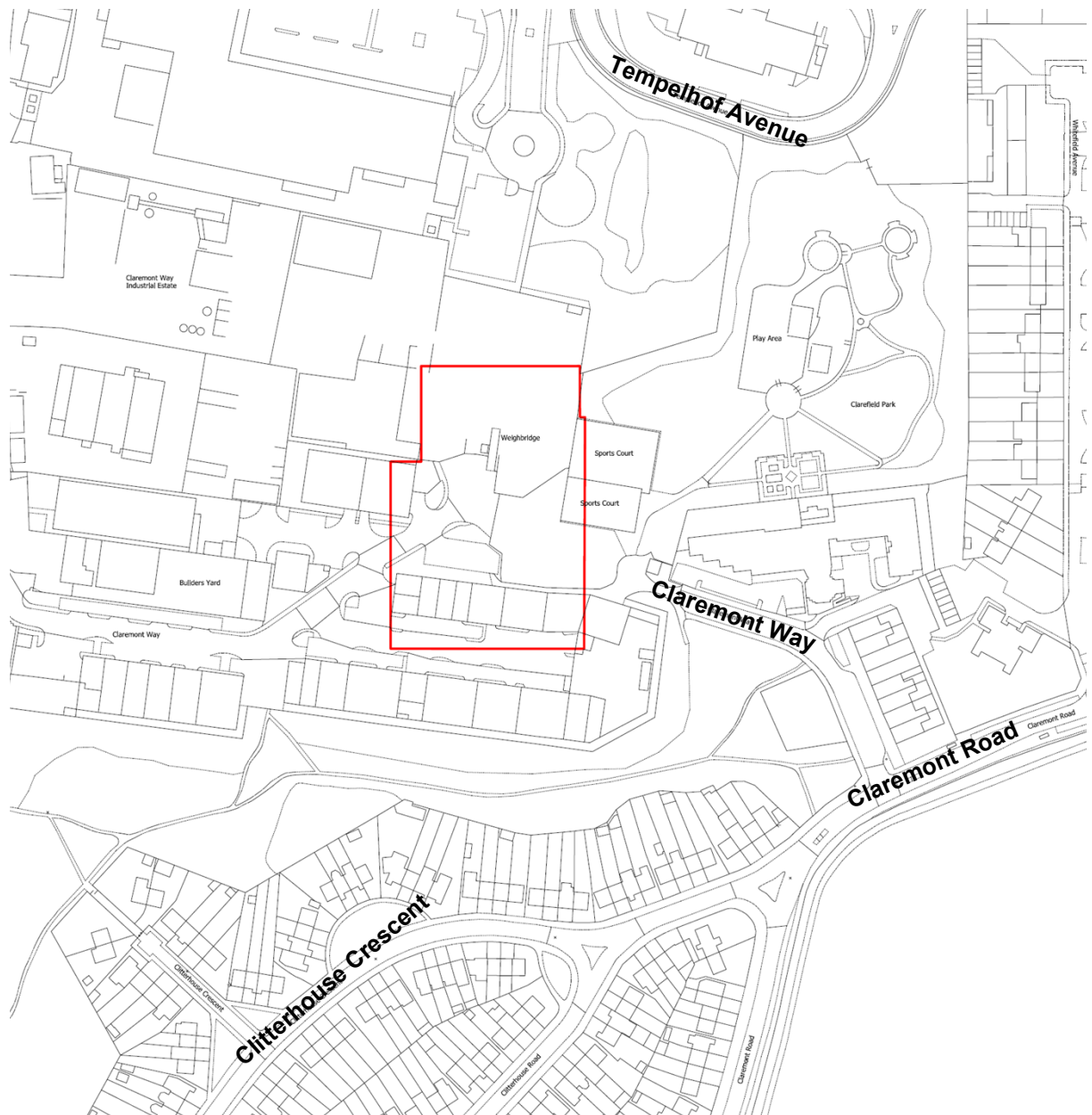
Overall, officers find the proposals acceptable and accordingly **APPROVAL** is recommended subject to conditions as set out in Appendix 1 of this report.

