

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 12TH NOVEMBER, 2019**

**AT 7.00 PM**

**VENUE**

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

**TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Stephen Sowerby MA  
Vice Chairman: Councillor Wendy Prentice

Richard Cornelius  
Tim Roberts

Roberto Weeden-Sanz  
Laurie Williams

Reema Patel

**Substitute Members**

Alison Cornelius  
Pauline Coakley Webb  
Lisa Rutter

Julian Teare  
Thomas Smith

Paul Edwards  
Jo Cooper

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: [chippingbarnet@barnet.gov.uk](mailto:chippingbarnet@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
1.	Minutes of last meeting	5 - 6
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	34-36 Henry Road Barnet EN4 8BD (East Barnet)	7 - 28
7.	Kingmaker House Station Road Barnet EN5 1NZ (Oakleigh)	29 - 66
8.	The Minstrel Boy 156 Colney Hatch Lane London N10 1ER (Coppetts)	67 - 88
9.	54 Longland Drive London N20 8HJ (Totteridge)	89 - 96
10.	30 Lancaster Road, EN4 8AP (East Barnet)	97 - 116
11.	22 Saddlescombe Way London N12 7LS (Totteridge)	117 - 124
12.	Woodside Park Underground Station, Station Approach London N12 8SE (Totteridge)	125 - 164
13.	Whetstone Delivery Office 14 Oakleigh Road North London N20 9EY (Totteridge)	165 - 212
14.	Any item(s) the Chairman decides are urgent	

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# Decisions of the Chipping Barnet Area Planning Committee

16 October 2019

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)  
Councillor Wendy Prentice (Vice-Chairman)

Councillor Tim Roberts  
Councillor Laurie Williams  
Councillor Richard Cornelius

Councillor Reema Patel  
Councillor Roberto Weeden-Sanz

## 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 3 September 2019, be agreed as a correct record, subject to the following amendment:

**Minute 9 – Queen Elizabeth’s School**

Delete the ‘abstained’ vote and replace with ‘against’.

## 2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor	Interest
Richard Cornelius	Church End House (Agenda Item 7) – Declared a non-pecuniary interest as had attended St. Andrew’s Church since 1955.

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

None.

## 5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum would be dealt with under individual agenda items.

## 6. 2 BRUCE ROAD BARNET EN5 4LS (HIGH BARNET)

This item was deferred from the last meeting of this Committee as Members of the Committee could not reach a decision to refuse or approve the application.

Consequently, the Chairman declared that he was referring this application to Main Planning Committee for the reason detailed in the resolution below, in line with 2.3 (e) of the Constitution.

**RESOLVED that this item be REFERRED up to Planning Committee as the members of the CB Area Planning Committee could not reach a decision to refuse or approve the application at the last meeting of this Committee.**

**7. CHURCH END HOUSE 44 TOTTERIDGE VILLAGE LONDON N20 8PR (TOTTERIDGE)**

The Chairman reported that:

Officers had WITHDRAWN this item from the agenda to investigate whether Listed Building Consent is also required for this application as new evidence suggests the garage subject of this application was on the ground prior to 1948.

(Under the Planning, Listed Buildings and Conservation Areas Act 1990, the protection extends to any structure within the curtilage of the listed building which was on the ground of the listed building prior to 1st July 1948).

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

None.

The meeting finished at 7.04pm

**Location** 34-36 Henry Road Barnet EN4 8BD

**Reference:** 19/4282/FUL

Received: 2nd August 2019

Accepted: 15th August 2019

**Ward:** East Barnet

Expiry 10th October 2019

**Applicant:** Longhold Investments Ltd

**Proposal:**

Erection of five storey linked extension to the existing two storey building, including new staircase and lift, and the creation of two additional stories above the existing building to provide additional flexible Class B1 a-c floor space and external alterations to the existing building.

AGENDA ITEM 6

**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. Employment and Skills contribution - £9,345  
Travel Plan monitoring - £10,000  
Pedestrian safety improvements - £10,000

#### 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:

4767/PA/01 - Site Location Plan  
4767/PA/02 - Site Photos  
4767/PA/03 - Site Photos  
4767/PA/10 - Existing Ground Floor and First Floor Plans  
4767/PA/11 - Existing Elevations  
4767/PA/12 - Existing Elevations  
4767/PA/20a - Proposed Site Plan  
4767/PA/21b - Proposed Plans  
4767/PA/22a - Proposed Roof Plan  
4767/PA/30a - Proposed Street Elevation  
4767/PA/31a - Proposed Elevations  
4767/PA/40 - 3D Aerial Views  
4767/PA/41 - 3D Aerial Views  
4767/PA/42 - 3D Street Views  
4767/PA/50 - Details  
Planning Statement, Rolfe Judd Planning  
Design and Access Statement, gml architects, July 2019  
Sustainability & Energy Statement, SRE Limited, Rev C 29.07.2019  
Arboricultural Survey & Impact Assessment, Marcus Foster, 25th July 2019, AiA/MF/079/19  
Sunlight Daylight Assessment, Anstey Horne, 26 July 2019, MC/JH/ROLOO276  
Ventilation Strategy, SRE Limited, Rev B 30.07.2019.

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

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

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

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

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

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



4 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing 5 proposed off-street parking spaces and closure and reinstatement of the southern crossover on Lancaster Road to footway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning 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.

5 The development hereby approved shall not be occupied until the southern crossover on Lancaster Road has been closed and the redundant crossover reinstated to footway and constructed in accordance with the plans submitted to and approved by the Local Planning Authority. The existing redundant crossover(s) is to be reinstated to footway level in accordance with the approved details by the Highway Authority at the applicant's expense.

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

6 No development shall commence until a highway condition survey 50 metres either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Planning Authority

In addition, the applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

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

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

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

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

8 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 7 long-stay and 2 short-stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

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

9 Within 3 months of occupation a work place Travel Plan that meets the requirements of the Transport for London document 'Travel planning' for new development in London' and is ATTrBuTE compliant shall be submitted and approved in writing by the Local Planning Authority. This should include the appointment of a Travel Plan Champion. The Travel plan should be reviewed in accordance with Transport for London's 'standardised approach to monitoring'.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

10 The level of noise emitted from 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 2015.

11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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) Before the development hereby permitted is first occupied, details of privacy screens (including to the 3rd floor roof terrace) 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).

14 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).

15 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).

16 The premises shall be used for B1 (a), (b) or (c) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

17 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by

the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

18 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.

19 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 41.19% 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.

20 Other than the third floor roof terrace shown on the approved drawing 4767/PA/21a, the roofs of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

RECOMMENDATION III:

1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 12.01.2020, 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 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 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 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 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.

- 3 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.
- 4 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 5 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 6 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

- 7 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the

development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 8 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 9 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.



The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located at the corner of Henry Road and Lancaster Road, on the southern boundary of the Lancaster Road Industrial Estate which is designated within the Local Plan as a Locally Significant Industrial Site (LSIS).

The site currently comprises a vacant two-storey flat roofed office building (B1c Use Class) which is located within the southern part of the site and a surface level car park sited within the northern part.

The area surrounding the application site is mixed with two-storey residential dwellings to the south along Henry Road and Lancaster Road; industrial uses predominantly to the north, west and east and a single-storey Baptist Chapel located immediately to the east of the site.

The site is not located within a conservation area and no buildings within the site are statutory or locally listed. There are no trees subject to a Tree Preservation Order within the curtilage of the application site. The application site falls within Flood Zone 1.

### **2. Site History**

Reference: 18/2583/PNL

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Change of use from Use Class B1C (Light Industrial) to Use Class C3 (residential) to provide 3 units (amended)

Decision: Prior Approval Required and Refused. Appeal dismissed.

Decision Date: 18 June 2018. Appeal dismissed 8 March 2019.

Reference: 17/6455/PNL

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Change of use from Use Class B1C (Light Industrial) to Use Class C3 (residential) to provide (8 Unit)

Decision: Prior Approval Required and Refused

Decision Date: 22 December 2017

Reference: 16/8190/FUL

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Installation of new windows to rear elevation

Decision: Approved subject to conditions

Decision Date: 28 February 2017

Reference: 16/8221/PNO

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (08 Unit)

Decision: Withdrawn

Decision Date: 14 February 2017

### **3. Proposal**

The application seeks permission for:

"Erection of five storey linked extension to the existing two storey building, including new staircase and lift, and the creation of two additional stories above the existing building to provide additional flexible Class B1 a-c floor space and external alterations to the existing building."

The existing building comprises 440 sq m GIA of B1(c) floor space.

The development will provide 849 sq m GIA of additional flexible B1 employment space in the form of a side extension and a roof extension above the existing building.

The side extension will comprise 4 floors of accommodation constructed of pre-fabricated containers with undercroft parking, cycle parking and bin storage below at street level.

The roof extension will be part one, part two-storeys with a communal roof terrace at the third floor. The roof extension will be constructed using more traditional build methods with full height glazing on all elevations.

The proposal does not seek to change the use of the existing building; however, the external appearance of the existing building will be enhanced through amendments to the fenestration and detailing, including the installation of larger windows, vertical timber louvres and painting of the existing brickwork.

Five (5) off street car parking spaces are proposed within the undercroft beneath the prefabricated side extension. Refuse storage will also be within the undercroft area. Bicycle parking will be to the front of the building (Henry Road).

#### Amendments

On 3rd October 2019, the following amended drawings were received:

- 4767/PA/20a (proposed site plan)
- 4767/PA/21a (proposed plans)
- 4767/PA/22a (proposed roof plan)
- 4767/PA/30a (proposed street elevation)
- 4767/PA/31a (proposed elevations)

The amendments shown on the drawings are as follows:

- Off street car parking spaces increased from 3 no. to 5 no.
- Bicycle storage relocated to front of building
- Changes to the indicative soft landscaping layout.

On 11th October 2019, the description of development was amended to also refer to 'external alterations to existing building' and neighbours were re-consulted for 14 days (amended description and plans).

### **4. Public Consultation**

Consultation letters were sent to 65 neighbouring properties.

10 responses have been received, comprising 8 objections, 1 letter of support and 1 neutral comment.

The objections received can be summarised as follows:

- 5 storey building not in line with surrounding dwellings. No need for new buildings
- Area is already overdeveloped
- Height is excessive - will be tallest building in area
- Will block light to the front of my house
- Will exacerbate existing parking problems in the area
- If approved, I suspect the next application will be for residential
- Will overlook back gardens and rooms of nearby flats
- Overshadowing and loss of light to neighbouring buildings
- Insufficient parking provided

The comments in support can be summarised as follows:

- Will improve the appearance of the current building and the neighbourhood
- Will create jobs locally

The neutral comments received can be summarised as follows:

- Scale and massing acceptable but too much glazing
- What evidence is there that the use will be successful here?
- Can there be a guarantee that this development will remain in employment use and not converted to residential? If so I would support the scheme subject to suitable conditions relating to construction management and working hours.

Councillor Felix Byers objected to the application on the basis that the proposal is an overdevelopment of the site, that the height scale and massing of the proposed development is inconsistent with the surrounding area and that it would worsen the existing highways situation.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 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 planning policies are: Policies 4.2; 4.4; 5.2; 5.3; 5.15; 5.16; 6.9; 6.13; 7.4; 7.6; 7.15.

### Draft London Plan 2017

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM14, DM17.

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

### Supplementary Planning Documents

#### Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways considerations
- Environmental Health considerations
- Trees and Landscaping
- Employment and Skills
- Sustainability
- Refuse and recycling
- Legal Agreement

## 5.3 Assessment of proposals

### Principle of development

The application site is located within the Lancaster Road Industrial Site which is designated within the Local Plan as a Locally Significant Industrial Site (LSIS). This designation restricts the uses allowed within the LSIS to employment (B Class).

The proposed development seeks to retain the B1c use within the existing building and to have a flexible B1a-c use within the new elements of the scheme.

Following discussion with the Council's Policy Team, it is considered that the proposed uses would broadly align with the objectives outlined within Policy DM14, which addresses new and existing employment space within the Borough, and would serve to strengthen the quality of employment space within the highlighted LSIS.

Therefore, subject to design, amenity and highways considerations, Officers have no in-principle objection to the proposed development from a land use perspective. Given the existing employment use onsite, a sequential test to justify the provision of new employment space is not required.

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development. As the proposed scheme may result in more than 20FTE jobs for the end use, the Council will seek a financial contribution, secured through a section 106 agreement for employment and skills training within the Borough in accordance with the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

### Character and appearance

Proposal:

The proposed side extension will be constructed of pre-fabricated containers. At third floor the central container will be recessed to provide a small terrace area facing onto Lancaster Road. There will be six containers per floor, with the front five containers perpendicular to the highway and the fifth container extending along the back of the site, separated by a corridor providing access to all of the containers.

At present, the first floor is accessed internally from within the south of the building and via an external staircase on the north of the building; the proposal will retain the internal southern staircase but also include a new central internal staircase and lift which will serve both the existing building and proposed extensions and will be fully accessible for wheelchair users.

Below the pre-fabricated containers, five off street vehicle parking spaces will be provided at street level, along with refuse storage. One accessible parking space is proposed. The southern existing vehicular access from Lancaster Road will be retained and utilised for parking and servicing.

The proposed lightweight roof extension will provide two additional floors of accommodation, each set back from the south elevation of the existing building. At second floor, a small terrace will be provided on the west elevation to provide amenity space for users of the building. At third floor, a communal roof terrace will be provided along with a communal internal area to provide 'break out' space for the users of the building. The second floor will be set back from the existing south elevation by approximately 7.8 metres with the third floor set back a further 12 metres.

The proposed external alterations to the existing building will comprise enlarging the existing windows with full height glazing and vertical timber louvres. The existing brickwork will be retained but painted. A new entrance to the building will be provided on the west elevation with a projecting canopy to signify the main entrance and create a point of visual interest. Roller shutters will be built into the cills to provide security for the units.

#### Height and Scale and Massing:

Officers are supportive of the proposed increase in building scale towards the north of the site. It is considered that the location of the additional scale would be located further into the LSIS and therefore would respond more to the mixed industrial character of the LSIS, rather than the residential character further south along Lancaster Road and Henry Road.

It is not considered that the proposed increase in scale to the north of the application site would significantly harm the established residential character to the south of the site. Furthermore, it is considered that the proposed redevelopment of the application site would serve to strengthen the employment offering within the LSIS and improve the visual aesthetic of the application site and the wider LSIS, which is mixed and generally of a poor visual appearance.

It is noted that adjacent to the LSIS and immediately to the west of Lancaster Road are three-storey residential flats accessed via Clarence Close. Given their siting on notably higher ground than at the application site, they have the appearance when viewed from Lancaster Road of being four to five storeys in height. Therefore, there is an existing example of a building which exceeds two-storeys which impacts the visual character of Lancaster Road and the LSIS to the north of the application site.

In the south part of the site, the two storey extension above the existing two storey building (ground and first) would be set back from the existing south elevation by approximately 7.8 metres at second floor with the third floor set back a further 12 metres.

These significant set backs, would provide a suitable spatial transition moving south towards the existing neighbouring two storey residential properties on Henry Road and

Lancaster Road and will also serve to reduce the visual prominence of the proposed development when viewed from these neighbouring properties.

The set backs in the southern part of the development are also consistent with the development opposite at 30 Lancaster Road which now proposes a second floor extension which is set back by 10m from the front of the existing building in order to respect the predominantly 2 storey character of the area moving south from the junction of Henry Road and Lancaster Road.

#### Design and Appearance:

Officers have no in-principle objection to the proposed building design subject to agreement on the material palette to be used. It is considered that the design provides an acceptable visual transition between the varying building scales proposed onsite and the formal office building element of the scheme and the stacked storage containers. The design detailing including vertical louvres, fins and mullions are supported and serve to add complimentary visual articulation to the proposed building mass.

Final material details will be subject of a planning condition, but Officers would like to ensure that the colour of the brick and the frame used for the new structures, softens the visual transition between the residential and industrial characters on Henry Road. The exact colour of the storage containers would also be agreed by way of condition.

#### Summary:

It is considered that the scheme would improve the visual appearance of the existing office building, reinforce the industrial character of the application site through the stacked storage containers and enhance the overall design and functionality of the site. It is hoped that together this will strengthen the employment use offering within the LSIS.

The proposed development is therefore considered to be acceptable in character and appearance terms.

#### Residential amenity

The application proposes fenestration alterations to the existing building's southern elevation facing the existing houses on Henry Road. Full height glazing is proposed within the set back extensions above the existing building. The distance between houses on Henry Road and the existing southern elevation (ground and first floors) is approximately 17m. The distance to the proposed second floor would be approximately 25m and 37m to the proposed third floor.

As the 17m distance between the existing building and the houses is existing and the proposed second and third floor would be in excess of 21m it is not considered that the proposed development would have a harmful impact on the houses on Henry Road in terms of overlooking/loss of privacy.

In terms of the relationship between the proposed development and the existing and proposed flats at 30 Lancaster Road. The existing distance between the west elevation of the subject building and the front elevation of 30 Lancaster Road is approximately 20m. Whilst full height glazed windows are proposed on the west elevation of the proposed development it is considered that the 20m separation distance along with the proposed



timber louvres at lower levels will ensure that no harmful overlooking or loss of privacy will occur to the occupier of flats at 30 Lancaster Road.

The windows proposed to the eastern elevation of the existing building will overlook the car park of the neighbouring 32 Henry Road Industrial Unit and as such no harmful impact will arise from the insertion of these windows.

A roof terrace is proposed at third floor level as part of the two storey extension above the existing building. The terrace is set in from the sides of the building below and these set backs along with suitable privacy screening surrounding it will ensure that any potential noise or overlooking impacts are mitigated.

A Daylight Sunlight Report has been submitted with the application. This confirms that there will be harmful loss of daylight or sunlight to the rooms of neighbouring buildings.

### Highways considerations

Vehicular access to the site is from Lancaster Road approximately 20 metres from the junction with Henry Road.

East Barnet Road which is served by several bus routes can be reached on foot within 3 minutes. The site is not in a CPZ and has a PTAL rating of 3 (average) on a scale of 1b to 6 where 1 is poor and 6 is excellent. This represents a reasonable level of accessibility to public transport. Footway parking is allowed on the south side of Henry Road and on both sides of Lancaster Road. There are yellow lines at the junction of Henry Road and in sections of Lancaster Road.

The proposed development comprises a linked extension to two existing buildings to create 849 sqm of office space with 5 parking spaces, refuse storage and cycle parking facilities. There are two existing crossovers which provide vehicle access to a loading area and a car park from Lancaster Road. The latter will be retained but the former will become redundant. Highways would request that the redundant crossover is reinstated to footway. Hence, the applicant will need to obtain a s184 licence for this and any other works on the public highway.

The proposed office building is expected to accommodate 70 employees. The London Plan parking standards for B1 office use in outer London specify one parking space per 100-600sqm. This equates to a maximum of between 2 - 8 spaces. The PTAL rating of the site is 3, on a scale of 1-6, hence pro-rata 5 spaces are required for this development.

Cycle parking is proposed to the front of the proposed development.

The proposed office development is expected to accommodate 70 employees and so Highways would recommend that a work place travel plan is prepared for the site. The travel plan must be secured via a s106 agreement and a s106 contribution of £10k is requested towards travel plan monitoring.

The proposal is unlikely to generate a substantial number of vehicle trips and thus it is not anticipated that the development will have a significant impact on the local highway network. However, the development could generate over 200 person trips daily and increase potential pedestrian/ vehicle conflicts at key crossing/junctions. A contribution of 10K towards pedestrian safety improvements and footway renewal in the vicinity of the site is requested.

The construction works needs to be managed carefully and thus Highways would recommend a construction management and logistics plan condition.

Highways raise no objection to the proposal subject to a s106 contribution of £10k towards travel plan monitoring and £10k towards pedestrian safety improvements as well conditions.

5 no. car parking spaces are proposed which is in accordance with London Plan standards.

The applicant has agreed to pay the requested £20k financial contribution towards Travel Plan monitoring and highway safety improvements.

The proposal is therefore considered to be acceptable in terms of Highway safety and parking.

#### Environmental Health considerations

The Council's Environmental Health department reviewed the application and has no objection to the proposal subject to conditions relating to Noise mitigation.

#### Trees and Landscaping

A soft landscaping scheme is proposed including a tree to the front of the building (Henry Road). A detailed landscaping scheme will be secured by way of planning condition.