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## Site Plan

**ADDRESS:** Plot 13, Phase 1C, Brent Cross Cricklewood Regeneration Area

**REFERENCE:** 18/6337/RMA



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## APPENDIX 1

### DRAFT LIST OF PLANNING CONDITIONS

RESERVED MATTERS APPLICATION IN RESPECT OF PLOT 13 OF PHASE 1C PURSUANT TO CONDITION 1.3(I), 2.1 AND 1.7 OF PLANNING PERMISSION F/04687/13 (DATED 23RD JULY 2014) FOR THE COMPREHENSIVE MIXED USE REDEVELOPMENT OF THE BRENT CROSS CRICKLEWOOD AREA. THE APPLICATION SEEKS APPROVAL OF DETAILS RELATING TO LAYOUT, SCALE, APPEARANCE, ACCESS AND LANDSCAPING FOR THE RESIDENTIAL LED MIXED USE DEVELOPMENT OF PLOT 13, COMPRISING 348 RESIDENTIAL UNITS, FLEXIBLE RETAIL (USE CLASSES A1/A3), CINEMA (USE CLASS D2) AND A COMMUNITY FACILITY (USE CLASS D1), BASEMENT CAR PARKING, CYCLE PARKING, REFUSE STORAGE AND PLANT TO BE PROVIDED WITHIN TWO BUILDINGS (SIX BLOCKS) WITH HEIGHTS RANGING FROM 7+1 TO 16 STOREYS ARRANGED AROUND A PRIVATE COURTYARD, TOGETHER WITH A NORTH-SOUTH PUBLICLY ACCESSIBLE TERTIARY STREET FOR THE PROVISION OF ACCESS. APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT OF COMPLIANCE

### DRAFT CONDITIONS

The term 'development' in the conditions below means the development permitted by this consent.

<b>Approved plans</b>																																	
1	<p>The development hereby permitted shall be carried out in accordance with the following approved plans unless minor variations are agreed in writing after the date of this reserved matters consent with the Local Planning Authority:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">TOWN621.01(08)3201</td> <td>PLOT 13 SURFACE FINISHES PLAN</td> </tr> <tr> <td>P-01-100</td> <td>Landscape GA: Level 1</td> </tr> <tr> <td>P-08-100</td> <td>Landscape GA: Level eight</td> </tr> <tr> <td>P-08-101</td> <td>Landscape GA: Level eight</td> </tr> <tr> <td>P-XX-100</td> <td>Landscape GA: Multi level</td> </tr> <tr> <td>S-01-100</td> <td>Landscape Section: Level 01</td> </tr> <tr> <td>S-08-100</td> <td>Landscape Section: Level 08</td> </tr> <tr> <td>16072_C645_P_AL_001</td> <td>Plot 13 Site Location Plan</td> </tr> <tr> <td>16072_C645_P_AL_002</td> <td>Proposed Site Plan</td> </tr> <tr> <td>C645_P_B1_001 Rev A</td> <td>Proposed Basement Plan</td> </tr> <tr> <td>16072_C645_P_00_001</td> <td>Proposed Ground Floor Plan</td> </tr> <tr> <td>16072_C645_P_01_001</td> <td>Proposed First Floor Plan</td> </tr> <tr> <td>16072_C645_P_02_001</td> <td>Proposed Second Floor Plan</td> </tr> <tr> <td>16072_C645_P_03_001</td> <td>Proposed Third Floor Plan</td> </tr> <tr> <td>16072_C645_P_04_001</td> <td>Proposed Fourth Floor Plan</td> </tr> <tr> <td>16072_C645_P_05_001</td> <td>Proposed Fifth Floor Plan</td> </tr> </table>	TOWN621.01(08)3201	PLOT 13 SURFACE FINISHES PLAN	P-01-100	Landscape GA: Level 1	P-08-100	Landscape GA: Level eight	P-08-101	Landscape GA: Level eight	P-XX-100	Landscape GA: Multi level	S-01-100	Landscape Section: Level 01	S-08-100	Landscape Section: Level 08	16072_C645_P_AL_001	Plot 13 Site Location Plan	16072_C645_P_AL_002	Proposed Site Plan	C645_P_B1_001 Rev A	Proposed Basement Plan	16072_C645_P_00_001	Proposed Ground Floor Plan	16072_C645_P_01_001	Proposed First Floor Plan	16072_C645_P_02_001	Proposed Second Floor Plan	16072_C645_P_03_001	Proposed Third Floor Plan	16072_C645_P_04_001	Proposed Fourth Floor Plan	16072_C645_P_05_001	Proposed Fifth Floor Plan
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	<p><b>Community Centre (Management Plan)</b></p>
<p>2</p>	<p>Prior to the commencement of the proposed D1 (Community Centre) use, details of the internal layout and an Operational Management Plan, shall be submitted to and approved in writing by the local planning authority.</p> <p>The Operational Management Plan shall include details of the management arrangements including:</p> <ol style="list-style-type: none"> <li>a. Overview of proposed facilities</li> <li>b. Management Structure</li> <li>c. Number of Staff</li> <li>d. Typical hours of use and activities</li> <li>e. Typical number of users</li> <li>f. Occupancy estimates at peak hours</li> <li>g. Access, Security and noise management</li> </ol> <p>The Community Centre shall be used in accordance with approved details thereafter, unless otherwise confirmed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development is implemented in accordance with the permission sought and to ensure that occupation of the premises does</p>

	not prejudice the amenities of the future and neighbouring residential occupiers.
	<b>Use Restrictions</b>
3	<p>The D1 (Community Centre) floor space shall be used only as a community centre, in accordance with details approved under condition 2 of this permission, and shall not be used for any other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floor space within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers.</p>
4	<p>The D2 (Cinema) floorspace shall only be used as a cinema, and shall not be used for any other purposes (including any other purpose in Class D2 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.</p> <p>Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floor space within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers.</p>
5	<p>The ground floor units identified as Retail/Restaurant may be used either as retail (Use Class A1) or as a restaurant (Use Class A3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floor space within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers.</p>
6	<p>The ground floor commercial units if used for Class A3 purposes as defined by the Town &amp; Country Planning Use Classes (Amendment) Order 2005, and/or Class D1/D2 uses as permitted by this permission, shall not be open for use by visiting members of the public outside the hours of 7:30am – 11:00pm.</p> <p>Reason: To safeguard the amenity of adjoining residential occupiers.</p>

	<p><b>Materials</b></p>
7	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until details of materials (including samples) to be used for the external surfaces of the building and hard surfaced areas within the plot shall be submitted to and agreed in writing by the Local Planning Authority including, though not limited to:</p> <ul style="list-style-type: none"> <li>- Sample glazing with window/door frame(s);</li> <li>- Balustrade and edge detail;</li> <li>- Roofing materials, including roof parapets and overhangs to flats;</li> <li>- Typical rainwater goods (section of gutter, downpipe etc);</li> <li>- Sample areas of brickwork and mortar;</li> <li>- Areas of parking and paving; and</li> <li>- Hard Landscaping areas.</li> </ul> <p>The development shall thereafter be implemented in accordance with the details as approved.</p> <p>Reason: To safeguard the visual amenities of the building and surrounding area.</p>
	<p><b>Architectural Details</b></p>
8	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until the following construction details at 1:20 scale (except where otherwise indicated) shall be submitted to and agreed in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>(i) Balcony doors to flats;</li> <li>(ii) Balcony balustrades;</li> <li>(iii) Gates and Railings;</li> <li>(iv) Main entranceways to flat cores and maisonettes;</li> <li>(v) Roof parapets and soffits to overhangs and recessed areas;</li> <li>(vi) Rainwater goods (gutters, down pipes etc) (1:100);</li> <li>(vii) All plant at roof level - including any Photovoltaics (1:50);</li> <li>(viii) Window setbacks and reveals;</li> <li>(ix) Sub-station and Car Park Ventilation;</li> <li>(x) Locations of all service intakes and meters.</li> </ul> <p>The development shall thereafter be implemented in accordance with the details as approved.</p> <p>Reason: To ensure quality of design and to safeguard the visual amenities of the building and surrounding area.</p>
	<p><b>Landscape - Species</b></p>
9	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until details of the species and size of all plants, trees and</p>