#### Employment and Skills

An LEA financial contribution of £9,345 has been requested, to be secured through a section 106 agreement, for skills, employment and training within the Borough in accordance with the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

The applicant has agreed to make this contribution.

#### Sustainability

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

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

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate

compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by a Sustainability Statement which sets out how the development accords to the London Plan energy hierarchy.

A 'Lean, Clean, Green' strategy has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 41.19% above Part L 2013 standard through a variety of measures.

A solar PV array is proposed on top of the northern part of the proposed development. Details will be secured by condition.

#### Refuse and Recycling

Refuse and recycling storage is proposed in the northern part of the site. Details will be secured by planning condition.

#### Legal agreement

A legal agreement will be required in order to secure the following financial contributions:

- Employment and Skills contribution - £9,345
- Travel Plan monitoring - £10,000
- Pedestrian safety improvements - £10,000

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

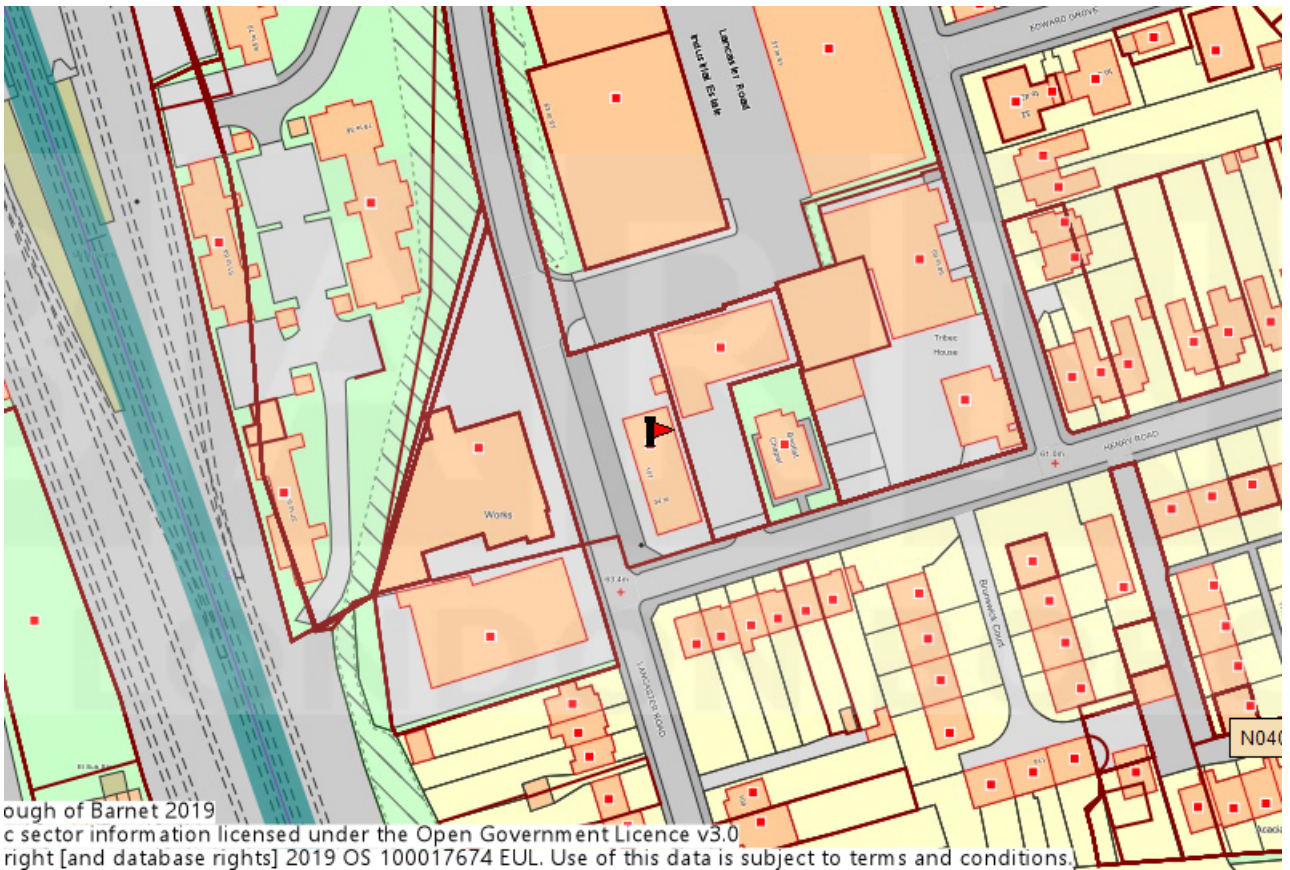
Addressed elsewhere in this report.

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

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

### **7. Conclusion**

Recommended for approval.



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**Location** Kingmaker House Station Road Barnet EN5 1NZ

**Reference:** 19/5403/FUL

Received: 4th October 2019

Accepted: 7th October 2019

Ward: Oakleigh

Expiry 6th January 2020

Applicant: Kingmaker Properties LLP

**Proposal:** The extension of Kingmaker House at roof level of two storeys to the front and part 5 and 9 to the rear to create 45 new residential units including extension to the permitted development units. Re-cladding of the existing building and provision of private and communal amenity space, new public realm and landscaping, vehicle and cycle parking and other associated works.

AGENDA ITEM 7

**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  
Provision of an early and late stage review mechanism to determine whether a financial contribution towards affordable housing is required.
4. Street Tree Mitigation  
Provision of twenty street trees at a charge of £600 per tree plus VAT. A total of £12,000.
4. Carbon Offset Payment  
Payment of £54,990 towards Carbon Offset to meet mayoral zero carbon target.

5. Travel Plan and Monitoring  
Within 3 months of occupation, a Residential Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car travel modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan.

Contribution of £5,000 towards monitoring of Travel Plan.

6. Section 106 monitoring contributions  
Section 106 monitoring contribution of £3,044.65

#### 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 1859(00)001 P1 (Site Location Plan)  
1859(00)002 P1 (Existing Block Plan)  
1859(00)010 P1 (Existing Ground Floor Plan)  
1859(00)011 P1 (Existing First Floor Plan)  
1859(00)012 P1 (Existing Second Floor Plan)  
1859(00)013 P1 (Existing Third Floor Plan)  
1859(00)014 P1 (Existing Fourth Floor Plan)  
1859(00)015 P1 (Existing Fifth Floor Plan)  
1859(00)016 P1 (Existing Sixth Floor Plan)  
1859(00)017 P1 (Existing Seventh Floor Plan)  
1859(00)018 P1 (Existing Roof Plan)  
1859(00)030 P1 (Existing North Elevation)  
1859(00)031 P1 (Existing East Elevation)  
1859(00)032 P1 (Existing South Elevation)  
1859(00)033 P1 (Existing Section AA & West Elevation)  
1859(00)034 P1 (Existing Section BB)  
1859(00)035 P1 (Existing Section CC)
- 1859(00)302 P1 (Proposed Block Plan)  
1859(00)309 P1 (Proposed Lower Ground Floor Plan)  
1859(00)310 P1 (Proposed Ground Floor Plan)  
1859(00)311 P1 (Proposed First Floor Plan)  
1859(00)312 P1 (Proposed Second Floor Plan)

1859(00)313 P1 (Proposed Third Floor Plan)  
1859(00)314 P1 (Proposed Fourth Floor Plan)  
1859(00)315 P1 (Proposed Fifth Floor Plan)  
1859(00)316 P1 (Proposed Sixth Floor Plan)  
1859(00)317 P2 (Proposed Seventh Floor Plan)  
1859(00)318 P2 (Proposed Eighth Floor Plan)  
1859(00)319 P2 (Proposed Ninth Floor Plan)  
1859(00)321 P1 (Proposed Roof Plan)

1859(00)330 P1 (Proposed North Elevation)  
1859(00)331 P2 (Proposed East Elevation)  
1859(00)332 P2 (Proposed South Elevation)  
1859(00)333 P2 (Proposed Section AA & West Elevation)  
1859(00)334 P2 (Proposed Section BB)  
1859(00)335 P1 (Proposed Section CC)

Acoustic Planning Report, Sandy Brown (dated 19.02.2019)  
Air Quality Assessment, WYG (dated February 2019)  
Contamination Statement, Eckersley O'Callaghan (dated 28.02.2019)  
Daylight and Sunlight Report, waldrams (dated 28.02.2019)  
Design and Access Statement P2, TDO (dated October 2019)  
Addendum to Design and Access Statement  
Energy Statement, DSA Engineering (dated February 2019)  
Foul Sewage and Utilities Statement, DSA Engineering (dated February 2019)  
Framework Travel Plan, Vectos (dated February 2019)  
Planning Drainage Strategy, Eckersley O'Callaghan (dated 15.02.2019)  
Planning Statement, Montagu Evans (dated October 2019)  
Addendum to Planning Statement, October 2019)  
Transport Statement, Vectos (dated February 2019)  
Viability Statement, HEDC (dated October 2019)

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

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

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

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 6 Part 2

a) 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.

- 7 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 April 2013) and 7.15 of the London Plan 2016.

- 8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

- 9 The approved measures proposed within the Air Quality Assessment, WYG (February 2019) 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.

- 10 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, and Policy 5.3 of the London Plan 2016.

- 11 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.

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

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

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 13 The level of noise emitted from any installed 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.

- 14 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

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

- 15 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 1859(00)310 P1 and 1859(00)111 P1 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.

- 16 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 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.

- 17 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.

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

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

- 20 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.

- 21 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).

- 22 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

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

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

- 24 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 46.22% 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.

- 25 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).

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

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

- 27 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 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 28 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.

- 29 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.

- 30 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 how such building or such parts of a building seek to apply the principles of Secured by Design'.

b) 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.

- 31 Before the permitted development is occupied a parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

### RECOMMENDATION III:

That if the above agreement has not been completed or Section 106 agreement has not been submitted by 31.01.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the requirements 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).
2. 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.
3. 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and

not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- For major developments only: confirmation that all Non-Road Mobile Machinery (NRMM) comply with the Non- Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

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

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 8 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non-residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

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

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

- 9 The proposed development is in close proximity to a UK Power Network substation. If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks

at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London, SE1 6NP.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of Station Road, at the corner junction with Lyonsdown Road, within the ward of Oakleigh. The site comprises of a mainly part seven-storey building, with small eighth-storey element, known as Kingmaker House, built in the 1970s. The building was previously used as offices but currently lies vacant. The site is currently accessed from both Station Road and Lyonsdown Road, leading to separate parking areas. At the rear, this is set over two levels and with further spaces within the front forecourt.

The site is located within New Barnet Town Centre which comprises of a variety of building heights. To the east and west along Station Road, there are a number of buildings ranging from 8 to 11 storeys which have been converted from office to residential uses. On the opposite side of Station Road to the north, there are a number of 3 to 4 storey residential developments. The immediate properties to the south are residential 2 to 3 storey dwellings along Lyonsdown Road, where rises steeply away from the site.

The existing building is not statutory or locally listed and the site does not lie within a conservation area. However, to the north of the site, lies the New Barnet War Memorial, a Grade II Listed Building.

The site is located approximately 150 to the west of New Barnet railway station. The site has a Public Transport Accessibility Level (PTAL) of 3.

The building has been subject to a number of prior approval applications to convert the office use into residential units. Most recently, permission has been granted to convert the building to either 119 or 94 units. Works have commenced internally to implement the recent permissions.

### **2. Site History**

Reference: 19/1285/FUL

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Refused

Decision Date: 20.09.2019

Description: The extension of Kingmaker House at roof level of part two, part three storeys and to the front and to the rear of between 5 and 9 storeys to create 51 new residential units including extensions to the permitted development units. Re-cladding of the existing building and provision of private and communal amenity space, new public realm space and landscaping, vehicle and cycle parking and other associated works

Reference: 19/1952/PNO

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Prior Approval Required and Approved

Decision Date: 20.05.2019

Description: Change of use from offices (Class B1) to 94 self-contained residential units (Use Class C3).

Reference: 19/1952/PNO

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Prior Approval Required and Approved

Decision Date: 20.05.2019

Description: Change of use from offices (Class B1) to 94 self-contained residential units (Use Class C3).

Reference: 18/5067/PNO

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Prior Approval Required and Approved

Decision Date: 16.10.2018

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (94 Unit)

Reference: 18/0721/CON

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Approved

Decision Date: 14.03.2018

Description: Submission of details of conditions 3 (Parking) 4 (Vehicle Charging Points) 6 (Noise Assessment) pursuant to planning permission 17/7210/PNO dated 22/12/17

Reference: 17/7210/PNO

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Prior Approval Required and Approved

Decision Date: 22.12.2017

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide 119 Units.

Reference: 16/0517/PNO

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Prior Approval Required and Approved

Decision Date: 04.03.2016

Description: Change of use from B1 (a) (office space) to Use Class C3 (Residential) to provide to provide (70 units)

Reference: B/04663/13

Address: Kingmaker House Station Road Barnet EN5 1NZ

Decision: Prior Approval Required and Approved

Decision Date: 21.01.2014

Description: Change of use of ground floor to sixth floor (inclusive) from Use Class B1(a) (Office Space) to Use Class C3 (Residential) to provide 55 units.

### **3. Proposal**

Planning permission is sought for alterations and extensions of Kingmaker House, comprising of a series of extensions to the front and rear elevations and recladding of the existing building. The proposal comprises of the erection of a two extension to the roof and a rear extension of part five and part nine storeys to create an additional 43 new residential units and improvement to 29no. of the existing permitted development units from reference 19/1952/PNO. The proposal also includes the provision of private amenity space, new public realm space and landscaping, vehicle and cycle parking and refuse and recycling stores.

The proposed additional 43no. units will comprise of 12 x 1-bed units and 31 x 2-bed units.

The proposal will retain the existing vehicular access points and the parking areas. Car parking for the additional 43 units will be provided at a ratio of 1:1. Parking will remain for the PD units as approved under 19/1952/PNO.

The application has been amended during the course of the application to include the following changes:

- Reduced massing and bulk and increased set back of eastern elevation facing Lyonsdown Road on the proposed 7th and 8th floor levels
- Reduction of floorspace, massing and bulk at the rear element of the 9th floor, resulting in the reduction of a further 2no. units.

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

Cllr Sowerby has requested that the application be referred to the Chipping Barnet Area Planning Committee due to concerns relating to the proposal's height, mass and scale in relation to its contextual setting and its potential contravention of local plan policies.

Consultation letters were sent to 842 neighbouring properties.  
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Conflicts with Council's tall building policy;
- Will be tallest building in the area;
- Existing infrastructure pressures;
- New flats will bring short term lets for people;
- Increase in rubbish, anti-social parking and anti-social parking;
- Loss of natural light;
- Increase in traffic;
- Limited parking is proposed.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable



development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 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. Following examination of the Plan earlier in 2019, the Panel has now published its report, and whilst the Mayor has yet to formally respond, the draft London Plan accompanied by the Panel report is a material consideration in the determination of this application.

### 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, CS8, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM06, DM08, DM10, DM14, DM17,

### Supplementary Planning Documents

Affordable Housing (2007)  
Planning Obligations (2013)  
Residential Design Guidance (2016)  
Sustainable Design and Construction (2016)

New Barnet Town Centre Framework

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principal of Development / Land-use;
- Affordable Housing;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Provision of adequate accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways and parking; and
- Any other considerations.

### **5.3 Assessment of proposals**

A previous application was submitted in March 2019 for "The extension of Kingmaker House at roof level of part two, part three storeys and to the front and to the rear of between 5 and 9 storeys to create 51 new residential units including extensions to the permitted development units. Re-cladding of the existing building and provision of private and communal amenity space, new public realm space and landscaping, vehicle and cycle parking and other associated works."

This application was refused by the Chipping Barnet Area Planning Committee on 3 September 2019 for the following reason:

1. "The proposed development by reason of its massing, scale and its excessive height by virtue of the proposed extensions to the roof would represent a significant departure from the local plan detrimental to the character and appearance of the surrounding area. Furthermore, the proposed additional floors to the rear together with its excessive rearward projection would result in a visually obtrusive form of development detrimental to the visual amenities of the locality and the street scene when viewed from Lyonsdown Road elevation. As such the proposed development would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policies DM01 and DM05 of the Adopted Development Management Policies DPD (2012)."

This application has been revised in order to address the above reason for refusal.

#### **Land Use / Principle of development**

Originally the building comprised of 4,992 sqm (GIA) of office space. The building was subject to a number of permitted development prior approval applications for the conversion of the office space to residential accommodation. Most recently, prior approval reference 17/7210/PNO and 18/5067/PNO were granted approval for the change of use from Use Class B1 (Office) to Use Class C3 (Residential) to provide 119 and 94 units respectively. A further prior approval was granted under 19/1952/PNO, again for 94 units.

The proposal under this application seeks to utilise and improve upon the prior approval scheme for 94 units under reference 19/1952/PNO. Within the submission, the applicant had confirmed that the implementation of the PD works had commenced on site and as such stated that this was a lawful fall-back position. Officers undertook a site visit and can confirm that the building has been fully stripped internally with the next stage of progress would be to start configuring the internal layout. Whilst the PD scheme has not been fully implemented, Officers through dialogue with the applicant are fully satisfied that the applicant has a genuine interest in completing the development should this application not be granted. The applicant's interest in this proposal is to utilise and enhance this unattractive site, whilst also improving the PD scheme. In order for the Planning Authority to give weight to the fall-back position, its needs to be demonstrated that there is a 'theoretical prospect' of the prior approval being implement. Officers have also checked that the approved PD scheme largely exists in the approved form under this application and therefore it still remains valid.

Officers have also acknowledged that the surrounding area is predominately residential despite its town centre location, with a number of other office buildings having been converted to residential over the years. Therefore, the proposed residential land-use would not be at odds with the character of the New Barnet Town Centre or surrounding area.

After reviewing all the information with the submission and previous pre-application discussions with the applicant, Officers are satisfied that there is a genuine intention to develop the site and therefore the fall-back position, whilst implemented in a basic form, holds significant weight in the determination of this application. Normally proposals which involve the loss of employment space are required to carry out a marketing survey to demonstrate that the site is no longer suitable and viable for its existing or alternative business use. However, taking into account the considered weight towards the fall-back option, which would involve the loss of employment regardless, Officers are satisfied that the loss of employment can be justified and a marketing report would not be required.

### **Affordable Housing**

Policy DM10 of the Development Management Policies Document states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross.

As discussed above, Officers are satisfied that implementation of the 94-unit PD scheme has commenced and that there is a genuine intention to develop the site and therefore the PD scheme holds significant weight as a fall-back option. As such, Officers do not consider it appropriate to seek affordable housing contributions on this element and will only be liable for the additional 43 units.

The applicant has provided an updated Viability Statement (HEDC October 2019) which has been independently reviewed on the Council's behalf (BNP Paribas). Following the level of reductions to the overall units and the footprint massing, the submitted report states that the loss of value through the unit reduction would be significantly more than the savings in build costs. Therefore, the proposal is now unable to provide an in-lieu contribution towards affordable housing.

### **Impact on Character**

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.

### Layout

The site analysis undertaken within the submitted Design and Access Statement identifies that the buildings along Station Road establish a street frontage which forms a consistent curve. Due to its corner position within the curve, the orientation of Kingmaker House does not follow the alignment of the surrounding buildings. The revised proposal seeks to extend elements of the front elevation, with a series of bays and recesses which is different from that previous submitted. The proposed front extension elements and the projection depths are considered to be acceptable and not considered to adversely harm the existing street scene curve which was identified in the site analysis.

In terms of the proposed rear extension, the building line along Lyonsdown Road will be maintained and preserves the street scene appearance. The proposed 'L' shaped layout is considered to be acceptable taking into account the site's corner plot and its rear projection is similar in depth to Endeavour House. As such, the proposed layout is considered to be acceptable in relation to the surrounding context and built form.

### Massing, scale and Height

As previously mentioned, this row of buildings along the southern edge of Station Road, comprises of a series of tall buildings, varying in height and storeys. The site analysis identifies that although Kingmaker House lies at the prominent corner location, it is lower in stature compared to its immediate neighbours. The existing building comprises of a mainly 7-storey building with a smaller 8th storey inset element.