	<p>shrubs shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To prevent unnecessary management issues from arising whilst ensuring a high level of biodiversity and appearance results from the development's soft landscaping.</p>
<b>Landscaping details</b>	
10	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until full details and specifications of the: Play features, Seating, and Ecological Enhancements in accordance with the principles within the Landscaping Design Statement, prepared by Andy Sturgeon Design (October 2018) shall be submitted to and approved in writing by the local Planning Authority and shall thereafter be delivered in accordance with the approved details.</p> <p>Reason: To ensure a high quality landscaped environment, and appropriate and accessible play and seating provision in accordance with the principles in the submitted Landscaping Statement Report, prepared by Andy Sturgeon Design (October 2018).</p>
<b>Transport – Cycle Parking</b>	
11	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until approved details of cycle parking facilities including types of stands, number of spaces and layout, within the designated cycle parking areas in Plot 13 and at ground floor level shall be submitted to and approved in writing By the Local Planning Authority.</p> <p>Reason: To ensure that a range of cycle parking racks and facilities for different types of cycles are provided for occupiers and visitors to the development and to provide appropriate accessibility.</p>
<b>Transport</b>	
14	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until details of the traffic light or other system proposed to be used to manage the ingress and egress of vehicles from the vehicle car park and to and from the different levels of the car parking within the basement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be delivered in accordance with the details as approved.</p> <p>Reason: In the interest of the safety of users of the basement car park and pedestrians and to ensure the free flow of vehicles within the basement</p>

	parking and on the approach to the car parking entrance.
	<b>Lighting</b>
15	<p>Notwithstanding the submitted plans, construction of the development hereby permitted shall not proceed above ground floor damp proof course level unless and until full details of a Lighting Strategy for illumination including any lighting of building elevations and podium amenity space and balconies including:</p> <ul style="list-style-type: none"> <li>- Locations</li> <li>- Lux levels</li> <li>- Operating hours</li> <li>- Associated lighting posts or other furniture</li> </ul> <p>shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.</p> <p>Reason: In the interest of security, ecology and Residential amenity.</p>
	<b>Doors to open inwards</b>
16	<p>All ground floor doors within the development, including refuse access stores and residential entrances shall open inwards.</p> <p>Reason: In the interest of pedestrian and highway safety.</p>
	<b>Surface water infrastructure</b>
17	<p>No properties shall be occupied until confirmation has been provided that either:- all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Reason: Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of this development proposal. The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.</p>
	<b>Foul water network infrastructure</b>
18	<p>No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames</p>

	<p>Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Reason: Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents</p>
	<p><b>Restrictions of permitted development - telecommunication</b></p>
19	<p>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.</p> <p>Reason: To ensure quality of design and to safeguard the visual amenities of the building and surrounding area.</p>
	<p><b>Secured by Design</b></p>
20	<p>Prior to the first occupation of each building or part of a building or use, a 'Secured By Design' accreditation shall be obtained for such building or part of such building or use.</p> <p>Reason: To ensure the site benefits from appropriate Secured by Design features in the interest of safety and amenity of residential and non residential occupiers of the site.</p>

**Informatives:**

1	<p>The term 'development' in the conditions attached to this decision shall be taken to mean the development permitted by this consent.</p>
2	<p>In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has</p>

	negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan and the Approved S73 Consent.
<b>3</b>	In accordance with Regulations 3 and 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it is considered that this Reserved Matters submission reveals, with regard to the subject matter of the application, that there are no additional or different likely significant environmental effects than is considered in the environmental information already before the Council including the Environmental Statement (BXC02) submitted with the Section 73 application (F/04687/13) and any further and/or other information previously submitted. The environmental information already before the Council therefore remains adequate to assess the environmental effects of the development and has been taken into consideration in this decision.
<b>4</b>	The London Fire and Emergency Planning Authority (the Authority) strongly recommends that sprinklers are considered for new developments. Sprinkler systems installed in buildings can significantly reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save properties and protect the lives of the occupants. Please note that it is the Authority's policy to regularly advise their elected Members about how many cases there have been where they have recommended sprinklers and what the outcomes of those recommendations were. These Quarterly reports to our Members are public documents which are available on the Authority's Website.
<b>5</b>	The surface water drainage strategy for this development should follow policy 5.13 of the London Plan. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows; Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer.
<b>6</b>	In relation to Conditions 17 and 18 The developer can request information to support the discharge of this condition by visiting the Thames Water website at <a href="http://thameswater.co.uk/preplanning">thameswater.co.uk/preplanning</a> .



## APPENDIX 2

### Pre-Reserved Matters Conditions relevant to Plot 13 RMA

Condition Number	Description	Reference	Status
1.13	Submission of details for Condition 1.13 ( <b>Affordable Housing Viability Testing Report</b> ) in relation to Phase 1 (South) of the Brent Cross Cricklewood Regeneration pursuant to planning permission F/04687/13 dated 23/07/14	17/6770/CON	APPROVED
1.22	Submission of details for condition 1.22 ( <b>Servicing and Delivery Strategy</b> ) pursuant to Phase 1 South (comprising Phase 1A South, Phase 1B South and Phase 1C) planning permission F/04687/13 dated 23/07/14	18/6304/CON	Under Consideration
2.8(a)	Submission of details pursuant to Condition 2.8(a) ( <b>Pedestrian and Cycle Strategy</b> ) relating to Phase 1 South (comprising Phase 1A South, Phase 1B South and Phase 1C) of planning permission F/04687/13 dated 23/07/14	18/6296/CON	Under Consideration
11.2	Submission of details for condition 11.2 ( <b>Car Parking Standards and Strategy</b> ) pursuant to Phase 1 South (comprising Phase 1A South, Phase 1B South and Phase 1C) planning permission F/04687/13 dated 23/07/14	18/6297/CON	Under Consideration
27.1	Submission of details for condition 27.1 ( <b>Existing Landscape Mitigation Measures</b> ) pursuant to Phase 1C of planning permission F/04687/13 dated 23/07/14	18/6348/CON	Under Consideration
33.3	Submission of details pursuant to Condition 33.3 ( <b>Telecommunications Statement</b> ) relating to Phase 1C of planning permission F/04687/13 dated 23/07/14	18/6284/CON	APPROVED 18 February 2019

37.5	Submission of details pursuant to Condition 37.5 ( <b>Reserved Matters Transport Report</b> ) in relation to Phase 1 South (Comprising Phase 1A South, Phase 1B South and Phase 1C) of planning permission F/04687/13 dated 23/07/14	18/6347/CON	Under Consideration
1.17	Submission of details pursuant to Condition 1.17 ( <b>Illustrative Reconciliation Plan</b> ) relating to Phase 1C of planning permission F/04687/13 dated 23/07/14 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood (BXC)	18/6438/CON	Under Consideration
29.1	Submission of details pursuant to Condition 29.1 ( <b>Acoustic Design Report</b> ) relating to Plot 11 of Phase 1C of planning permission F/04687/13 dated 23/07/14 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood (BXC)	18/6437/CON	Under Consideration
29.1	Submission of details for condition 29.1 ( <b>Acoustic Design Report</b> ) pursuant to Plot 13 of Phase 1C of planning permission F/04687/13 dated 23/07/14	18/6349/CON	Under Consideration
7.1	Submission of details for condition 7.1 ( <b>Estate Management Framework</b> ) pursuant to Phase 1 (South) of planning permission F/04687/13 dated 23/07/14	17/6797/CON	Under Consideration

**LOCATION:** West Hendon Estate

**REFERENCE:** H/01054/13

**Received** AGENDA ITEM 13

**Accepted:**

**WARD:** West Hendon

**Expiry:**

**Final Revisions:**

**APPLICANT:** Barratt Metropolitan Limited Liability Partnership

**PROPOSAL:** 3<sup>rd</sup> Deed of variation – West Hendon Estate, London

It is proposed to vary the wording contained within the section 106 agreement dated 19 November 2013 by agreement between London Borough of Barnet and Barratt Metropolitan Limited Liability Partnership in relation to the planning permission which was granted 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.,