From the previous refused application, the proposal has been reduced, in terms of overall height and the proposed massing and bulk across the whole development. The main amendment is that a full level has been removed and now the proposed shoulder height of the building aligns with the adjacent Endeavour House, with the proposed top-level massing being reduced and set back. In addition, further revisions are proposed with the creation of bays and recesses along the front elevation. Overall, from the front elevation, the proposal has been considerably reduced in terms of height and massing compared to the previous scheme. Previously, concerns had been raised that the proposal would have resulted in the tallest building in this group, however, now with this revised scheme, the proposal would be lower in overall height compared to Endeavour House and 1-2 Station Road. The extent of the set-backs on the top floor element would mean that it would not be readily perceptible from the street scene.

With regards to the eastern elevation along Lyonsdown Road, a series of reductions and recesses are proposed from the previous scheme. Furthermore, additional revisions to the 7th, 8th and 9th floor levels were secured during the application process. As mentioned above, the shoulder height of this elevation aligns with Endeavour House and steps down further than the previous schemes. Elements on the 7th and 8th floor would now be recessed in order to reduce the street scene massing. It is now considered that the transitional height from the front of the site to the rear has been improved over the previous scheme.

A key consideration of the application is the scale of the proposal and its potential impact on the street scene and surrounding area. Much concern was previously raised about the proposal becoming the tallest building around, creating a dominating building due to its increased massing and bulk over the existing building. Now with the revised scheme, it is considered that extensive amendments have been made to the proposal, in an attempt to address the previous concerns. Overall, Officers consider that this has been successfully achieved.

References and concerns relating to Barnet's Tall policy were previously raised. Barnet Core Strategy Policy CS5 identifies tall buildings as being 8 storeys or 26m in height and that they may be appropriate in a number of strategic locations. Barnet's Tall Building Survey provides supplementary information about the nature of tall buildings in the borough. Whilst this area is not identified as being a strategic location, it is identified as having an existing pocket of tall buildings.

However, the end of Policy DM05 states that 'Proposals for redevelopment of refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.'

In terms of height, Kingmaker House is principally 7 storeys in height with a small set back 8th floor. The site lies within an existing defined pocket of tall buildings but the application site remains smaller in stature to its immediate neighbours. As such there is an opportunity to extend the proposal. As discussed above, the height of the building is now reflective of the adjacent buildings, which in terms of townscape terms, Officers consider to be wholly acceptable. The redevelopment of this site will therefore be in keeping with the established character of the area and having a positive contribution to the townscape through the redevelopment of an existing poor-quality building. The series of bays, recesses and reductions to the height, massing and scale are considered to be in keeping with the existing neighbouring tall buildings. As the proposal will be of a similar scale, Officers consider that there will be no adverse harm to the visual townscape of the street scene and surrounding area and therefore compliant with policy.

### **Heritage Impact**

The application site does not fall within a designated conservation area and Kingmaker House is not a statutory or locally listed building. However, there is the Grade II Listed New Barnet War Memorial which is located on the traffic island to the north of the site. The memorial, erected in 1921, comprises of a four-sided 5.18m tall obelisk of Portland Stone set on a stepped Portland Stone Podium. The memorial is positioned with a triangular walled enclosure. It is listed for its historical interest.

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should 'should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Barnet policy DM06 reinforces that all heritage assets will be protected in line with their significance.

The applicant has provided an assessment of the proposed development on the setting of the listed war memorial. The setting of the war memorial is defined by the adjacent road junctions and the buildings which address it. These buildings vary in height, scale and architectural character, of are the series of taller buildings along Station Road to the north, which the application site forms part of this row. The proposed works will have no direct physical impact on the identified heritage asset. The existing building on site is 7 storeys in height with a recessed 8th storey on top. The proposed development would result in a front extension, reconfiguration of the external appearance and the extension of 2 additional

storeys to the roof. The applicant's assessment is that the existing building makes a negative contribution to the memorial's significance and will be improved by the introduction of a higher quality architecture and soft landscaping proposals to the forecourt.

Officers have reviewed the submitted assessment and consider that the existing building has a fairly neutral contribution to the wider setting in terms of its scale and height but has a negative contribution in terms of its external appearance. The scale of the proposal has taken into account the taller adjoining buildings and utilises the site's prominent corner position to create a focal building. The principle view of the war memorial is its west facing element which is experienced when you travel eastwards along Station Road with Kingmaker House on your right-hand side. With the proposed development, the additional height is not considerably experienced in this view and the front extension is not considered to harmfully impact its setting. Closer to the memorial to the north, the memorial is already seen in context with the higher buildings in the background. Experienced at this point, the proposal would be noticeable more visible as a result in its improved external appearance, in contrast to the poor architectural to the adjacent buildings. The additional height would only be experienced when moving further away from the memorial. At the closest point, beside the memorial, the additional height is not considered to impact the setting of the war memorial.

Therefore, Officers have had regard to the significance of the nearby heritage assets and consider that the proposed development would preserve the setting of the nearby heritage assets. The proposal is considered to comply with NPPF policies, the London Plan and Barnet policy DM06.

## **Housing Quality**

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD and CAAP policy 5.2.

### Dwelling Mix

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 proposal seeks to provide an additional 43 units which would comprise of 12 x 1-bed units and 31 x 2-bed units. The specific breakdown of proposed units is as follows:

12 x 1-bed, 2-person units  
29 x 2-bed, 3-person units  
2 x 2-bed, 4-person units

It is considered that this is an appropriate mix given the site's town centre location and the site's characteristics. It is not thought that larger family units (3-bed and 4-bed would be appropriate in this location.

The permitted development scheme would provide 87 x 1-bed and 7 x 2-bed units.

### Residential Space Standards

Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling.

Officers have reviewed all of the proposed additional 43 units and are satisfied that the development provides a good standard of accommodation for future occupiers.

In addition, the proposal will also allow for the improvement of 29no. of the permitted development units which comprises of either increased floorspace or provision of an external balcony or both. A majority of these units under the PD scheme did not meet the minimum internal space requirements and therefore their enlargement is considered to be a positive element of the scheme.

### Wheelchair Housing

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All schemes should have 10% wheelchair home compliance, as per London Plan policy 3.8.

Page 82 of the Design and Access Statement submitted in support of the applications out that 5no wheelchair accessible dwellings will be provided within the development, and accounts for more than 10% of the overall apartments on site. This is considered to be acceptable and a condition is attached which would secure these wheelchair units and constructed in accordance with the requirements of Part M4(3) of the Building Regulations.

### Amenity space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 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. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments.

The Mayor's Housing SPG sets out a requirement of 5sqm of private amenity space for 1 and 2-person dwellings with a further 1sqm per additional person.

All of the new 43 units would benefit from an external balcony or terrace. In addition, 23 of the PD units would have provision of an outdoor balcony. Due to the site characteristics, there would be no provision of outdoor communal amenity space other than the public realm improvements to the front entrance. The overall provision of new outdoor amenity space adds to approx. 552.5sqm (average of approx. 8.5sqm per unit).

Although the provision of amenity space is restricted to balconies and terraces, it is noted that Victoria Park is located within a 10 minute walk (0.5 mile) from the application site.

Officers consider that the proposed amenity space is of a good quality with further external open space located within close proximity of the site.

## Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

The Council's Sustainable Design and Construction SPD (2016) sets that in new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new build properties where there are material considerations.

Officers have reviewed the proposed layouts and note that there are no direct instances of windows overlooking of other units due to the orientation of the building and the proposed extensions. The proposed new balconies to the rear will be enclosed on the side elevations by privacy screens which limit the overlooking impact. As such, Officers are content that future occupiers of the development would be likely to enjoy good levels of privacy.

## Outlook

Policy DM01 also requires consideration of the residential amenity of future occupiers of the development in terms of outlook.

The proposed new units vary in terms of provision of single and dual aspect outlooks. A Daylight and Sunlight report has been submitted with the application and undertakes an analysis of the levels of light expected to be received by the proposed new units. In terms of daylight, the results of proposed units found that 95% of the rooms analysed met the required BRE target values. Those rooms which did not meet the required target value were affected by the associated overhang of external balconies. In terms of sunlight, it is noted that a number of rooms will only have a single outlook either, north, east, south or west and therefore only experiencing sunlight during certain periods of the day. Officers are aware of the some of the limitations of the availability of sunlight but in consideration that every unit will benefit from large windows and the provision of outdoor private amenity space, Officers are satisfied that all of the proposed units would allow for suitable outlook and daylight/sunlight for future occupiers.

## Noise

In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment and has been reviewed by the Council's Environmental Health Officers.

The undertaking of the noise survey found that the dominant noise sources observed during the survey was road traffic noise, with a less significant noise source being pedestrians. Noise from adjacent commercial sources was imperceptible during the survey. The report has assessed the noise impacts on future occupiers and finds that acceptable noise levels would be achieved using double glazing, with glazing thicknesses dependent on the unit location and room use. Whilst noise levels are expected to exceed the recommended limits on some external amenity areas, this is typical of urban areas.

The Council's Environmental Health Officer was satisfied in general with the submitted noise impact assessment and has requested a number of conditions.



## Air Quality

An Air Quality Assessment has been submitted in support of the application and has been reviewed by Environmental Health. The report advises that the development is considered to be neutral in terms of air quality for both building and transport emissions. The Environmental Health Officers have requested that conditions are attached to ensure that the mitigation measures proposed are fully implemented.

## Contaminated Land

A Contamination Statement has been submitted in support of the application. This states that the risk of contamination is low to medium based on desk study and recommends that further site investigations are to be carried out. A suitably worded condition will be attached should planning permission be granted.

## **Amenity Impact on Neighbouring Properties**

### Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

The Council's Sustainable Design and Construction SPD (2016) sets that in new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new build properties where there are material considerations.

There are residential properties surrounding the proposed development.

It is considered that those properties located on the opposite side of Station Road would not suffer adverse overlooking or overbearing impacts due to the large separation distances between habitable windows.

To the east, lies Endeavour House which is located on the opposite side of Lyonsdown Road. The separation distance between the side elevations of Endeavour House and Kingmaker House is approximately 19.5m which is only 1.5m short of the recommended guidance. Whilst there are an increased number of windows created on the proposed eastern elevation of Kingmaker House, Officers are satisfied that the separation distance provide suitable mitigation to prevent any harmful levels of overlooking.

To the south, lies a row of two-storey residential dwellings which run up along Lyonsdown Road. In order to limit overlooking opportunities, the proposed rearmost southern elevation does not consist of any windows. As the southern elevation increases in height and steps back, a small number of windows and balconies are introduced. The siting of the neighbouring property is such that it is set back from Lyonsdown Road and the windows of Kingmaker House will look towards the front driveway of No.2. In addition, the northern elevation of No. 2 is a blank elevation with large mature landscaping to the rear. Taking these factors into account, Officers are satisfied that No.2 will not suffer detrimental levels of overlooking from the proposed development. The proposed balconies on the western elevation will have a privacy screen installed to prevent southward views.

To The west, lies Comer House which has a number of windows in its eastern elevation facing towards the application site. The separation distance between the side elevations of both properties is approximately 19.6m which is considered to be acceptable.

### Daylight / Sunlight

The applicant has submitted a Daylight and Sunlight Report (February 2019) which has assessed the impact of the proposed development on existing habitable rooms in the adjacent surrounding properties.

In terms of scope the daylight and sunlight assessment undertook analysis on the following neighbouring properties:

- Groupama House, 17 Station Road
- 18 Station Road
- Comer House, 19 Station Road
- 22-24 Station Road
- Spa House, 30 Station Road
- Chambers Court, 32 Station Road
- Harrington Court, 34 Station Road
- Endeavour House, 1 Lyonsdown Road
- 2 Lyonsdown Road
- 4 Lyonsdown Road

### Groupama House, 17 Station Road

This property is located immediately to the south-west of the proposed development site. Planning permission was obtained in 2015 and 2016 to convert the fourth to ninth floors of this property from commercial use to residential use. However, a search on the Valuations Office Agency website returns no Council Tax listings which indicates that there are currently no residents in this building. In order to provide a full and proper analysis, the report has assumed that this building has been converted to residential use as per the 2015 and 2016 consents.

The analysis shows 15 out of 26 windows analysed meet the BRE Guidelines for VSC with the proposal at Kingmaker House in place. 13 out of 19 rooms analysed meet the BRE Guidelines for daylight distribution on the basis of the 2015 and 2016 consented layouts. All windows considered for sunlight analysis were found to face within 90° of due north and so do not require analysis for sunlight as per the BRE Guidelines.

### Comer House, 19 Station Road

According to the VOA website, the ground and first floors are of commercial use whilst the upper floors are all of residential in use. The results from the analysis of the fourth to eight floors demonstrate that the fourth floor will not be impacted by the extension to the development site.

The analysis shows that 84 out of 88 windows analysed within Comer House meet the BRE Guidelines for VSC with the proposal at Kingmaker House in place and 50 out of 53 rooms analysed experience less than a 20% reduction in daylight distribution, based on layouts obtained. All windows considered for sunlight analysis were found to face within 90° of due north and so do not require analysis for sunlight as per the BRE Guidelines.

In terms of the four windows which do not meet for VSC (Fifth/W6, Fifth/W7, Fifth/W11 and Sixth/W6), three have a reduction of 22% and one (Fifth/W6) has a reduction in VSC is 26%.

#### Chambers Court, 32 Station Road

In daylight terms, all 39 windows analysed meet the BRE Guidelines for daylight in terms of VSC. On the basis of assumed room layouts, 14 out of 15 rooms meet for VSC and experience less than a 20% reduction in daylight distribution. There is one room on the first floor, room R3, which retains 70% of its existing daylight distribution.

In sunlight terms, 35 out of the 37 windows analysed meet the BRE Guidelines for sunlight. The two windows which do not meet, windows W8/Below Ground and W9/Below Ground, both meet for annual APSH achieving 42% and 51% respectively with the proposal in place, and therefore well above the 25% benchmark set out in the BRE Guidelines.

#### Harrington Court, 34 Station Road

In daylight terms, 40 out of the 42 windows analysed meet the BRE Guidelines in terms of VSC. On the basis of the layouts obtained, 27 out of 37 rooms analysed meet the BRE Guidelines for daylight in terms of both VSC and daylight distribution. Of the 10 rooms which do not meet for both measures, 8 meet for VSC and retain at least 72% of their existing daylight distribution while the remaining two rooms retain 77% and 73% of their existing levels of VSC respectively and meet for daylight distribution.

#### Endeavour House, 1 Lyonsdown Road

The VOA website shows 81 listed flats so we have assumed that it has been converted to residential use and, in the absence of further information on the planning website, the report assumes that the layouts are as shown on the refused planning application from 2015 (ref: 15/03519) and incorporated these into the 3D model for analysis.

In daylight terms, 40 out of 74 windows meet the BRE Guidelines for VSC whilst 38 out of 67 rooms analysed meet the BRE Guidelines for daylight distribution on the basis of the layouts obtained. 27 rooms meet both the BRE Guidelines' VSC and daylight distribution criteria. 70 out of 74 south facing windows meet the BRE Guidelines for annual sunlight; importantly, all windows shown on the 2015 plans as serving living rooms or LKDs meet the BRE Guidelines for annual sunlight. The BRE Guidelines state that sunlight is of primary importance to main living spaces; on this basis, Endeavour House is compliant in terms of annual and winter sunlight.

Importantly, of the 34 windows which do not meet for VSC, all retain in excess of the 15% VSC identified in the GLA's representation hearing report D&P/3067/03-Appendix 1 (18th November 2013) as "being acceptable" and experience reductions in VSC less than the 40% "upper threshold" identified in the same report. It should also be noted that both Kingmaker House and Endeavour House were constructed as commercial buildings and therefore, their proximity to each other was unlikely to have taken the more stringent levels of daylight and sunlight required for residential properties into account. As a result, any further development to either of these properties would result in reductions in daylight beyond those recommended in the BRE Guidelines.

## 2 Lyonsdown Road

There is one window in this property facing the development site. This is a secondary window serving what appears to be a hallway from the external appearance of the property. As the main window is facing away from the development site and will thus likely meet the BRE Guidelines for VSC, this property is considered to be compliant with the BRE Guidelines for daylight.

As this property is situated to the south of the development site, there are no south facing windows which the scheme could impact. Therefore, this property is compliant in sunlight terms.

## 4 Lyonsdown Road

Three windows in this property facing the development site on the basis of the site photos and aerial photography have been assessed. While there are bay windows which have a side pane facing towards the development site, as per paragraph 2.2.6 of the BRE Guidelines, "For a bay window, the centre window facing directly outwards can be taken as the main window." Therefore, the windows facing to the sides do not need to be analysed.

The three windows analysed all meet the BRE Guidelines for daylight in terms of VSC. Two out of the three rooms analysed on the basis of assumed layouts experience less than a 20% reduction in their existing levels of daylight distribution and are therefore acceptable in planning terms. The one remaining room, room R2 on the first floor, retains 79% of its existing level of daylight distribution which is, in the report's, only marginally beyond the 20% as stated in the BRE Guidelines.

As this property is situated to the south of the development site, there are no south facing windows which the scheme could impact. Therefore, this property is compliant in sunlight terms.

From all the results undertaken, the report finds that 85% of surrounding properties meet the VSC targets as set out in the BRE Guidelines, while 81% of rooms meet the daylight distribution. In sunlight terms, 94% of windows meet for both annual and winter APSH.

Overall, it is considered that the proposal will not have a significant impact on the daylight / sunlight of neighbouring properties.

## **Transport and 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.

As part of the permitted development scheme for 94 units, there were 33 car park spaces provided to serve the residential units. Within this application that provision remains unaffected and this application seeks to address provision for the additional 43 residential units.

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

Based on the PTAL of the site, a policy compliant scheme would necessitate a range of between 31 - 58.5 spaces. The proposal seeks to provide 51 spaces to serve the additional residential units which equates to a ratio of 1.2 spaces per unit.

The Council's Traffic and Development service have reviewed the proposal and the submitted Transport Statement and have provided the following comments:

The development is located in a PTAL of 3 with bus and train services available within the PTAL calculation area. In the 2021 calculation the PTAL raises to PTAL 4, which is due to improvements proposed to the immediately surrounding rail network, as listed in The Rail Plan.

The development provides 51 parking spaces which is within the range specified with in policy DM17 and the applicant is proposing disabled parking spaces, which is in accordance with draft London Plan policy. It is thought the proposed level of parking will also mitigate against over spill parking as the ratio of 1:1 is above census car ownership levels for this ward.

The applicant is proposing 92 cycle parking spaces (90 long-stay & 2 short-stay) stores are convenient, weather proof and secure.

Trip generation has been calculated using the data associated with the previous applications. During the AM peak there are 21 two-way trips and 22 proposed in the PM peak. This equates to a vehicle either in or out of the future development every three mins. This level of trip generation will generate no perceived impact on the surrounding highway network.

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. Refuse servicing will take place from an off-street location.

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.

### **Landscaping and trees**

The site currently does not comprise of any meaningful trees or green space within or around the building. Within the submitted Design and Access Statement, the proposed draft landscape strategy seeks to create new areas of soft and hard landscaping to the site forecourt and also along the side boundary with Lyonsdown Road. The draft strategy seeks to considerable improve the visual appearance of the entrance to the building, whilst improving the public realm to the front of the site by introducing integrated planting and seating.

The Council's Arboricultural Officer has reviewed the submissions and acknowledges that the site could be described as unattractive due to its lack of trees or green spaces. It is noted

that the proposals drafted in the submitted Design and Access Statement start to provide a better frontage to the building. It is recommended that a detailed landscape plan is submitted that requires replacement and enhanced planting. Details of the hard and soft landscaping will be sought via condition should planning permission be granted. In addition, the Arboricultural Officers considers that it would be beneficial to seek a contribution towards the provision of street trees along Station Road and Lyonsdown Road which would help provide visual softening at greater distance. This contribution would be sought via an obligation within the Section 106 Agreement.

## **Sustainability**

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

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

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

The application is accompanied by an Energy Strategy from dsa Engineering (February 2019) which sets out how the development accords to the London Plan energy hierarchy.

### Be Lean

The proposed development will be constructed from building fabric which significantly improves on the thermal performance of building regulations compliance. The following measures are proposed:

- Energy efficient building fabric and insulation;
- High efficiency windows;
- Efficient building services including high efficiency heating systems;
- Lighting controls to save energy.

These measures are assessed as providing a 2.1% reduction in regulated CO2 emissions.

### Be Clean

At the present date, there is no decentralised heating network in close proximity of the site. However, the scheme shall be future proofed with space allocated in the plantroom for heat exchangers and pump sets to enable future connection. The proposal seeks to install a Combined Heat and Power (CHP) due to the energy demands of the site. The CHP is assessed as providing a 36.6% reduction in regulated CO2 emissions.

## Be Green

The applicant has investigated the feasibility of range of low and zero carbon technologies for the development and is proposing to install roof mounted solar photovoltaic panels.

The installation of PV panels will result in a reduction of 7.5% reduction in regulated CO2 emissions.

## Summary

All of the measures outlined above combine to give the following site wider regulated carbon dioxide emissions:

The proposed carbon dioxide savings measure result in an overall saving of 46.22%, exceeding the on-site target set within policy 5.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £54,990 to the Borough's offset fund.

## **Flood Risk and SUDS**

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Drainage Strategy from Eckersley O'Callaghan (February 2019). This has been assessed by the Council's appointed drainage specialists who require further information to be fully satisfied with the proposal. However, this outstanding information relating to the surface water drainage scheme can be agreed prior to commencement of development. If permission were granted, a condition securing the submission of a surface water drainage scheme would be attached.

## **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 building with lifts 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.

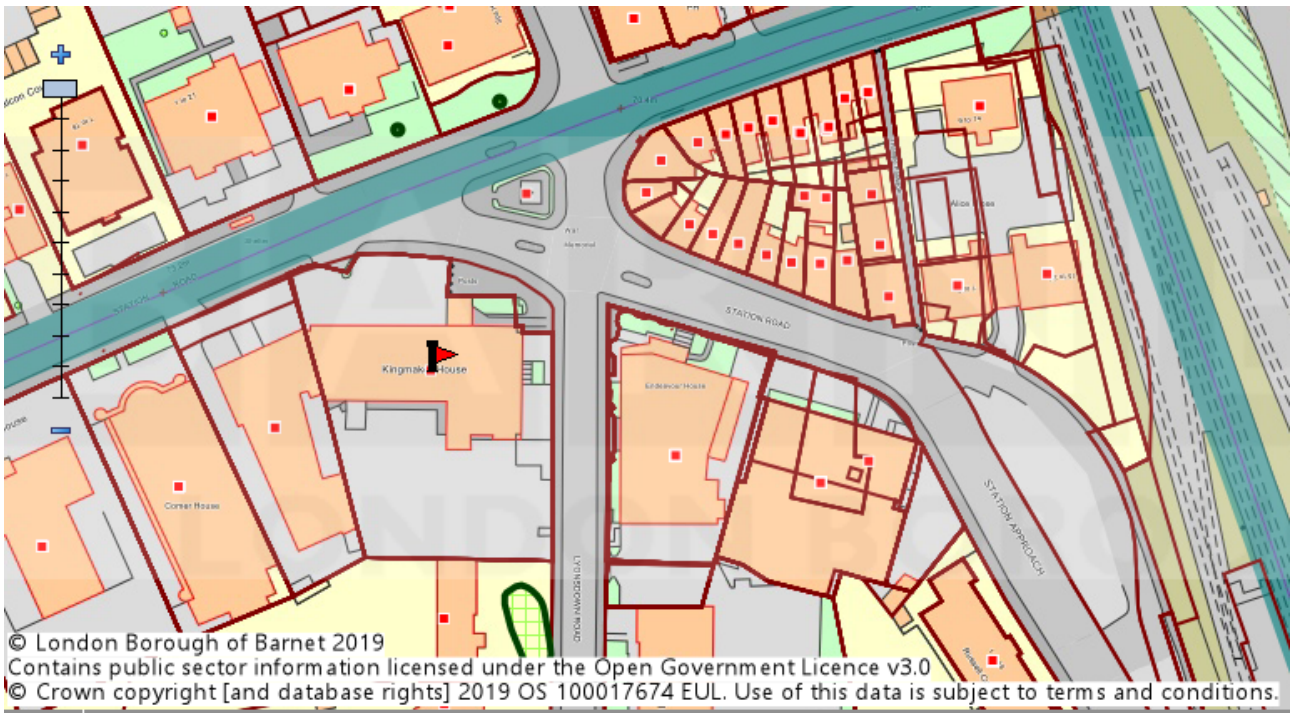
It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments 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 the all of the issues identified as discussed within this report. Officers are satisfied that the principle of development is acceptable, in that the previously approved Permitted Development has been implemented in a basic form and that the applicant has a genuine intention to develop the PD scheme. As such, great weight has been given to this fall-back option and that the loss of employment space does not have to be demonstrated. The proposed scale, massing, bulk, height and design are considered to be acceptable and will considerably improve the external appearance of the existing building, whilst responding and respecting the surrounding site context. The proposed redevelopment of the existing building will make a positive contribution to the townscape within the established tall building area. All other considerations relating to neighbouring residential amenity and parking are considered to be acceptable.

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. 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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**Location**                                    **The Minstrel Boy 156 Colney Hatch Lane London N10 1ER**

**Reference:**                                **19/4774/S73**

Received: 2nd September 2019

**AGENDA ITEM 8**

Accepted: 2nd September 2019

**Ward:**                                        Coppetts

Expiry 28th October 2019

**Applicant:**                                Mr I Ozkan

**Proposal:**

Variation of condition 2 (Approved plans) 5 (Car and cycle parking) 7 (Electric vehicle charging points) 8 (Traffic light system) 9 (Electric gate) 10 (Ramp access) 23 (Disabled parking space) APP/N5090/W/18/3214404 dated 10/04/2019 ref number 18/3529/FUL for `Demolition of the existing building and erection of a part three, part four storey building plus basement level, comprising 200sqm of flexible Class A1/A2/A3/A4 commercial use at ground floor level and 9 no. self-contained residential dwellings (Use Class C3) above. Associated parking, cycle store, refuse and recycling.` Amendments include reconfiguration of proposed basement and ground floor, removing all basement parking and refuse storage and relocating this to ground level and providing commercial space across basement and ground floors. Residential units revised to provide 9 x 2 beds, as opposed to 8 x 2 beds and 1 x 1 bed and minor alteration of window positions on rear elevation

**Recommendation:** Approve subject to conditions

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

- 1 This development must be begun within three years from the date of original permission 18/3529/FUL allowed at appeal (APP/N5090/W/18/3214404) dated 10.04.2019.

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:

495.(1).0.000 - Existing Location Plan (24/10/2017)

495.(1).0.001 - Existing Block Plan (24/10/2017)

495.(1).0.002 - Existing Roof Plan (24/10/2017)

495.(1).0.003 - Existing Colney Hatch Lane Elevation (24/10/2017)  
 495.(1).0.004 - Existing Sydney Road Elevation (24/10/2017)  
 495.(1).0.005 - Existing North East Elevation (24/10/2017)  
 495.(1).1.000 Rev. B - Proposed Location Plan (25/07/2018)  
 495.(1).1.001 Rev. C - Proposed Block Plan  
 495.(1).1.002 Rev. G - Proposed Basement Floor Plan  
 495.(1).1.003 Rev. J - Proposed Ground Floor Plan  
 495.(1).1.004 Rev. E - Proposed First Floor Plan  
 495.(1).1.005 Rev. F - Proposed Second Floor Plan  
 495.(1).1.006 Rev. F - Proposed Third Floor Plan  
 495.(1).1.007 Rev. F - Proposed Roof Plan  
 495.(1).2.001 Rev. C - Proposed Colney Hatch Lane Elevation  
 495.(1).2.002 Rev. D - Proposed Sydney Road Elevation  
 495.(1).2.003 Rev. C - Proposed Sectional Elevation A  
 495.(1).2.004 Rev. C - Proposed Sectional Elevation B  
 495.(1).3.001 Rev. D - Proposed Section C  
 495.(1).3.002 Rev. C - Proposed Section D  
 Air Quality Assessment - Syntegra - Ref: 18-3295 (01/06/2018)  
 Block Compliance Worksheet (04/04/2018)  
 BRUKL Output Document (23/05/2018)  
 Energy Statement - T16 Design- Ref: 2693 (05/04/2018)  
 Sustainability Statement - T16 Design- Ref: 2693 (05/04/2018)  
 Transport Statement - EAS Ref: 1627/2018 REV A (15/08/2019)  
 Daylight and Sunlight Assessment -T16 Design - Ref: 2693 (03/04/2018).

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).

- 3 No development other than demolition works shall take place until details of the finished floor levels of the building, in relation to a fixed off-site datum point have been submitted to and approved in writing by the local planning authority.

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

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 No development above ground floor level shall take place until details of all external materials of the building and hard surfaced areas have been submitted to and approved by the local planning authority in writing. 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 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 Before the development hereby permitted is first occupied or the use first commences the parking for cars and cycles, shown on Drawing No. 495.(1).1.003 Rev. J - Proposed Ground Floor Plan; shall be provided. Thereafter, the parking spaces shall be used only as specified and shall not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that 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.

- 6 Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

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

- 7 Prior to the first occupation or commencement of the use of the development hereby permitted, the electric vehicle charging facilities shown on Drawing No. 495.(1).1.003 Rev. J - Proposed Ground Floor Plan shall be provided and shall be permanently maintained thereafter.

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

- 8 Before the first occupation of the development hereby permitted, a maintenance agreement for the operation of the electronic gates shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out nor shall it be subsequently operated otherwise than 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.

- 9 Prior to the first occupation of the development hereby permitted, details of the electronically operated gate providing access to the car park and the means of

remote access shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out nor shall it be subsequently operated otherwise than 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.

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

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

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

11 Prior to their installation, details of the emissions levels of any ancillary or backup boilers shall be submitted to and approved in writing by the local planning authority. The boilers shall be installed in accordance with the approved details.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction(adopted October 2016) and Policy 7.14 of the London Plan (2011) in relation to air quality.

- 12 No development other than demolition works shall take place until a scheme of proposed air pollution mitigation measures based upon the findings of the Air Quality Assessment - Syntegra - Ref: 18-3295 (01/06/2018) has been submitted to and approved in writing by the local planning authority. 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 Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 13 No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the local planning authority.  
The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 14 The level of noise emitted from all new plant hereby permitted shall accord with, or be below the agreed levels that have received the prior written approval of the local planning authority and shall thereafter be maintained as such. The levels to be submitted shall be against the background noise 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.

- 15 No development other than demolition works shall take place until a details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the local planning authority. This sound insulation shall ensure that the levels of noise generated as measured within habitable rooms of the development shall be no higher than 35dB(A) from 07:00 to 23:00 and 30dB(A) in bedrooms from 23:00 to 07:00. The report shall include all calculations and baseline data, and be set out so that the local planning authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

- 16 Prior to their first installation, a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties shall be submitted to and approved in writing by the local planning authority. This detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram.

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

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

- 17 A scheme of hard and soft landscaping, including details of the size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the local planning authority before the development hereby permitted is commenced, except for demolition works.

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

Any 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.

- 18 Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the buildings first 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.

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 2016).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the ground floor premises shall be used as A1, A2, A3, A4 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 21 Prior to the first occupation of the ground floor A1, A2, A3 or A4 use hereby permitted, hours of use shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented in accordance with the details as approved under this condition.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 22 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol in accordance with the details shown on Drawing No. 495.(1).1.003 Rev. J - Proposed Ground Floor Plan. The disabled parking spaces shall thereafter be permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 23 No external lighting shall be installed and used in relation to the A1, A2, A3 or A4 use at ground floor level until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the local planning authority.

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.

- 24 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the residential uses hereby approved shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such 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.

- 25 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 or after 13.00 on Saturdays, or before 8.00 or after 18.00 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).

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

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

- 27 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 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.

- 28 Before the development hereby permitted is first occupied, details of privacy measures to be installed around the roof terraces shall be submitted to and approved in writing by the local planning authority. 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 in perpetuity thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted 2016).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site is situated on the east side of Colney Hatch Lane at the junction with Sydney Road. It forms part of the Colney Hatch Local Shopping Parade. The site contains a vacant two-storey pitched roofed public house (Class A4) and surface level car park to the rear which abuts the adjacent dwelling at no.2 Sydney Road. The surrounding area has a mix of uses, with retail and residential flats primarily to the east along Colney Hatch Lane and single-family dwellings to the west and north along Sydney Road. The surrounding architectural vernacular is predominantly traditional, although there is a significant deviation to this in the form of the proximally located South Friern Public Library to the west of the application site on Colney Hatch Lane. The library has a contemporary block form and façade with glazing along the ground floor and brown, green, jade and light-grey coloured render at first and second floor level.

The application site is not located within a conservation area and is not a locally or statutory listed building. There are no trees subject to Tree Preservation Orders (TPO) located within the curtilage of the application site. The application site is within a Flood Risk 1 Area.

### **2. Site History**

Reference: 18/3529/FUL

Address: The Minstrel Boy, 156 Colney Hatch Lane, London, N10 1ER

Description: Demolition of the existing building and erection of a part three, part four storey building plus basement level, comprising 200sqm of flexible Class A1/A2/A3/A4 commercial use at ground floor level and 9 no. self-contained residential dwellings (Use Class C3) above. Associated parking, cycle store, refuse and recycling.

Decision: Refused and allowed at appeal.

Decision Date: Refused 14th September 2018. Appeal allowed 10th April 2019.

Reference: B/02657/08

Address: The Minstrel Boy, 156 Colney Hatch Lane, London, N10 1ER

Description: Replacement of existing entrance doors, replacement of windows to front elevation with glazed timber folding doors. Alterations to windows on rear elevation. Single storey rear extension following demolition of rubbish store. First floor rear extension.

Decision: Approved subject to conditions

Decision Date: 22 September 2008

Reference: B/02658/08

Address: The Minstrel Boy, 156 Colney Hatch Lane, London, N10 1ER

Description: Installation of 3 No. illuminated retractable awnings.

Decision: Approved subject to conditions

Decision Date: 18 September 2008

### **3. Proposal**

The original application (18/3529/FUL) as allowed at appeal (APP/N5090/W/18/3214404) on 10th April 2019 proposed the following development:

- Demolition of existing two-storey public house

- Construction of a part three, part four storey (including basement level parking) building containing A1, A2, A3 and A4 use at grade and 9.no self-contained flats above.
- 11 on-site parking spaces located at basement level
- On-site delivery zone
- 18 cycle parking spaces
- Commercial and residential bin storage
- Roof Garden

The current S73 scheme proposes the following amendments to the approved scheme:

"Amendments include reconfiguration of proposed basement and ground floor, removing all basement parking and refuse storage and relocating this to ground level and providing commercial space across basement and ground floors. Residential units revised to provide 9 x 2 beds, as opposed to 8 x 2 beds and 1 x 1 bed and minor alteration of window positions on rear elevation".

More specifically the changes can be explained as follows:

- Reconfiguration of proposed basement and ground floor, removing all basement parking (cars and cycles), ramp and refuse storage and relocating this to ground level and providing commercial space across basement and ground floors (reduction in total commercial space from 200 sq m to 179 sq m)
- Minor adjustments to parking entry point, residential entry point and bins stores along with associated adjustments to soft landscaping.
- Parking provision reduced from 11 spaces including 2 x Wheelchair Accessible spaces to 9 spaces with 2 x Wheelchair Accessible spaces.
- Residential and commercial bin stores now both have direct access onto street.
- Residential units revised to provide 9 x 2 beds, as opposed to 8 x 2 beds and 1 x 1 bed
- Internal rearrangement of units to allow for the repositioned core with a single lift to include minor alteration of window positions on rear elevation.

It should be noted that the building's external mass / envelope and its appearance will remain essentially unchanged / as previously allowed at appeal.

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

Consultation letters were sent to 250 neighbouring properties.

11 responses were received comprising 11 letters of objection. These can be summarised as follows:

- More retail is not needed
- Odour from restaurant
- Traffic problems
- Insufficient parking
- Building is out of character
- Delivery trucks would pose a hazard

- Loss of trees
- Cutaway would create a waterfall when it rains due to lack of rainwater pipes
- Development is oversized
- Loading bay could increase danger to the public using the zebra crossing

Internal Consultee Comments:

- Arboriculturalist: No objection subject to landscaping condition.
- Highways: Recommend for approval subject to conditions and informatives.
- Environmental Health: Acceptable subject to conditions and informatives.
- Thames Water: No objection.
- Fire Brigade: No objection.

## **5. Planning Considerations**

### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 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 Mayor's Draft London Plan

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

Barnet's Local Plan (2012)



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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM12, DM13 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (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 application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

## **5.3 Assessment of proposals**

### **Principle of development**

The principle of the development has previously been found to be acceptable by way of the original application (18/3529/FUL) as allowed at appeal (APP/N5090/W/18/3214404) on 10th April 2019.

The commercial space has been re-configured across ground and basement levels and the total amount of floorspace has been reduced marginally from 200 sq m to 179 sq m, however the space could still accommodate a suitable A1/A2/A3/A4 unit and as such the proposed re-configuration is considered to be acceptable.

### **Character and appearance**

The original application (18/3529/FUL) was recommended for approval on character and appearance grounds by Officers.

At Committee, members disagreed with the Officer's recommendation for approval and the application was refused for the following single reason:

"The proposed development, by reason of its mass, bulk, height, size, prominence and design would be out of keeping with, and detrimental to, the character and appearance of the site, in particular, and the streetscene, in general. As a result, the proposal would have a detrimental impact on the visual amenities of the locality and would be contrary to policies to CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and policies 7.4 and 7.6 of the London Plan (2016)"

In allowing the subsequent appeal (APP/N5090/W/18/3214404) the Inspector concluded as follows on Character and appearance:

Para 14 - "The local planning authority in their reasons for refusal expresses concern that the mass, bulk, height, size, prominence and design of the appeal development would be out of keeping with, and detrimental to, the character and appearance of the site and the wider locality. However, for the reasons outlined above I consider that the appeal development constitutes a good modern design which would improve the quality of the area and would contribute to local identity and activity."

The current S73 does not seek to change the building's external mass / envelope and its design and appearance will remain essentially unchanged / as previously approved.

The elevational changes at ground floor level and to fenestration on the rear elevation are considered to be acceptable minor material amendments.

As such, the Appeal Inspector's conclusions on character and appearance stand and the development is considered to be acceptable in this respect.

### **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

The original scheme was found to be acceptable in terms of residential amenity by Officers, Committee and the appeal inspector.

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers. The rear building line has been set in line with no.154 to provide an acceptable set-back from no.2 Sydney Road. Indeed, the proposed building form adjacent to no.154 has been sloped to further increase the set-back from no.2 and by so doing, reducing the perception of overbearing and opportunities for overlooking. The vantage points provided are considered broadly comparable to those existing at no.154 and the proposed set-back appropriate. Any redevelopment of the site that includes the demolition of the existing Minstrel Boy pub and creation of a building to a similar scale to no.154, would follow the same rear building line and present the same opportunities for overlooking as the proposed development. The proposed windows above two-storey level are located within the element of the design that slopes away from no.2. Based on the above, it is considered that the design would not result in an unreasonable level of overlooking into adjacent properties and garden, or create a sense of overbearing given the proposed scales and sloped design.

Regarding overshadowing, the applicant has provided as part of this submission, a Daylight and Sunlight Assessment that demonstrates any impact on neighbouring dwellings would comply with BRE guidelines. The assessment provides the results of a Vertical Sky Component (VSC) test that concludes, 'the effect on VSC is within the 80% guidance value in all cases. There will therefore be no adverse impact on neighbouring

residents in terms of daylight.' Based on the result of this assessment and a review of the sites orientation and proposed layout, it is considered that the proposal would not result in harmful levels of overshadowing to neighbouring occupiers.

The roof top terraces and residential and commercial plants have been sited away from adjoining properties to reduce the impact of any associated noise and disturbance on neighbouring occupiers. The roof terraces will be located behind the roof parapet wall and will be appropriately screened to the rear to protect the privacy of neighbouring occupiers.

Access to the car park is sited adjacent to no.2 Sydney Road. However, it is considered that any associated noise and disturbance is reasonable given the existing site's car park and access is adjacent to no.2.

The existing car park is at ground level and therefore the proposed ground level car park will continue the existing arrangement.