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## Background

This report relates to the need to vary a S106 agreement pertaining to application: H /01054/13, dated 19 November 2013 between the developer and local planning authority. The agreement was previously varied on 21 April 2015 to reflect minor

changes to the phasing of the Development and varied on 10 July 2017 to bind the interests of additional land acquired from the Council by the Developer

Application H/01054/13 allowed 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. The s106 allowed for, among other things the construction of the Cool Oak Lane Pedestrian and Cycle Bridge. The timescale for the completion of the bridge has been delayed. The s106 originally required the bridge to be completed prior to occupation of a residential unit in phase 3c and prior to commencement of phases 4, 5 and 6. It is understood that phase 3c is nearing completion and phase 4 is due to start on site shortly. However, the bridge has not yet been completed so it is proposed to vary the agreement to provide for a longer timescale to complete the bridge. The timescale proposed is for the bridge to be completed prior to occupation of phase 4 and prior to commencement of development of phases 5 and 6. As local planning authority Barnet are satisfied with the proposal to vary the timescale for completion of construction of Cool Oak Lane pedestrian and cycle bridge.

The section 106 agreement is proposed to be varied as follows:

- Paragraph 2.4 of Schedule H (relating to the Cool Oak Lane Pedestrian and Cycle Bridge) delete the words “~~prior to the date of first Occupation of a Residential Unit in Phase 3c AND FOR THE AVOIDANCE OF DOUBT development of Phases 4, 5 and 6 shall not Commence until the construction of the Cool Oak Lane Pedestrian and Cycle Bridge has been completed unless otherwise agreed with the Council in writing.~~”
- Replace with “prior to the date which is twelve (12) calendar months following the date of first Occupation of a Residential Unit in Phase 3c AND FOR THE AVOIDANCE OF DOUBT Phase 4 shall not be Occupied and development of Phases 5 and 6 shall not Commence until the construction of the Cool Oak Lane Pedestrian and Cycle Bridge has been completed unless otherwise agreed with the Council in writing.”
- In the definition of “Cool Oak Lane Pedestrian and Cycle Bridge Specification” in clause 2.1 of the Principal Section 106 Agreement delete “~~a timetable which demonstrates completion of the bridge prior to the date of first Occupation of a Residential Unit in Phase 3c~~” in part (c) of the definition and replace with “a timetable which demonstrates completion of the bridge prior to the date which is twelve (12) calendar months following the date of first Occupation of a Residential Unit in Phase 3c”

## Legal Basis

Government guidance suggests that:

*Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).*

*Paragraph: 009 Reference ID: 23b-009-20160519*

In practice there is no set process for varying a S106 by agreement. S106 agreements are normally varied when a later planning permission is granted which varies the original planning approval resulting in the need to revise the original S106; in this current situation there is no revised planning application requiring a revision to the original S106, however, there is a need to revise the wording of the original S106 on the basis that the current wording is no longer appropriate.

Therefore the requirement is to vary the agreement by agreement between all parties against whom the S106 would be enforceable against. In this case the deed of variation needs to be made between The Mayor and Burgesses of the London Borough of Barnet, Barratt Metropolitan Limited Liability Partnership.

### Background

The new dedicated pedestrian and cycle bridge will provide an improved link between the West Hendon development and the area to the west, allowing easier access and use of the surrounding open spaces. The bridge has to cross the Welsh Harp, which is a special wetland for nature and people in north-west London. The 105-hectare nature reserve hosts a diverse range of habitats, including open water, marsh, reedbeds, woodland and meadows, bordered by a complex of playing fields, allotments and other greenspaces. It is a Site of Special Scientific Interest (SSSI) notified for its breeding pairs of great crested grebe, overwintering waterfowl, and marginal vegetation.