It is not considered that the proposed development would result in a harmful level of noise and disturbance associated with the comings and goings to the site. Access to the commercial use is located on Colney Hatch Lane and the local shopping parade and residential access is located on Sydney Road, a residential street. The proposed level of site occupancy is considered acceptable given the site's location within a local shopping parade, its siting on a main road and the fact the previous pub use could accommodate a large number of people during peak times. Indeed, the application site is considered a sustainable location where land use efficiency is required. The proposed units meet the minimum internal space requirements outlined in the London Plan (2016) and do so within a building envelope and to a scale considered in keeping with adjacent buildings.

Based on the above, it is considered that the impact on neighbouring occupier amenity is acceptable and given its compliance with Policy DM01, is recommended for approval on amenity grounds. It should be noted that any noise and disturbance caused during the demolition and construction phases would be covered under a Demolition and Construction Method Statement which would be secured via condition and the subject of review by both the Council's Highways and Environmental Health Departments. Other conditions will be attached to any permission relating to hours of construction and mechanical plant.

The scheme, as amended, continues to be acceptable in terms of impact on residential amenity of neighbouring properties.

### **Living standards for future occupiers**

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a two-person room. The proposed units are measured as follows:

Flat 1: 2-bed, 3-person, 1-storey - 62m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 2: 2-bed, 3-person, 1-storey - 61m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 3: 2-bed, 3-person, 2-storey - 70m<sup>2</sup> provided / 70m<sup>2</sup> required  
Flat 4: 2-bed, 3-person, 1-storey - 63m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 5: 2-bed, 3-person, 1-storey - 62m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 6: 2-bed, 3-person, 1-storey - 63m<sup>2</sup> provided / 61m<sup>2</sup> required

Flat 7: 2-bed, 3-person, 1-storey - 66m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 8: 2-bed, 3-person, 1-storey - 61m<sup>2</sup> provided (usable) / 61m<sup>2</sup> required  
Flat 9: 2-bed, 3-person, 1-storey - 61m<sup>2</sup> provided / 61m<sup>2</sup> required

All proposed units meet the minimum internal space standards stated above.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

All proposed units meet the above standard.

Room Stacking:

It is considered that the room stacking proposed is acceptable.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that all units would benefit from an acceptable level of outlook (the majority dual aspect) and daylight / sunlight provision. The applicant has provided a Daylight and Sunlight Assessment which demonstrates that each habitable room will benefit from good levels of natural light in excess of BRE guidelines.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m<sup>2</sup> of usable amenity space should be provided per habitable room. Any room at 20m<sup>2</sup> or above is calculated as two habitable rooms.

The proposed development does not meet these standards, however each flat benefits from its own private amenity terrace.

Paragraph 8.2 of the Residential Design Guidance SPD (2016) states that:

Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible.

Given the application site's location within a local shopping parade and the consequential space and design constraints, it is not possible to achieve full compliance with the above standards. However, recessed balconies and roof top gardens have been included to provide private external amenity space to all units, with balconies meeting the 1.5m depth requirements in the aforementioned design SPD. In addition to the private usable external amenity space being provided for each unit, the application site is also located around 600m from the Muswell Hill Playing Fields, which is considered an excellent amenity resource that can augment the proposed onsite amenity provision. It is considered that based on the above, the provision of usable external amenity to future occupiers is acceptable on balance.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers and consequently, this application is recommended for approval on amenity for future occupier grounds.

## Highways

The scheme as allowed at appeal proposed 11 car parking spaces within a basement level car park.

The current S73 scheme proposes to remove the basement car park and instead provide 9 car parking spaces at ground floor level.

The Highways department has assessed the amended arrangement and has concluded that the reduction from 11 to 9 spaces is acceptable on the basis that 1 space is provided for each of the residential units, that The Public Transport Accessibility (PTAL) for the site is 3 (medium accessibility) and that the site is within walking distance of local amenities.

The proposed development will provide 2 wheelchair accessible parking spaces and Electrical Vehicle Charging Points (EVCPs). Details of these will be secured via condition.

Electronically operated gated access to the ground floor parking area is proposed. The gate is set back 5.5m from the public highway allowing a vehicle to wait to open within disrupting traffic on the public highway.

The car park will only be used by private cars and not larger vehicles, therefore two cars will be able to pass/ manoeuvre around each other and there will be no need for a vehicle to reverse onto the public highway.

As the basement car park has been removed there will no longer be a need for a traffic light system however conditions will be attached requiring details of the proposed electronically operated gate to be submitted and approved. This will include details of the maintenance contract for the operation of the electronically operated gate to ensure that any faults to the system can be quickly rectified.

In compliance with Policy 6.9 of the London Plan (2016), 18 secure cycle parking spaces for future residential occupiers are to be provided in the basement, and 7 spaces are to be provided to the front of the commercial unit on Colney Hatch Lane for use by both residential visitors, and staff and customers of the commercial unit.

Refuse collection will take place direct from Sydney Road with bins stored internally and access via the Sydney Road elevation.

It is proposed that small to medium sized rigid goods vehicles will be used for commercial and residential deliveries and will park on the section of Sydney Road, on the south side, northeast of the short section of double yellow lines near the junction, as there are no loading restrictions on this road. The applicant has stated in the Transport Assessment that to avoid the possibility of this kerbside being occupied by parked vehicles a loading space would be sought between the crossover and the start of the double yellow line. The applicant has been advised that this will require a separate application made to the Highways Department. For clarity, loading vehicles will not be able to stop on Colney Hatch Lane immediately adjacent to the pedestrian crossing.

Based on the above and following consultation with the Council's Highways Department, the proposed amendment to remove the basement level car park and reduce the total number of car parking spaces from 11 to 9 is considered to be acceptable and the application is recommended for approval on highways grounds subject to conditions. It is considered that the measures taken are acceptable in view of public and highway safety and the free flow of traffic, and are in compliance with Policy DM17.

## **Refuse**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located internally to the front of the commercial units and adjacent to the residential entrance. They have been designed to provide separation between commercial and residential waste. Details of this along with the collection strategy will be secured via condition.

## **Trees**

For the avoidance of doubt, paragraph 17 of appeal decision (APP/N5090/W/18/3214404) concluded as follows on trees:

"A number of interested parties have raised concerns about the loss of two Indian Beech Trees sited to the front of the existing building towards Colney Hatch Lane. Policy DM01 criteria (k) of the DPD explains that trees should be safeguarded and when protected trees are to be felled the replanting with suitable size and species of tree where appropriate, is required. The Two Indian Beech Trees are not safeguarded through a Tree Preservation Order and the appeal proposal includes the provision of five trees along Colney Hatch Lane and Sydney Road. The local planning authority's statement explains that amongst other matters the removal of the trees did not form part of the reasons for refusal and was generally acceptable. I agree, and therefore conclude that the appeal development aligns with Policy DM01 criteria (k) of the DPD."

This position remains unchanged.

## **5.4 Response to Public Consultation**

All of the main issues have previously been assessed and found to be acceptable during the consideration of application 18/3529/FUL and the subsequent appeal; which was allowed.

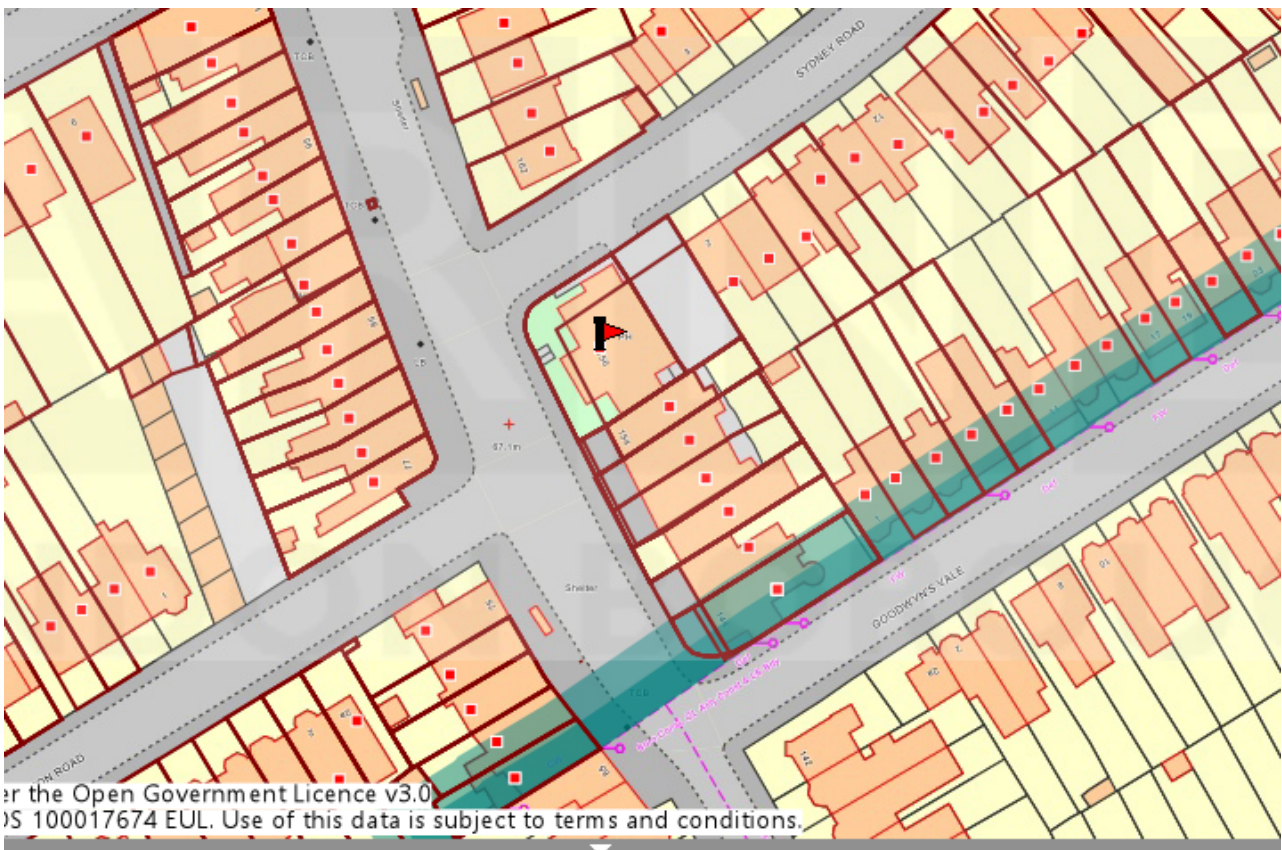
The amendments proposed by this S73 application do not change the conclusions of the previous application and appeal and the proposed scheme, as amended, continues to be acceptable when assessed against the policies of the Development Plan and relevant material considerations.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

The minor material amendments proposed by this S73 application are considered to be acceptable. The application is recommended for approval.



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**Location**                                **54 Longland Drive London N20 8HJ**

**Reference:**                            **19/4361/HSE**

Received: 6th August 2019

Accepted: 7th August 2019

Ward:                                        Totteridge

Expiry 2nd October 2019

Applicant:                                Mr Jas Kaliray

Proposal:                                    Single storey side/rear extension

**Recommendation:** Approve subject to conditions

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

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

809-51 C  
809-52 Location Plan  
809-60

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

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation, of the extension(s) hereby approved, facing North onwards to no.52 Longland Drive.

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).

**Informative(s):**

- 1 The applicant is advised that no works should take place to implement this permission until the previously permitted works within 16/6343/192 and 16/4003/HSE have been substantially completed. If implementation of this permission takes place before what is approved/made lawful has been substantially completed, this will invalidate the certificate and permission for those developments.

## **Officer's Assessment**

### **1. Site Description**

The application site consists of detached dwellinghouse situated at 54 Longland Drive within the ward of Totteridge. The site benefits from a certificate of lawfulness for "Erection of outbuilding to rear. Single storey side extension. Roof extension involving rear and side dormer window to facilitate a loft conversion" and a planning permission for a "Part single, part two storey rear extension", which are both currently under construction.

The site is not within a conservation area and is not within an area covered by an Article 4 direction. In addition, the site is not a listed building. The site sits within a TPO area. There are no other planning restrictions or information relevant to the site and the application.

### **2. Site History**

Reference: 16/1831/HSE

Address: 54 Longland Drive, London, N20 8HJ

Decision: Withdrawn

Decision Date: 13 May 2016

Description: Demolition of existing garage and erection of two storey side extension and two storey rear extension. Raising of roof height. Insertion of Juliette balcony at rear and 4 no. rooflights to side to facilitate loft conversion

Reference: 16/1836/HSE

Address: 54 Longland Drive, London, N20 8HJ

Decision: Withdrawn

Decision Date: 9 September 2016

Description: Construction of new gardens annex following demolition of existing

Reference: 16/4003/HSE

Address: 54 Longland Drive, London, N20 8HJ

Decision: Approved subject to conditions

Decision Date: 6 October 2016

Description: Part single, part two storey rear extension

Reference: 16/6343/192

Address: 54 Longland Drive, London, N20 8HJ

Decision: Lawful

Decision Date: 1 December 2016

Description: Erection of outbuilding to rear. Single storey side extension. Roof extension involving rear and side dormer window to facilitate a loft conversion

Reference: 16/8051/HSE

Address: 54 Longland Drive, London, N20 8HJ

Decision: Refused

Decision Date: 17 February 2017

Description: Roof extension involving raising of the ridge height, rear dormer window with juliette balcony, 4no rooflights to side to facilitate loft conversion

Reference: 17/4210/192

Address: 54 Longland Drive, London, N20 8HJ

Decision: Unlawful

Decision Date: 1 September 2017

Description: Erection of rear outbuilding

Reference: 17/7682/HSE

Address: 54 Longland Drive, London, N20 8HJ

Decision: Refused

Decision Date: 5 February 2018

Description: Construction of new two storey garden annex at ground floor and basement levels following the removal of the existing timber shed

Reference: 18/1383/192

Address: 54 Longland Drive, London, N20 8HJ

Decision: Lawful

Decision Date: 20 March 2018

Description: Single storey rear outbuilding

### **3. Proposal**

The application seeks planning consent for: Single-storey side/rear extension

The extension is to partially infill the currently being built side and rear extension. It will adjoin both the rear wall of the side extension and the flank wall of the rear extension.

The proposed width is approx 2.4m, the proposed depth is 1.5m and the proposed height is 3.07m.

### **4. Public Consultation**

Consultation letters were sent to 28 neighbouring properties. 22 responses have been received in objection.

They can be summarised as follows:

- o The outbuilding is being used for multiple residency. The dwellinghouse is being extended for increased occupancy and there is no infrastructure to support multiple residency
- o Overdevelopment
- o Noise from construction has been long lasting
- o Approving this application will welcome further overdevelopment
- o The extension will not blend well with the existing side extension

### **5. Planning Considerations**

#### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable

development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 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.
- Relevant Development Management Policies: DM01, DM02.

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

The proposal has been assessed to consider the impact it would have on the character and appearance of the building and surrounding area;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4, 7.6 (both of the London Plan).

The proposal is small in scale with an internal ground area of 2.5m<sup>3</sup> (external ground area of 3.5m<sup>2</sup>), but part of a larger re-development of the dwellinghouse. Barnets Residential Design Guidance 2016 outlines that side extensions should not be more than half the width of the original dwellinghouse, and rear extensions should not be more than 4.0m deep for detached properties. The size of the proposal itself is not contrary to Barnet's policies related to rear/side extensions. Resultingly, it is considered that the rear extension would not be overbearing and would appear subordinate to the original dwellinghouse. The street scene will not be altered from implementation of the scheme. The being built side extension has a pitched roof, this proposal extends to the rear of the side extension which is currently under construction with a flat roof which is considered appropriate for the scale of the extension and does not cause any adverse harm to warrant a refusal.

It is noted that the existing dwelling has had a number of extensions with some built and some still under construction. However, large enlargements to dwellinghouses are a common feature of Longland Drive properties. Examples of large rear and side extensions can be found at no.38, 78, 90 Longland Drive, amongst others. As such the proposal is not considered to be out of character with the surrounding area. This application relates to a small rear extension which would extend a further 1.5m to the rear of the side extension currently under construction.

Therefore, the proposal is deemed to be acceptable in terms of its impact of the character and appearance to the existing building and the wider area.

- The proposal has been assessed to consider the impact it would have on the living conditions and amenities to neighbouring residents;

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in

respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The neighbouring sites which have potential to be impacted upon are: no.52 Longland Drive.

The proposal joins the boundary between no.52 Longland Drive. The flank wall of no.52 is set back from this boundary by 1.0m. The side extension which is currently being built at the application site is in line with the neighbouring building line. The proposal will extend off this and protrude beyond their rear building line by 1.5m. The proposed height is 3.07m. A structure with such height and depth is not considered to cause any harmful impacts to outlook, daylight/sunlight or enclosure for no.52. There is no window proposed to the flank wall of the rear extension to elude any privacy issues.

No other neighbouring sites are at risk of potential harm due to the sitting of the proposal between the applicant site and no.52. The proposal cannot be viewed from no.50 Longland Drive and the site benefits from a large rear garden thus the amenities of the adjoining neighbour at the rear will not be harmed.

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

Most comments have been addressed in the assessment of this report.

Further objections were received in relation to possible use of the property as a house in multiple occupation or a separate dwellinghouse. It should be noted that applications of this type would require full planning permission. A site visit was conducted on 29.09.2019 whereby the officer witnessed the house is under construction and not in occupancy. There is no valid justification that the house is being used as HMO or is intended to be used in this manner.

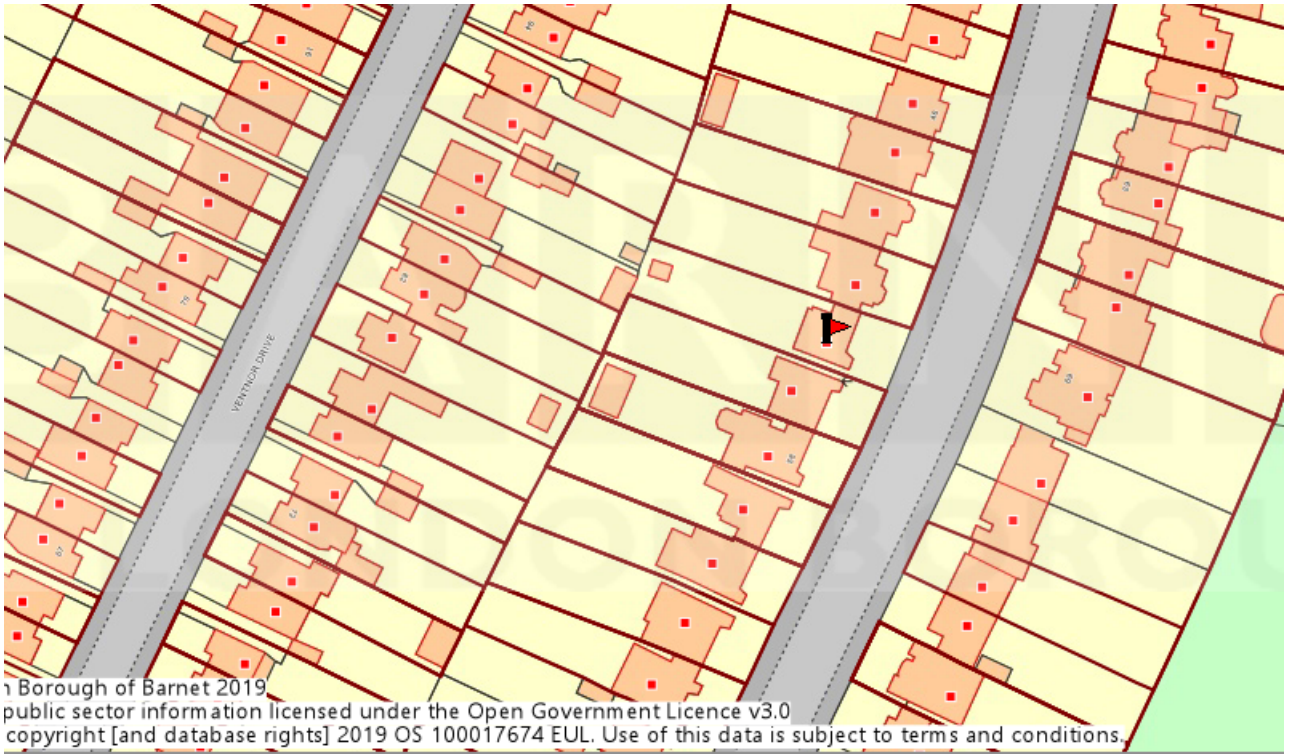
In reference to the objection about noise from construction, this is not a relevant planning consideration because it is of a temporary nature.

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

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

#### **7. Conclusion**

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





**Location**                      **30 Lancaster Road, EN4 8AP**

**Reference:**                      **19/3450/FUL**

Received: 19th June 2019

Accepted: 20th June 2019

Ward:                              East Barnet

Expiry 15th August 2019

Applicant:                      Brockley Estates Limited

Proposal:                      Additional storey at second floor level to form 4no. self-contained flats.  
Associated parking, cycle store and refuse and recycling. (AMENDED  
DESCRIPTION, PLANS AND ADDRESS)

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

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

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

Site Location Plan

Drawing 17-1300-30 - As Existing Plans

Drawing 17-1300-31 - As Existing Elevations and Section

Drawing 17-1300-32B - As Existing Block Plan

Drawing 17-1300-33C - As Proposed Plans

Drawing 17-1300-34 - As Proposed Elevations and Section

Drawing 17-1300-35C - Block Plan as Proposed

Drawing 17-1300-36 - Overlooking Distances

Transport Technical Note, Crosby Transport Planning, June 2019

Covering Letter, D Rose Planning, 18 June 2019

Design and Access Statement, sub rosa architecture

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

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

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

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

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

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

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

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

- 5 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 2015.

- 6 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 2015.

- 7 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 8 Before the development hereby permitted is occupied, 14no. car parking spaces shall be provided in accordance with Drawing 17-1300-35C - Block Plan as Proposed. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 9 Before the development hereby permitted is occupied 4 additional cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided for the 4 additional units proposed and shall not be used for any purpose other than parking of bicycles 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.

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

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

- 11 Other than the terrace areas shown and annotated on drawing no. 17-1300-33C, the remainder of the roof of the existing building and the roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a terrace, balcony, roof garden or similar amenity or sitting out area. Nor shall access be available to roof areas other than to those conducting maintenance.

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).

- 12 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).

- 13 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).

- 14 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.

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 16 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).

**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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable

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

- o 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.

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 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 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note EW, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW
- 7 The applicant must apply for a Habitual Crossing License if access is required for the construction vehicles to access the development site. The existing domestic crossover is not designed to allow access construction vehicles. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

## **Officer's Assessment**

### **1. Site Description**

The property contains a two-storey former office building that is located on the western side of Lancaster Road, within the locally significant Lancaster Road Industrial Estate as identified at Map 8 of the Development Management Policies DPD. Land uses in the surrounding area include a mix of residential, employment and community uses.

The site is directly opposite the junction with Henry Road. Properties to the south of this junction and to the south of the subject property are residential, mainly two-storey houses. These include 32 Lancaster Road immediately to the south of the subject site, which is the northern-most house in a terrace of three that also includes numbers 34 and 36. There are also three-storey flatted developments further south along Lancaster Road.

To the north and on the same side of Lancaster Road as the subject property there are a number of predominantly two-storey buildings mainly in employment use. The exception is 28C Lancaster Road, which is understood to be occupied by a martial arts association, directly to the north of the subject site. The Kings Cross - Hatfield railway is to the west of the site, forming its rear boundary. The closest railway station is New Barnet, 300 metres from the site measured as a straight line distance, and a little more by road (including pedestrian footpath). There is also a range of shops within 500m, which provide for a range of everyday needs for existing residents and workers in the area.

The site is not within a designated conservation area.

### **2. Site History**

Reference: 19/1677/FUL

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Refused

Decision Date: 15.05.2019

Description: Additional storey at second floor level to form 4no. self-contained flats. Associated parking, cycle store and refuse and recycling.

Reasons for refusal:

1. The proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

2. The proposed development fails to provide reasonable levels of outlook from habitable room windows of flats 3 and 4 and provides an inadequate quantity of private amenity space for future residents and flats 1 and 2. The proposal would therefore provide a poor quality of accommodation for future residents which would be contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD

(September 2012), and the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

3. The proposed second floor extension would, by reason of its design, siting and proximity to 32 Lancaster Road, result in overlooking and perceived overlooking detrimental to the amenities of the occupiers of this neighbouring property contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance and Sustainable Design and Construction SPDs (2016).

4. The proposal is considered unacceptable on character and highway grounds in that the proposed additional car parking on the site of the former rear garden of 43 Henry Road would have a harmful impact on the character and appearance of the surrounding area. The access arrangements are also unsatisfactory and no legal agreement has been provided to secure the use of the spaces by residents of 30 Lancaster Road. The parking beat survey results demonstrate that there is a high parking stress on roads in the vicinity of the site and therefore any overspill parking will be to the detriment of the amenities of the existing local residents contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Reference: 18/6357/FUL

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Refused

Decision Date: 18.12.2018

Description: Additional storey at second floor to provide 6no self-contained flats. Associated car and cycle parking and refuse/recycling store.

Reference: 17/6123/CON

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Approved

Decision Date: 01.11.2017

Description: Submission of details for condition 3 (Materials) pursuant to planning permission 17/3334/FUL dated 25/07/17.

Reference: 17/3334/FUL

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Approved subject to conditions

Decision Date: 25.07.2017.

Description: External alterations to building including installation of brick cladding and panels, replacement of windows, erection of new secondary means of escape and replacement of existing part pitched, part flat roof with flat roof and the creation of new vehicular access ways.

Reference: 17/3296/CON

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Approved

Decision Date: 21.06.2017

Description: Submission of details of condition 3 (Demolition and Construction Method Statement) pursuant to planning permission 17/1122/PNO dated 04/04/17.

Reference: 17/3091/CON

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Approved

Decision Date: 21.06.2017

Description: Submission of details of conditions 2 (Noise Impact Assessment) pursuant to planning permission 17/1122/PNO dated 04/04/2017.

Reference: 17/1122/PNO

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Approved subject to conditions

Decision Date: 04.04.2017.

Description: Change of use from B1 (Office) to C3 (Residential) 16 Units) (12 x 1 bed and 4 x 2 bed)

Reference: 16/4836/FUL

Address: 30 Lancaster Road, Barnet, EN4 8AP

Decision: Approved subject to conditions

Decision Date: 23.09.2016

Description: Replacement and alterations to existing windows. Replacement of existing roof

### **3. Proposal**

The application seeks permission for:

"Additional storey at second floor level to form 4no. self-contained flats. Associated parking, cycle store and refuse and recycling"

The proposal comprises an extension to provide 4 apartments (4 x 1 bed) in an additional floor over the existing two-storey building, to provide three stories of residential accommodation in all.

The existing building (ground and first floors) has been converted from B1 (Office) to C3 (Residential) 16 Units) (12 x 1 bed and 4 x 2 bed) under permission 17/1122/PNO, approved 04.04.2017.

Fourteen (14) on site car parking spaces are proposed on the site - these were approved as part of the 17/1122/PNO scheme.

#### Amendments

On 14th August 2019 the following amended and additional drawings were received:

- Drawing 17-1300-33C - As Proposed Plan
- Drawing 17-1300-36 - Overlooking Distances

Drawing 33C was amended to show enlarged terrace areas for each of the 4 flats.

Drawing 36 shows overlooking distances to the nearest neighbouring habitable room windows.

On 3rd October 2019, the following amended drawings were received:

- Site Location Plan
- Drawing 17-1300-32B - As Existing Block Plan
- Drawing 17-1300-35C - Block Plan as Proposed

The amended drawings delete the elements of the proposal relating to 43 Henry Road (removal of the crossover and parking to the rear).

On 3rd October 2019, the address of the application site was amended to omit reference to land to the rear of 43 Henry Road, the description of development was amended to delete reference to the removal of the vehicular crossover serving No. 43 Lancaster Road and the neighbours were re-consulted for 14 days (amended description, plans and address).

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

Consultation letters were sent to 69 neighbouring properties.

8 responses have been received, comprising 8 objections.

The comments received can be summarised as follows:

- Will increase on street car parking pressure
- Access is not available to rear of 43 Henry Road
- Use of land to rear of 43 Henry Road for parking would be a safety risk
- Loss of privacy / overlooking
- Noise impact
- Air pollution
- Building would be an eyesore

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable

development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 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.

### Draft London Plan 2017

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Density
- Character and appearance
- Quality of accommodation
- Residential amenity
- Highways considerations
- Environmental Health considerations
- Affordable Housing.

## **5.3 Assessment of proposals**

### Density

The density of the proposed scheme has been assessed against Policy 3.4 of the London Plan 2016 and the Density Matrix at Table 3.2 in that policy's explanatory text. The site's location has a PTAL score of 3 and the area is suburban in character.

The conversion of the ground and first floors approved by prior approval application 17/1122/PNO is now complete and provides 16 no units.

The current application proposes an additional 4 residential units (4 x 1 bed).

20 flats in total on this 0.13 hectare site equates to a density of 154 units per hectare. This density is above the London Plan density standards for suburban sites, which provide for a maximum of 95 units / ha where smaller flats are to be provided. However, density

guides should not be applied mechanistically and provided that the proposal will not result in significant detriment to the character of the area and amenity of neighbours a higher density than the London Plan's maximum can be justified.

### Character and appearance

The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. 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 development plan takes the same stance. Core Strategy Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 of the Council's Development Management Policies 2012 states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets; development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused.

Previous pre-application advice provided to the applicant has stated that a second floor extension may be acceptable in principle, however this would be subject to the extension being set in from the existing building below, particularly at the front.

Refused application 19/1677/FUL proposed a second floor extension which extended over most of the building below set back approximately 1.6m from the front elevation (apart from the central stair core which extended right to the front of the building below).

The LPA considered that the 19/1677/FUL scheme would, by virtue of its height, size, scale, bulk and massing, constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general and was refused for this reason.

The current proposal has reduced the footprint of the proposed second floor and set it back from the front elevation of the existing building below by approximately 10 metres (7.5m to front of terrace) and in from the sides by approximately 1.5m.

The proposed second floor extension will also be screened to a certain extent by the existing parapet wall surrounding the existing building.

It is considered that the reduction in footprint and setback from the front elevation of the existing building below now result in a suitable subordinate extension which will not have a harmful impact on the character or appearance of the existing building or the surrounding area and the development is now considered to be acceptable in this respect.

### Quality of accommodation

In conjunction with the conversions provided for under the 17/1122/PNO prior approval certificate, the proposals would provide 20 residential units in all.

Minimum internal space standards are set out in Policy 3.5 of the London Plan, and have also been incorporated into the Council's Residential Design Guidance SPD and Sustainable Design and Construction SPDs (both updated October 2016). Minimum



internal space requirements (including storage) are at Table 1.3 and amenity space standards are at Table 1.2 of the Residential Design Guidance SPD.

The submitted Design and Access Statement gives the floor areas of the proposed units as follows:

Flats 1 and 2 - 1 bed, 2 person, GIA 58 sq m

Flats 3 and 4 - 1 bed 2 person, GIA 57 sq m.

The proposed flats therefore exceed the minimum floor areas of 50 sq m for 1b2p flats.

The 1 bed flats have 3 habitable rooms and are therefore required to provide 15 sq m of amenity space per flat based on 5 sq m per habitable room.

Each of the flats have a terrace area of 15 sqm and the proposal is therefore acceptable in terms of amenity space provision.

Amenity space would be limited to the terrace areas with 1.7m privacy screens. Access to other areas of the flat roof would be for maintenance purposes only.

The previous concern in relation to poor levels of outlook from habitable rooms in Flats 3 and 4 has now been overcome as the timber slatted privacy screens to the north and south elevations are no longer proposed.

The proposal would provide a satisfactory quality of accommodation.

#### Residential amenity

With regards to the impact of the proposal on the amenity of neighbouring residents, policy DM01 of the Development Management Policies 2012 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. The position of the building to the north of the closest adjacent dwelling at 32 Lancaster Road and spacing between the buildings is sufficient to ensure that there would be no significant loss of light to the occupiers of that dwelling.

Previous concerns in relation to potential overlooking of 32 Lancaster Road have now been overcome by the use of angled windows and provision of a drawing to demonstrate that the distance to the nearest habitable room window is in excess of 21m. Furthermore a site visit to the roof of the existing building confirms that the existing parapet wall will provide a degree of privacy screening preventing harmful overlooking of the rear garden of No. 32. 1.7m high privacy screen will restrict potential for harmful overlooking from the amenity terrace areas.

The proposal is now considered to be acceptable in terms of its impact on the residential amenity of neighbouring residential properties.

#### Highways considerations

Policy DM17 in the Development Management Policies DPD requires 1 to 1.5 spaces per two-bedroom flat and 1 to less than 1 for 1 bedroom flats, but also recommends applying flexible standards for residential development taking into consideration the level of public transport accessibility (PTAL) and parking stress including the level of on street parking control.

Part 2 of Policy DM17 states that residential development may be acceptable with limited or no parking outside of a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

It was originally proposed to stop up the crossover to the front of 43 Henry Road to provide an additional on street car parking space, with the occupants of 43 Henry Road parking to the rear. However, there were concerns with this arrangement and it has now been removed from the application proposal.

The existing development currently provides 14 off street car parking spaces to serve the existing 16 units (12 x 1 bed and 4 x 2 bed).

No additional off-street spaces are proposed.

Based on policy DM17, the additional 4 x 1 bed flats generate a requirement for between 0 and 4 car parking spaces. The PTAL score of the site is 3 (average) and therefore the Highways department consider that the additional demand is 2 spaces.

Looking at the development as a whole (existing 16 units, plus the proposed 4 units), the parking requirement based on the PTAL score of 3 is as follows:

16 x 1 bed (0.5 spaces each) = 8 spaces

4 x 2 bed (1 space each) = 4 spaces.

Total requirement = 12 spaces.

Therefore, whilst the current proposal does not include any additional car parking spaces, the existing 14 no spaces are sufficient to serve the total 20 units on the site based on the requirements of Policy DM17.

The Council's Highways department has reviewed the application and has confirmed that the existing 14 no. off street spaces are sufficient to serve the total 20 units (existing plus proposed).

The proposed development is therefore considered to be acceptable on highway safety and parking grounds.

#### Environmental Health considerations

The Council's Environmental Health department reviewed the application and has no objection to the proposal subject to conditions relating to Noise mitigation and Construction Management.

#### Affordable Housing

The PNO proposed 16 units within the building. This current proposal is for an additional 4 units meaning that a total of 20 are proposed for the extended building. In order to avoid a situation where developers artificially sub-divide their developments in order to avoid the requirement for affordable housing, the Council would need to be satisfied that the PNO element of the scheme has been implemented, meaning that the provision of 4 units is a self-contained submission. Were this not the case, and the fact was that the 20 flats were being built out as one scheme, then affordable housing would be sought. The PNO has

been implemented meaning that this current scheme can be determined as a free-standing development and Affordable Housing is not required.

## 5.4 Response to Public Consultation

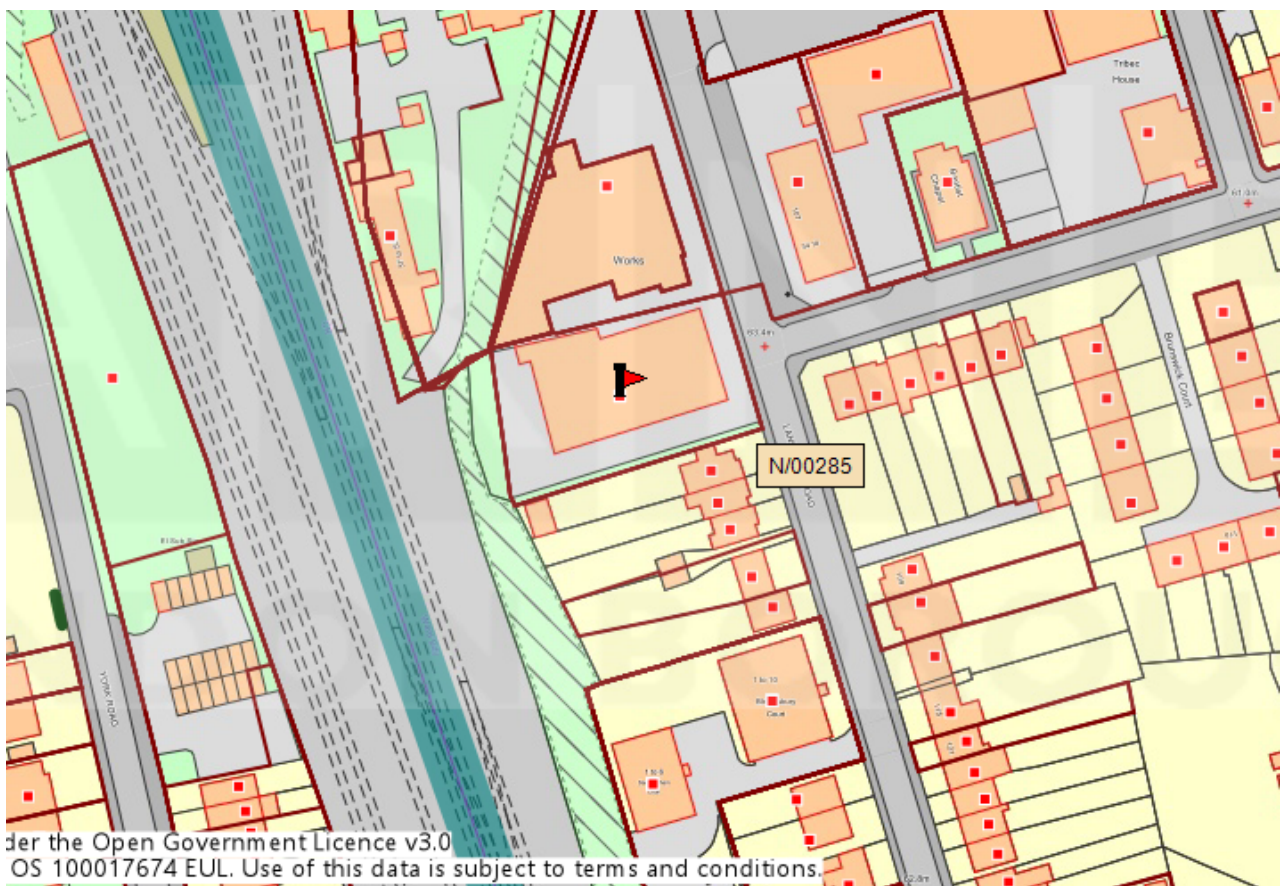
Addressed elsewhere in this report.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Recommended for approval.



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**Location** 22 Saddlescombe Way London N12 7LS

**Reference:** 19/5026/HSE

Received: 13th September 2019

Accepted: 16th September 2019

**Ward:** Totteridge

Expiry 11th November 2019

**Applicant:** Mr & Mrs Marc and Lauren Swan

**Proposal:** Part single, part two storey side/rear extension following demolition of the existing garage. Single storey rear extension. Removal of chimney breasts (amended description)

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

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

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

-SWA/SK/01

-SWA/SK/02

-SWA/SK/03

-SWA/SK/04

-SWA/SK/05B

-SWA/SK/06A

-SWA/SK/07C

-Email from agent, Mark Fage Architect, dated 25th October 2019

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

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

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

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

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

- 4 The proposed window(s) in the proposed ground and first floor side elevation facing No.23 Saddlescombe Way shall be glazed with obscure glass only and non-openable 1.7m above the rooms to which they serve and shall be permanently retained as such thereafter.

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).

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The site comprises of a two storey semi detached dwelling house situated on the north side of Saddlescombe way. The road is a cul-de-sac which is residential in character and properties are primarily of a semi detached nature.

The site is not in within a Conservation area, nor is it subject to a listed building. There are no further planning restrictions associated with the site.

### **2. Site History**

Reference: N07419

Address: 22 Saddlescombe Way London N12

Decision: Approved subject to conditions

Decision Date: 10.06.1983

Description: Single-storey rear extension

### **3. Proposal**

Amendments have been received to the initial submitted plans with the following changes:

- Removal of the hip to gable and rear dormer elements of the proposal
- The side extension has now been reduced in width to be 1m from the boundary line at first floor level and 0.5m at ground floor level.

The application seeks planning permission part single, part two storey side/rear extension following demolition of the existing garage. Single storey rear extension. Removal of the two chimney breasts to the east flank of the property.

The proposed side extension would follow the demolition of the existing garage located rearwards of the property to the east flank. The proposed ground floor element of the side/rear extension would be setback 0.3m from the principal elevation (not factoring in the front bay projection) and would be set off the boundary with No.23 Saddlescombe Way by 0.5m. It would extend for a depth of 10.7m and would have a width of 1.75m.