The completion of the bridge has been delayed because of the need to ensure that the important SSSI was respected. It was necessary to ensure the Environment Agency was satisfied in relation to flood risk, a permit was required from the Canal's and Rivers Trust and it was necessary to avoid construction in the 2018 breeding season. The Environment Agency have now confirmed that they are satisfied and the approval for Canal's and Rivers Trust is imminent. The bridge has full planning permission and the developer has procured its off site manufacture and installation. The developer is planning to start on site as soon as the Canal's and Rivers Trust

approval is received so that the bridge is completed prior to the 2019 breeding season.

### Assessment

Although it is disappointing that completion of the bridge has been delayed, it is not considered necessary to delay commencement of construction of phase 4. Phase 3a is providing much needed new housing within Barnet and it considered acceptable for it to be occupied prior to completion of the bridge. Given that the delay was partially because of the need to avoid construction during the breeding season, and as set out above the developer has already procured its manufacture and installation and is due to start of site shortly the delayed timescale is considered acceptable.

It is considered necessary however to continue to ensure through a s106 that the bridge is constructed as early as possible in the development programme. Therefore the alternative wording proposed in the deed of variation is considered to be acceptable.

It is considered that the proposal to vary the S106 agreement is acceptable.

### Recommendation

That all parties to the agreement dated 19 November 2013 and any other person having a requisite interest in the site be invited to enter into a Deed of Variation, varying the extant section 106 Agreement dated 19 November 2013 as set out below:

The section 106 agreement is proposed to be varied as follows:

- Paragraph 2.4 of Schedule H (relating to the Cool Oak Lane Pedestrian and Cycle Bridge) delete the words “~~prior to the date of first Occupation of a Residential Unit in Phase 3c AND FOR THE AVOIDANCE OF DOUBT development of Phases 4, 5 and 6 shall not Commence until the construction of the Cool Oak Lane Pedestrian and Cycle Bridge has been completed unless otherwise agreed with the Council in writing.~~”
- Replace with “prior to the date which is twelve (12) calendar months following the date of first Occupation of a Residential Unit in Phase 3c AND FOR THE AVOIDANCE OF DOUBT Phase 4 shall not be Occupied and development of Phases 5 and 6 shall not Commence until the construction of the Cool Oak Lane Pedestrian and Cycle Bridge has been completed unless otherwise agreed with the Council in writing.”
- In the definition of “Cool Oak Lane Pedestrian and Cycle Bridge Specification” in clause 2.1 of the Principal Section 106 Agreement delete “~~a timetable which demonstrates completion of the bridge prior to the date of first Occupation of a Residential Unit in Phase 3c~~” in part (c) of the definition and replace with “a timetable which demonstrates completion of the bridge prior to the date which is twelve (12) calendar months following the date of first Occupation of a Residential Unit in Phase 3c”

**LOCATION:** Land formerly known as Homebase, Rookery Way, London, NW9 6SS  
**REFERENCE:** H/05828/14  
**WARD:** Colindale  
**APPLICANT:** L & Q New Homes Limited  
**PROPOSAL:** Deed of variation – Homebase, Rookery Way, London

**Received:**  
**Accepted:** AGENDA ITEM 14  
**Expiry:**  
**Final Revisions:**

It is proposed to vary the wording contained within the section 106 agreement dated 19 October 2015 by agreement between London Borough of Barnet and L and Q New Homes Limited in relation to the planning permission which was granted for:  
 Demolition of the existing buildings, and the erection of eight blocks of apartments of 6-8 storeys with a building of 14 storeys adjacent to The Hyde (the A5, Edgware Road) and three terraced blocks comprising housing and duplex apartments, providing 386 residential units (Class C3), 936sqm of Class B1 (Business Hub), 97sqm of Class A3 use (Cafe), 295sqm of Class D1 use and 96sqm of Class D2 use. Associated car and cycle parking, storage and plant space located at basement level with private and shared residential external amenity space and landscaping.

Background

This report relates to the need to vary a S106 agreement pertaining to application: H/05828/14, dated 19 October 2015 between the developer and local planning authority. Application H/05828/14 allows for a residential-led mixed use development of the former Homebase site. The s106 allowed for the provision of 78 residential units to be provided as affordable housing on site, with a review mechanism to provide for a financial contribution towards affordable housing if a revised viability assessment to be submitted under the terms of the original s106 agreement showed that a financial contribution would be appropriate. Since the planning permission was granted, the land has been sold by Glasgow City Council and is now owned by L&Q New Homes Limited, a registered provider of affordable housing.