The proposed first floor element would be setback from the principal elevation by 2.4m and set off the boundary line with No.23 by 1m. it would extend for a depth of 7.7m aligning with the rear wall of the property at first floor level. Its width would be approximately 1.2m. The part single, part two storey side/rear extension would stand with pitched roofs of maximum height 7.4m when measured from ground level.

The single storey rear extension would abut the existing single storey rear extension and would project for a depth of 1.25m and a width of 7.2m giving a total rearward projection of 4.5m from the original rear wall. Alterations to the roof over the existing extension would marry with the roof over the proposed extension providing an overall 'lean to' roof with an eaves height of 3.15m and maximum height of 4.3m. Included would be the insertion of 3no. rooflights.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties. 6 letters of objections have been received which can be summarised as follows:

- first floor extension detracts from the consistent architectural character of the street
- flank wall at first floor level should be minimum 2m from the boundary of the site to avoid terracing effect.
- appears to be a gate at the rear of the proposal which takes access off and over the adjoining owner's land.
- block of light, sunlight and view as a result of first floor side/rear extension
- overbearing and oversized first floor addition
- driveway is designed for the use of motor vehicles
- first floor out of character from the remainder of the street.
- no permission for the application site should prejudice similar construction in the future for 23 Saddlescombe Way.
- Request that conditions be attached to any permission that appropriately manage hours of construction, noise mitigation, dust and mud containment as well as vehicle and pedestrian access for neighbouring properties.
- loss of privacy via proposed loft conversion

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 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.
- Relevant Development Management Policies: DM01, DM02.

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

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

As noted in the proposal section, amendments have been received to the proposal to address concerns raised by officers, making this scheme now acceptable;

Policy DM01 of the Development Management Policies (Adopted) 2012 states "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Residential Design Guidance SPD (adopted October 2016) states side extensions to existing buildings can be unacceptably prominent features in the street scene Where gaps between houses are a common feature of a street, then proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected. Side extensions should not be more than half the width of the original house.

The proposed extension is to be significantly less than half the width of the original property. In addition, whilst this may close some of the visual gap between the host property and the non-adjointing neighbour no.23, considering that it would be set off the boundary at first floor level by 1m and its positioning is adjacent to the paved driveway of no.23, a sufficient gap would be maintained between the two properties that would not result in a terracing effect. Furthermore, a gap of at least 2 metres would be maintained between the flank walls of the subject property and no.23 at first floor level as per that stipulated by guidance.

Residential Design Guidance SPD (2016) stipulates "First floor side extensions should normally be set back 1 metre from the front main wall of the existing house".

The proposed first floor side extension would be set back significantly from the front elevation (2.4m) reducing its prominence and visual impact from the street scene and considering its modest depth along with the set down from the main ridgeline of the dwelling affords subordination and further reduces any adverse impact as would be perceived from the street scene.

Comments raised objections to the first floor element of the proposal being out of character with the street scene and properties along Saddlescombe Way, however, it should be noted that properties located westward, at the end of the cul de sac feature sizeable two storey rear extensions and whilst it may be argued that these are situated on larger plots, they still form part and parcel of the character of the area. In addition, property no. 26 and no.3 (allowed on appeal) also feature two storey side extensions and therefore form part of the character of the area. As such, factoring in the amendments received for this proposal in conjunction with the existing enlargements along the road, it is not considered that the proposal would be out of keeping with the character of the area and would have an acceptable impact on the appearance of the host property and neighbouring properties when viewed from the street scene.

The proposed single storey rear extension would have a resultant depth of 4.5m from the original rear wall of the dwellinghouse, whilst this is larger than what guidance stipulates given the form of other rear extensions along Saddlescombe Way, it is not considered to detract from the character of the area and deemed to be of an appropriate size and scale in relation to the host dwelling house. In addition, this element of the proposal would not be visible from the street scene.

The removal of the two chimney breasts to the east flank of the property are deemed acceptable.

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

Development Management Policies (Adopted 2012) in section 2.7.1 states: "It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook."

Due to the location of the proposed side extension there would be no affect or harm to the amenity of the adjoining neighbour no.21.

To the side facing no.23, a distance of more than 2 metres would be maintained between the respective flank walls and therefore it is not considered to result in a detrimental impact to this neighbour. The present windows on the flank wall of no.23 that would face the proposed extension do not serve habitable rooms and whilst this may reduce some natural light/sunlight to these windows, it would be to an acceptable level considering the above. In addition, no.23 is situated to the east of the application site and therefore any loss of sunlight would be limited to the afternoon hours and to an acceptable degree.

Windows proposed on the side elevation at both ground and first floor levels facing No.23 would be conditioned to be obscure glazed and non-openable 1.7m above the floor to which it serves in an effort to ensure privacy is maintained. This too has been confirmed as such in an email from the Agent.

Whilst the extension may impede the full use of the no.23's side driveway for vehicle parking, the proposal would be built within the curtilage of the application site and therefore acceptable in this respect.

In relation to construction hours and the like due to the smaller scale nature of the scheme, a condition will not be necessary to restrict construction hours, however, the applicant is advised the construction works would need to comply with the standards set out by the Environmental Health Department.

The side extension would not harmfully impact neighbouring residents on the adjacent side of the road due to distance at hand.

The proposed single storey rear extension would project approximately 1.25m past the rear building line of no.21 and therefore is not considered to result in a harmful impact to this neighbour.

A distance of 2.5m between the single storey rear extension and boundary line with no.23 would be maintained and the extension would also be largely buffered by the existing garage at no.23 and as such not considered to harm the residential amenities of this neighbour.

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

Mainly addressed in the body of the report.

-Appears to be a gate at the rear of the proposal which takes access off and over the adjoining owner's land.

Matters relating to ownership of land are not planning related matters

-No permission for the application site should prejudice similar construction in the future for 23 Saddlescombe Way.

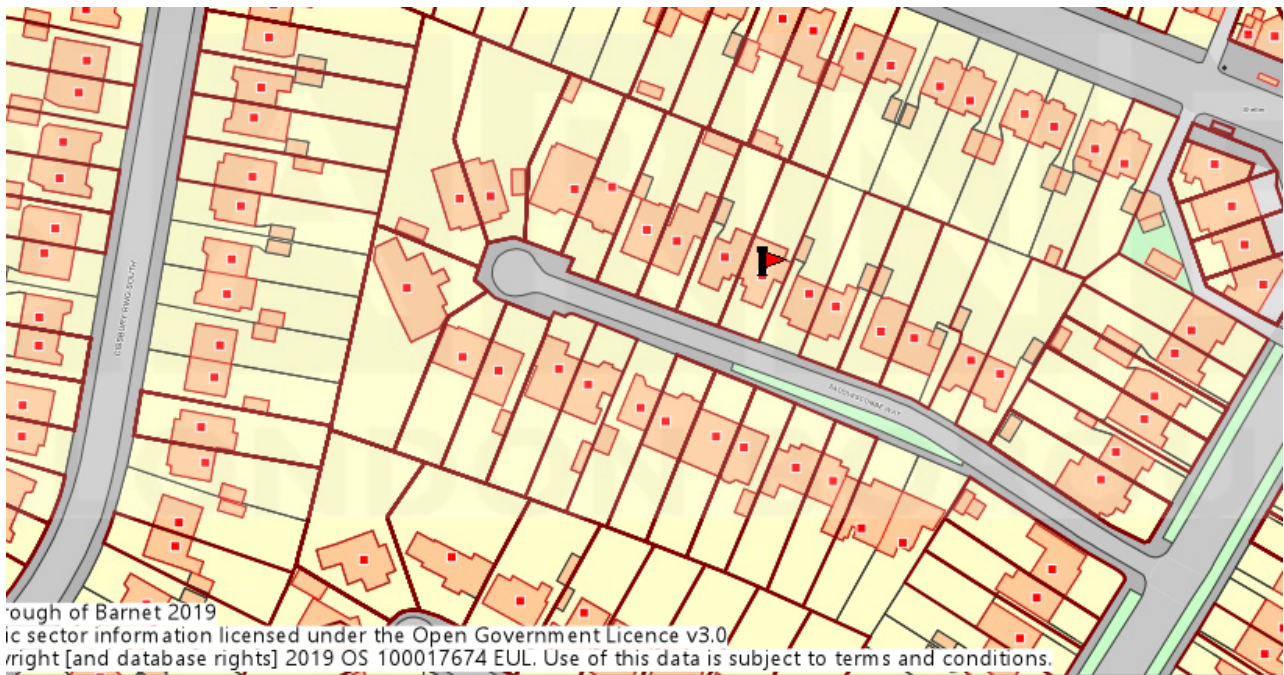
Each application would be judged on its own individual merits.

## 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

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



josh

**Location** Woodside Park Underground Station, Station Approach London  
N12 8SE

AGENDA ITEM 12

**Reference:** 19/4293/FUL

Received: 2nd August 2019

Accepted: 13th August 2019

**Ward:** Totteridge

Expiry 12th November 2019

**Applicant:** Pocket Living Woodside Limited

**Proposal:** Redevelopment of site to provide 86 affordable self-contained flats (Use Class C3) within 2 x five storey blocks including roof terraces with associated amenity space, hard and soft landscaping, refuse storage, cycle parking and wheelchair accessible car parking

**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 units**

All units shall be affordable adhering to the following obligations below:

- Units to be marketed for the first three months of marketing to those that meet the Mayor's income threshold for intermediate housing (as updated on an annual basis in the London Plan Annual Monitoring Review) and live or work within the Borough. After this point (i.e. after 3 months from point of initial marketing) it will then be offered without further restriction to those who meet the London-wide eligibility criteria as set out in the Mayor's Housing Strategy.

- Marketing Plan with the Council prior to first marketing and initial sales;

- The sale of dwellings to eligible persons for no more than 80% open market value;

4. **Controlled Parking Zone (CPZ Review and Implementation)**

Contribution of £45,000 towards the review and Implementation of CPZ

5. **Residential Parking Permit Restrictions**

Contribution of £2,022 towards amending the Traffic Management Order (TMO) to prevent future occupiers from obtaining a parking permit in the event the CPZ is implemented.

6. **Travel Plan and Monitoring**

Within 3 months of occupation, a Residential Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car travel modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan.

Contribution of £5,000 towards monitoring of Travel Plan.

7. **Car Club Provision**

Contribution of £5,000 towards implementation of an on-street car club bay and a car club scheme for the site and free 3 years car club membership for all occupants of the development

8. Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council.

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

9. **Carbon Off-set**

A carbon offset contribution of £70,601.89

10. **Section 106 monitoring**

A contribution of £2,646.06 towards the monitoring of the S106 agreement.

## 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:

- 0001 (Site Location Plan)
- 0002 (Existing Site Plan)
- 0003 (Block Plan)
- 0200 Rev A (Proposed Ground Floor Plan)
- 0201 (Proposed 1st - 4th Floor Plan)
- 0202 (Proposed Roof Plan)
- 0301 (Proposed Floor Plans Building A)
- 0302 (Proposed Floor Plans Building B)
- 0500 (Contextual Sections)
- 1400 Rev A (Building A Elevations West)
- 1401 Rev B (Building A Elevations North & South)
- 1402 Rev B (Building A Elevations East)
- 1403 Rev A (Building B West)
- 1404 Rev B (Building B Elevations North & South)
- 1405 Rev A (Building B Elevations East)
- 1406 Rev A (Proposed Contextual Elevations 1)
- 1407 Rev A (Proposed Contextual Elevations 2)

- PLL-WPB HTA-L 00 DR 0904 (Levels and Falls Plan)
- 31114/AC/020 (Swept path analysis of 10.5m refuse vehicle turning within site)
- C-001 P01 (Flood Flow Paths)
- Greenfield runoff estimation for sites
- Storm Sewer Design

- Arboricultural Impact Assessment and Method Statement
- Air Quality Assessment
- Construction Logistics Plan
- Contamination Assessment
- Daylight & Sunlight Report (Neighbouring Properties)
- Daylight & Sunlight Report Addendum (Neighbouring Properties)
- Daylight and Sunlight Study (within Development)
- Design and Access Statement
- Drainage Strategy
- Ecological Impact Assessment
- Energy Statement
- External Lighting Strategy
- Heritage Statement
- Heritage Statement Update
- Landscape Masterplan
- Noise and Vibration Assessment
- Parking Note

Phase 1 Environmental Study  
Planning Statement  
Planning Addendum  
Planting Strategy  
Travel Plan  
Tree Report

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

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

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

- 3 a) Before the relevant parts 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) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4 a) No development or site works shall take place on site until a '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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

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

- 5 a) Before the relevant part commences 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 Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy prepared by Whitby Wood (ref: P4500195-REP-001) dated February 2019 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 7 a) The submitted Air Quality Assessment shows that the site does not conform to the air quality neutral benchmark for building emissions. A scheme to mitigate offset the excess emissions of 17.3 kgNO<sub>x</sub>/yr shall be submitted to and approved by the Local Planning Authority prior to occupation of the 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.

- 8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy 7.15 of the London Plan 2016.

- 9 The level of noise emitted from ventilation/ extraction plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

- 10 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.

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

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

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 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 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 have been submitted to and approved in writing by the Local Planning Authority.

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

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

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 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 17 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.

- 16 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.

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

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

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

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

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

19 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).

20 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.

21 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

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

22 The development shall proceed and be carried out in strict accordance with all the findings and recommendation of the Ecological Impact Assessment (ACD Environmental, 10.07.2019), including mitigation measures, ecological enhancements and proposed lighting strategy

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).

- 23 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

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

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

- 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 37% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the

Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

- 28 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 how such building or such parts of a building seek to apply the principles of Secured by Design'.
- b) 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.

- 29 a) Prior to the commencement of the development hereby permitted, a reptile survey shall be undertaken by an appropriately qualified person and a survey report shall be submitted to, for the written approval of, the local planning authority, which shall include details of mitigation measures in the event that reptiles are found.
- b) Mitigation shall be carried out, where necessary, in accordance with the approved details.

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).

- 30 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a parking layout plan showing the exact dimensions of the proposed two disabled parking spaces on Station Approach shall be submitted to and approved in writing by the Local Planning Authority. Should a person eligible for a blue badge purchase a residential unit within the development hereby permitted these parking spaces shall be made available and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 31 The applicant shall carry out a "before" and "after" condition survey of the agreed route (i.e. 50m distance from the site entrance to the west of Woodside Park Underground Station) to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the



commencement of the development. The "after" survey shall take account of ongoing construction works along Holden Road and be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority or where this relates to Station Approach, by Transport for London. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey, which is a result of the development hereby approved and not caused by other construction works within the vicinity of the site, shall be implemented as approved following completion of the development.

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

### RECOMMENDATION III:

That if the above agreement has not been completed or Section 106 agreement has not been submitted by 31.01.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. 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).
2. 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.
3. 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a->

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

- 6 The submitted Construction Method Statement shall include as a minimum details of:
- Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - For major developments only: confirmation that all Non- Road Mobile Machinery (NRMM) comply with the Non- Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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.

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

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

9 The applicant is advised of the following ecological advice matters:

Slow-worm and hedgehog are known to utilise residential gardens, therefore, to assure they can attain access to the proposed soft landscaping it is recommended that each stretch of boundary fencing has a 5sq" hole cut at the base so as not to reduce connectivity for these species in the local area;

Climbers such as jasmine *Jasminum officinale* and honeysuckle *Lonicera periclymenum* are to be planted on boundary fences and proposed properties to provide additional value for invertebrates and foraging bats. The planting strategy supplied by hta and includes a wildflower meadow and native shrub planting should be undertaken.

Three Terraced Sparrow Boxes or Schwegler 1SP Sparrow Terrace Boxes (dependent on whether integrated or external fixtures are preferred) are to be installed. The boxes are to be installed on properties, facing north or east exclusively, and at least 3m from the ground, away from window ledges; o One Habibat Bat Box or similar is to be installed. This box is to be installed on properties, facing north or east exclusively, and at least 3m from the ground, away from window ledges; and At least three discrete Bug Boxes<sup>24</sup> are to be installed along the western boundary tree

line, within the proposed shrub planting, and well hidden from the public to prevent vandalism.

Additional hibernacula can be incorporated into the proposals in the form of wooden compost bins that provide opportunities for slow-worm to enter/egress and one large hibernaculum situated at the south site boundary.

## **Officer's Assessment**

### **1. Site Description**

The proposal site is located on a narrow section of land to the south-west of Woodside Park London Underground Station. It measures approximately 0.25 hectares (Ha) and was previously used as a storage facility with a number of shipping containers and other storage. The southern part of the site was previously occupied by 2no single storey buildings and were utilised and occupied by St Barnabas Church. The site has now been cleared and the buildings removed.

The site is accessed via Station Approach, off Holden Road to the north of the site. The eastern boundary of the site is bounded by the underground tracks, with the western boundary backing onto the back gardens of Holden Road and the former St Barnabas Church building.

The topography of the site is such that level falls by 4 metres from north to south and falls from the eastern boundary where the railway line is elevated by approximately 3 metres.

The site has a Public Transport Accessibility Level (PTAL) of 3 and is located adjacent to Woodside Park Station (underground/ TfL). North Finchley Town Centre is located approx. 500 metres to the east.

The site is located with the ward of Totteridge and is not located within a conservation area not within the setting of a listed building. The site is located in Flood Zone 1. There are two Locally Listed Buildings adjacent to the site; Woodside Park Tube Station to the north-east and St Barnabas Church to the south-west.

There is 1no tree on the corner of the proposed new access point and Station road which is safeguarded under a Tree Preservation Order (TPO).

### **2. Site History**

Reference: 19/1809/FUL

Address: Woodside Park Underground Station, Station Approach London N12 8SE

Decision: Refused

Decision Date: 31.07.2019

Description: Redevelopment of site to provide 86 affordable self-contained flats (Use Class C3) within 2 x five storey blocks including roof terraces with associated amenity space, hard and soft landscaping, refuse storage and cycle parking.

### **3. Proposal**

Planning permission is sought for the erection of 2no. five storey buildings comprising 86 one-bedroom one-person residential units (Use Class C3), with associated communal and private amenity space, cycle store and refuse, recycling stores and capacity for two wheelchair accessible parking spaces.

The proposed scheme is classified as affordable housing under the National Planning Policy Framework (NPPF) and will be delivered by Pocket Homes, who are a private developer providing intermediate affordable housing. The Pocket model will be explained in further detail in the affordable housing section of the report.

The proposal comprises of two buildings (A and B) which would both be 5 storeys in height, with the top storey being slightly recessed. The building would be constructed from predominately red brick corbelled brick on the top floor of both buildings. Large floor to ceiling windows would be provided to serve the living area and bedrooms of each unit and to the communal areas. Juliet balconies would be provided only along the northern elevation facing onto Station Road.

The development proposes a series of communal outdoor spaces through a central courtyard between the buildings and separate roof terraces on top of each building. In addition, new and improved landscaping is proposed along the east and western boundaries.

The site entrance to the north would be retained and improved, leading down to the central courtyard where the entrances to both buildings are located. The necessary plant and refuse stores are located to the east façade to provide as much active frontage to the entrance and courtyard.

The scheme would provide the ability to provide two wheelchair accessible spaces if required and bike stores accommodating 90 cycle spaces would be provided.

The application has been amended during the course of the application to include the following changes:

- Use of warmer, redder brick colour, similar to that used for St. Barnabas Church;
- A lighter band of soldier course at every level, reflective of the stone horizontal bands;
- Vertical Soldier courses after every two windows, reflective of the vertical buttresses;
- Corbelled brick to the upper level like the corner of the station roof eaves.

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

Consultation letters were sent to 345 neighbouring properties. 45 responses have been received, comprising 34 letters of objection and 11 letters of support.

Following the submission of amended plans, a period of re-consultation was undertaken. 4 responses have been received, comprising of 4 letters of objection.