L and Q New Homes entered into a Unilateral Undertaking dated 12<sup>th</sup> October 2018 to provide an additional 96 affordable housing units, instead of open market units as part of the development. Consequently, they wish to vary the principal agreement dated 19<sup>th</sup> October 2015 to

- 1. Vary the definition of Registered Provider and the threshold for Households on Intermediate Incomes.
- 2. Exclude occupiers of AHUs who have exercised a statutory right to acquire.
- 3. Provide the granting of nomination rights to the Council.
- 4. Make changes to Mortgagee in possession clause.
- 5. Make changes to the marketing of Shared Ownership Housing Units

6. Delete the Affordable Housing Review mechanism and amount.
7. Add new and delete certain definitions to reflect these changes.

## Legal Basis

Government guidance suggests that:

*Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).*

*Paragraph: 009 Reference ID: 23b-009-20160519*

In practice there is no set process for varying a S106 by agreement. S106 agreements are normally varied when a later planning permission is granted which varies the original planning approval resulting in the need to revise the original S106; in this current situation there is no revised planning application requiring a revision to the original S106, however, there is a need to revise the wording of the original S106 on the basis that the current wording is no longer appropriate.

Consequently a S106a application is not an appropriate vehicle in this case, as the Former Homebase site s106 was signed in October 2015 which is less than 5 years ago.

Therefore the requirement is to vary the agreement by agreement between all parties against whom the S106 would be enforceable against. In this case the land is now owned by L&Q New Homes Limited and so the deed of variation needs to be made between The Mayor and Burgesses of the London Borough of Barnet, and L&Q New Homes Limited.

## Policy Background

Core Strategy policy CS4: Providing quality homes and housing choice in Barnet. seeks a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. The proposal set out in the deed of variation would provide 45% affordable housing on this site, compared to the 20% provided under the original s106. The proposed mix is 22% affordable rent and 78% intermediate. This contrasts with the CS4 policy of seeking 60% social rented and 40% intermediate. The original s106 agreement allowed for 37% affordable rent and 41% intermediate which is 47% affordable rent and 53% intermediate.

## Assessment

It is considered that the proposal to vary the S106 agreement is acceptable. The amended mix provides a guaranteed 45% on site affordable housing, which is above the 40% set out in the Barnet Core Strategy policy. This is considered to be better



than retaining the affordable housing review mechanism and the 20% on site affordable housing set out in the original s106 agreement which would only deliver a financial contribution towards affordable housing if certain thresholds for viability were met. The proposal to provide the affordable housing as 22% affordable rent and 78% intermediate, is considered to be acceptable given that more affordable housing in total is being provided on site than required through the original s106 agreement.

The amendment to the definition of registered provider is needed to reflect that the site is now owned by L&Q new homes who are a registered provider. The change to the mortgagee in possession clause is needed to reflect changes in definitions accepted by mortgagees since the original s106 was entered into. Changes to thresholds for households on intermediate incomes, exclusion of occupiers of affordable housing units who have exercised a statutory right to acquire, nomination rights, marketing of units and consequential amendments are needed to reflect currently accepted definitions. These changes are considered to be acceptable in the circumstances of this site and the proposal to provide 45% on site affordable housing.

#### Recommendation

That all parties to the agreement dated 19 October 2015 and any other person having a requisite interest in the site be invited to enter into a Deed of Variation, varying the extant section 106 Agreement dated 19 October 2015 as set out below:

1. Vary the definition of Registered Provider and the threshold for Households on Intermediate Incomes.
2. Exclude occupiers of AHUs who have exercised a statutory right to acquire.
3. Provide the granting of nomination rights to the Council.
4. Make changes to Mortgagee in possession clause.
5. Make changes to the marketing of Shared Ownership Housing Units
6. Delete the Affordable Housing Review mechanism and amount.
7. Add new and delete certain definitions to reflect these changes.

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