The objections received can be summarised as follows:

- Contrary to Barnet's Core Strategy and Development Management Policies and Residential Design Guidance SPD;
- No substantial changes to previous application;
- Overdevelopment and density out of scale;
- Excessive height which is not in keeping with the surrounding area;
- Design and external appearance is not reflective of surrounding area;
- Overprovision of flats in this area;
- Impact on the setting of the locally listed St Barnabas Church and Woodside Park Station. Loss of view of the church from the station;
- Not affordable units;
- Provide poor amenity and quality of life for future residents;
- Loss of neighbouring amenity;
- Overlooking;
- Loss of outlook;



- Reduction of daylight / sunlight levels;
- Increased noise and pollution;
- Cumulative impact with nearby developments under construction;
- Holden Road is already at capacity in terms of parking, access and thoroughfare;
- Traffic is a constant problem with restrictive street parking;
- Disagree that the future occupier will have no cars;
- Disruption construction period;
- Additional congestion;
- Disabled residents will continue to be discriminated against;
- Impact on existing trees;
- Strain on local infrastructure;
- No benefit to existing community;

The letters of support received can be summarised as follows:

- Plans are sympathetic to the character of the local area and redevelop poorly used land in a sustainable location for affordable housing;
- Take advantage of the underused and unkempt land beside the station;
- Provision of much needed affordable housing;
- Important to provide homes to own for people on moderate incomes which will people to stay in the borough;
- Hard to become a home owner in the borough;
- Allow people on moderate incomes to stay in the borough; and
- The site is extremely well served by public transport.

An objection has been received from **Theresa Villiers MP** who comments:

*"Following the refusal of the previous application relating to the development of the above site, I have been informed that a further application to develop this land has been submitted.*

*However, while I understand that the new plan addresses one of the reasons for refusal, I remain concerned about the proposals because they are still an overdevelopment of the site and out of style and character with the area.*

*The developers state that the development will be car-free, with the exception of 2 wheelchair accessible car parking spaces, aiming to encourage future residents to travel to and from the site using sustainable modes of travel. While this is a laudable aim, I find it difficult to believe that the majority of residents will be content to use a bicycle. How will this be enforced?*

*Therefore, I believe that my comments on the previous application about the parking pressures in the local vicinity are still relevant. Additionally, given the fact that the number of residential units has not been reduced, I remain opposed to the development of this site and believe that the application should be refused."*

#### Responses from External Consultees

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

I do not wish to object to this specific proposal but if planning is approved and due to comments raised, I would respectfully request the inclusion of a planning condition whereby this proposal must achieve Secured by Design accreditation prior to occupation.

## **Thames Water**

With regard to Foul Water sewage network and surface water infrastructure capacity, we would not have any objection to the planning application.

## **Transport for London**

### Noise and Vibration

The site adjoins Woodside Park Underground Station, which is served by the northern line. Draft London Plan Policy D12 makes reference to the Agent of Change principle, which places responsibility for mitigating the impacts from existing noise-generating activities or uses on proposed new noise-sensitive development with the applicant/developer. TfL cannot be responsible to the tenant or anyone using the land for any nuisance, disturbance, annoyance or inconvenience (howsoever caused) arising in consequence of or in relation to the operation of the Transport Undertaking or anything arising from this station. Therefore, the applicant will need to demonstrate to TfL how this development will comply with this policy.

Taking the above into consideration, TfL request that approval at this site is conditional on entering into an agreement requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network. The tenant cannot limit or affect the rights of TfL to deal with its adjoining land and Transport Assets or be entitled to make any objection or complaint in respect of any noise, vibration or discharge or any electromagnetic disturbance from the Transport Assets arising from the operation of the Transport Undertaking. It is considered that the Noise and Vibration assessment should be revised to include an allowance for future worsening (night time operation and track ageing).

It is useful to highlight that since the previous application; the applicant has been engaging with TfL on the above matter and have committed to entering into an agreement to protect TfL from future claims regarding noise from transport operations and maintenance at Woodside Park. This agreement should be secured through condition. Furthermore, Pocket have also confirmed that the design of the building will make allowances for current noise levels and potential future increases due to 24 hour running and track ageing to ensure that the new homes are comfortable and reduce the probability of complaints being raised.

Any items placed within 3m of the boundary should be easily removable for maintenance of the boundary fence and TfL structures. TfL are concerned about the management of the façade facing the railway. Further information on how this will be maintained needs to be provided, and agreed with TfL.

### Car Parking

The proposed development will be car-free, with the exception of two wheelchair accessible car parking spaces which could be provided if the need arises. Draft London Plan Policy T6 requires the starting point for all proposals in places that are well connected by public transport to be car-free. While the site is in an area of PTAL 3, it is immediately adjacent to Woodside Park Underground station, which provides access to Northern line services. This provides direct connections to a range of destinations including Finchley Central, Archway, Camden Town and central London along both the Charing Cross and Bank branches. The station also offers Night Tube services, while the amenities of North Finchley town centre are within walking distance.

Given the proximity of the site to the station and the connectivity this offers, the proposals for no general car parking are strongly supported and is considered to be in line with the aims of the draft London Plan and the Mayor's Transport Strategy. The development should be supported by the implementation of a CPZ in the area surrounding the station to ensure that car-dominance is not increased in line with the Healthy Streets approach. This should be secured through condition. Residents of the development (other than Blue Badge holders) should not be eligible to apply for parking permits. This should be secured via an agreement under section 16 of the Greater London Council (General Powers) Act 1974.

Two disabled car parking spaces are proposed to serve the development, which is an increase in provision from the previous application. The draft London Plan policy requires spaces for three percent of dwellings from the outset, which in this case would round up to three spaces. TfL acknowledges the site is significantly constrained by the railway line, associated operational infrastructure and space for servicing which limits the options for the additional space to be provided on site. Given that any alternative proposals would not be able to provide an additional space, the scheme's high level of affordable housing is likely to outweigh any dis-benefits from not providing the space from the outset. Consideration should also be given to the probable occupier profile of the proposed development, which has been identified within the applicant's Planning Statement (Chapter 6). However, the applicant should closely monitor demand for the two spaces, and, should they both be in use, engage with TfL and Barnet to explore options for further provision, such as reviewing operational practices around the station to release land or providing a further space on-street. One space should provide an electric vehicle charging point, with passive provision for the other space. This should be secured through condition.

#### Cycle Parking

TfL notes that 86 long stay cycle parking spaces and 4 short-stay cycle parking spaces are proposed to serve the development. This is in accordance with draft London Plan policies and is welcomed. All cycle parking on this site should be designed in accordance with London Cycling Design Standards (LCDS), with at least 5 per cent of spaces being able to accommodate larger cycles.

It is noted that there is no change in the location of cycle parking since the previous application. Sufficient justification was provided as to the location of cycle parking as part of the applicant's response to TfL's comments on the previous application.

#### Responses from Internal Consultees

##### **Arboricultural Officer**

There are no Arboricultural reasons to object to this application and the development is in accordance with local planning policy DM01.

##### **Affordable Housing**

The development is supported by the Council's Director of Growth and Head of Housing Strategy, Growth & Development and therefore the development is supported from an affordable housing basis.

##### **Drainage / SUDS**

No objection subject to a condition requiring the submission of a surface water drainage scheme.

## **Ecology**

This EclA report has set out mitigation aimed at ensuring no net loss in biodiversity and no adverse effects on protected species, to support the planning application. The mitigation will ensure compliance with relevant legislation and policy. The recommended enhancements in the form of wildflower meadow creation, new tree and hedgerow planting, wildlife beneficial borders, compost bins and bat and bird boxes will provide a net gain biodiversity in accordance to NPPF and Local Planning Policy.

## **Environmental Health**

### Air Quality

Due to the size of the site it is necessary to have a number of extra air quality conditions.

The site is next to a busy tube line railway. It is relatively far away from road traffic and other noise/ air sources of pollution. The taxi rank Abetta cars does operate all night and has received complaints of noise. A noise report is conditioned.

I have read the air report. This has been carried out already and the scheme has been found to be compliant with benchmarks for travel but exceeding benchmark for heating; therefore, a detailed scheme of mitigation is advised within the report' conclusion, but not provided in detail. Otherwise, the report is acceptable. Therefore, I am still including a condition for air quality neutrality assessment because although the results are available there has been no detailed mitigation which will need to be added to the updated report. I have also included a condition for the CHP assessment and air quality report but this does not need to be updated.

### Noise

Conditions will be attached to ensure the concerns relating to noise in the vicinity from the trains are addressed.

## **Conservation Officer**

It is not felt that the proposed changes to the materials and appearance of the blocks can be considered, in any way, to have overcome the Committee's grounds of objection in relation to height, scale, massing and bulk. It is still considered that it would detrimentally harm the setting of the Locally Listed Church. It is not felt that the submitted heritage statement fully recognises or appreciates the significance of the historic relationship between the church and Underground Station. As such, the previous comments provided by the heritage team on the original application (19/1809/FUL) still stand.

## **Highways and Development**

Highways advise their preference is for on-site parking to be provided. However, if minded to recommend approval, then a proposed package of mitigation measures should alleviate any potential displacement problems.

## **Highways and Development - Travel Plan**

The Travel Plan for the proposal is acceptable and as a result is considered satisfactory for use. The applicant will be required to provide a £5K Travel Plan Monitoring Fee to be secured under section 106 agreement.

## 5. Planning Considerations

### 5.1 Policy Context

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2016

The London 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 draft London Plan has undergone an Examination in Public with the Panel's recommendations and report published in October 2019. As such the Draft London Plan now carries significant weight and is a material consideration in the determination of planning applications.

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS12, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17.

#### Supplementary Planning Documents

- Affordable Housing (2008)
- Delivering Skills, Employment, Enterprise and Training (SEET) from development through S106 (2014)

- Green Infrastructure (2017)
- Planning Obligation (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;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing site, 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 and parking; and
- Other material considerations.

## **5.3 Assessment of proposals**

The previous application (19/1809/FUL) was refused by the Chipping Barnet Area Planning Committee on 15th July 2019 for the following reasons:

1. The proposed development in particular 'Block B' by reason of its massing, excessive height, close proximity to St Barnabas Church and its extensive depth across the entire rear elevation of the Church Building would detrimentally harm the setting of the Locally Listed Building. Furthermore, the proposed building would significantly obscure the rear elevation of this non-designated heritage asset when viewed from the Northern Line and be visually obtrusive when viewed from Holden Road contrary to policies 7.4, 7.6 and 7.8 of the London Plan, policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012) and paragraph 197 of the National Planning Policy Framework 2019.
2. The proposal would provide no-off street parking or disabled provision to serve the proposed development. This would result in additional kerbside parking to the detriment of highway and pedestrian safety and the free flow of traffic, contrary to policy 6.13 of the London Plan and policies CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012) and policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

### Principle of development

Whilst the site was previously used for a series of ancillary uses (storage and parking), the surrounding area is predominantly residential with a variety of detached and semi-detached properties as well as purpose built flatted buildings. Taking into account the predominate residential character of the area, it is considered that subject to relevant planning policy considerations, the principle of new residential development as the land use is acceptable on this site.

## Housing Tenure and Mix

Barnet Policy CS4 aims to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes.

Policy DM10 requires 40% of housing provision to be affordable from all new sites providing 10 units. In line with the Core Strategy the tenure mix of affordable housing which will be sought is 60% social rented and 40% intermediate.

All the units proposed would be one bedroom and all offered at intermediate tenure for discounted sale. It is recognised and acknowledged that the proposal does not comply with policy DM10, however Officers have been in dialogue with the Council's Housing team who have confirmed that the model proposed by Pocket would be acceptable to the Council as affordable housing, as well as the proposed tenure mixture.

Pocket homes are all designed to be one-bedroom units for first time buyers. Taking this into account, the proposal would contribute to the Borough's housing stock and would consist of 100% affordable housing which is a significant positive aspect of the scheme. In addition, it is considered that one bed units would be appropriate in this location, adjacent to the underground station.

It is recognised that policy 3.8 of the London Plan concerning housing choice requires that 10% of new housing should be designed as wheelchair or easily adaptable for wheelchair users. Within the proposed scheme this would equate to the provision of 8 wheelchair units, however Pocket has advised it is not proportionate to the evidenced level of demand. Within the submitted Planning Statement, it states that Pocket has provided a number of wheelchair units in the majority of its developments, however, no Pocket units in all developments to date, have been sold to a wheelchair user despite best efforts in the marketing process. Pocket consider that this is principally due to the demographic of typical Pocket purchasers which is between 25 and 40; in this age range the requirement for part M4(3) wheelchair user dwellings is at lowest. Nevertheless, all the proposed units would be finished to M4(2) accessible and units can be altered in the future should the circumstances change in the future. Both buildings would be step free and have internal lift access to all levels.

## Affordable Housing

As stated earlier, Pocket are a business dedicated to the provision of affordable homes in London. Pocket is a private developer that provides intermediate affordable housing delivering homes for first time buyers on an moderate wage in London.

Pocket builds an innovative form of affordable housing in London which does not require public subsidy. Housing affordability is secured in perpetuity through a Section 106 legal agreement requiring purchasers to demonstrate that their income is below the eligibility threshold designated by the Mayor of London for intermediate affordable housing. Pocket units are by definition affordable housing in accordance with the definition contained within Annex 2 of the NPPF. Pocket builds principally one-bedroom apartments that are designed specifically for single occupiers who want to own their homes outright. A 20% discount to the open market price for comparable flats in the same area is applied on the initial sales of Pocket homes. Pocket homes are sold to local people who either work or live in the Borough in the first instance.

Unlike conventional shared ownership and shared equity products whereby buyers increase their stake by 'stair-casing'. Pocket buyers own 100% of the equity and the value of their home from day one. Pocket's homes are restricted on resale to buyers with eligible household income (as designated by the Mayor of London) through Pocket's bespoke Section 106 legal agreement and this restriction is also enshrined in lease covenants. Priority is given to those who already live or work in the relevant borough; people on any intermediate nominations list operated by the Council; or who are otherwise approved by the Council. Pocket's homes therefore remain part of the intermediate housing stock in perpetuity.

On resale the Section 106 covenants require a vendor to sell the Pocket home to an 'eligible person' this is a person with an income below which the Mayor of London has deemed should be afforded the opportunity to buy intermediate affordable housing. The administrator supervises the sale and certifies that the purchaser is an eligible person. There are also restrictions on renting out the units. Restrictions mean that the units can only be bought by eligible persons and also effectively mean that the price at which they are bought and sold is below the price at which they would otherwise reach on the open market.

Pocket homes therefore qualify as affordable housing under both the current NPPF and London Plan and the draft London Plan because the homes satisfy the three key criteria contained within the definition of affordable housing:

- Restricted Eligibility;
- Provision to remain at an affordable price; and
- Cost Below Market Level

#### *Restricted Eligibility*

All buyers must have a household income below the Mayor's maximum household income threshold (currently £90,000). However, the average Pocket purchaser has a household income of £42,000. For resales the restriction on eligibility remains in place through the S106 agreement.

#### *Provision to Remain at an Affordable Price*

The lease for all Pocket homes includes conditions that oblige owners to follow the same eligibility rules when selling (or in exceptional circumstances renting) their home. Mortgage providers will not release their security to allow a sale to proceed unless Pocket, as Administrator, has issued a legal certificate confirming that the buyer is 'eligible'. This condition is relaxed only in the event the property has not been sold within 6 months of first marketing, and the eventual buyer is bound by the same restrictions on resale. In practice, all re-sales of Pocket's units to date have been to qualified eligible buyers, and Pocket considers that referrals from Councils' Housing Departments will ensure that this applies to most if not all future sales.

Through these conditions Pocket will ensure its homes remain affordable in perpetuity. It is anticipated that only rarely will the units be sold on the open market; however, this has not occurred once to date. This on-going requirement distinguishes these units from shared equity or shared ownership homes, whose buyers can over time acquire additional equity (so-called "stair-casing") until they own 100% and are no longer subject to any resale restrictions. In those circumstances any grant is repaid or eventually recycled by the original developer or Registered Provider but those homes, unlike Pocket's units, are forever lost to the intermediate housing stock.



### *Cost Below Market Levels*

Pricing for the units is agreed with a valuer before they are released onto the market. Pocket commit to a discount of 20% to the local open market value for equivalent homes on the first sale. The open market value is set by an independent valuer assessing the local market values and can be supported by further valuations by other surveyors if queries are raised. Secondary sales do not include a fixed discount; however, the aforementioned restrictions imposed on the sale do remain in perpetuity. When an owner decides to sell their home, they appoint an independent valuer to determine the sale price. The valuer will have regard to the restrictions ensuring the units sell for below market value.

### *Restrictions to Borough Residents*

Whilst not a formal requirement of meeting the definition of affordable housing, Pocket often applies a further restriction on the sale of its home to local residents or people who work in the borough. Thus, applicants must also either live or work in Barnet to be eligible for a Pocket homes.

The key benefit of this restriction is that it reduces demand on local transport, health and community infrastructure. This also enables people to stay in their communities.

### Design, Layout and height

The proposal comprises of two roughly rectangular footprints with a centralised landscaped courtyard. The buildings would occupy a large proportion of the site but it is considered that there is sufficient space between the adjacent boundaries to provide appropriate setting for the proposal. In addition, there is sufficient space for considerable new landscaping along all the site's boundaries.

At ground floor level, the majority of rooms which would face onto the entrance ramp and central courtyard, comprise of main habitable rooms which provides an active frontage. Areas of plant and refuse storage, as well as cycle storage are mainly located to the eastern façade facing on the underground tracks. Overall the proposed layout and siting of the proposed buildings are considered to be acceptable.

The topography of the site and surrounding area is such that the land slopes down from east to west. When viewing the east-west context in terms of built form, there is a gradual and consistent rise of building height and form. The buildings would be expressed as five storeys each with the top level having a small set back from all elevations. The applicants have undertaken and provided wider street sections which illustrate the heights and scale of the street scene along Woodside Park Road and Holden Road. Reviewing this, Officers consider that the proposal fits appropriately within the gradual rise of the area and the proposal is considered to respect this context and would not appear out of scale with the surrounding area.

The massing of the buildings is broken up with the incorporation of bays and levels which are repeated along the facades. Each bay predominately relates to an individual unit on each floor.

In order to address the previous refusal reason, a number of design amendments have been made to the proposed blocks that help the proposal better reflect the St. Barnabas Church building. The main alterations include the use of a warmer, redder brick colour, similar to that on the church and the replacement of the previous metal cladding on the top level with

an identical brick colour. Also, the detailing of the building has been amended to include more traditional features to reflect the historic and traditional characters of both St. Barnabas Church and the Underground Station; these detailing features include extended banding to mirror the church; traditional corbelling to reflect both the church and the station; and coining on window sills to respond to the station.

The use of red brick is acceptable and can be widely seen within the wider context but also now better reflects the adjacent St. Barnabas Church. The proposal incorporates the use of variances in the brick such as colour and orientation to help break up the massing and provide visual interest. These detailing features will the proposal appear more traditional in character and appearance.

It is considered that the proposed design changes have the effect of reducing the visual impact of the proposal, by incorporating the existing materiality of St. Barnabas Church and ensuring that the proposal has a positive relationship with the nearby heritage assets.

It should be noted that the proposed development is supported by the Council's Urban design team.

#### Impact on Locally Listed Buildings

St Barnabas Church and Woodside Park Station are both Locally Listed Buildings. In assessing the potential impact, Barnet Policy DM06 states that there will be a presumption in favour of retaining all Locally Listed Buildings. In this case, the proposal does not involve the loss of any locally listed buildings as they are located on adjacent sites. Therefore, any assessment is restricted to the potential impact on their setting. Paragraph 197 of the NPPF states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In the previous application, the Council's Conservation Officer raised concerns that the setting of the church when viewed from the platforms of Woodside Park Station, for passengers on passing trains and from Holden Road will be lost. They consider that the height of proposed Block B is overly dominant and that the proposed external appearance conflicts with the church. There was also the concern that the view of the rear of the church would be obscured from the Underground Station and this was a historic visual relationship. These two issues were previous shared by the Area Planning Committee and the application was refused on this considered harmful impact.

Within this application, the applicant has submitted an updated heritage statement and addendum to address the previous raised concern, and in addition has provided a number of visualisation and verified viewpoints from Holden Road and the underground station. The view of the submitted heritage report is that the proposed development of the site will result in a minor change that will not significantly alter the contribution of the setting of the locally listed St Barnabas's Church to the significance of the asset. The report considers that the setting of the church has changed following the consent of schemes at No.42 and No.44.

With regards to the loss of views of the church from Woodside Park, the report states that the church is not visible along the vast majority of both the south and north bound platforms due to the presence of the station building and dense foliage. It is only when one walks to the southernmost and of the platforms that the roof of the church is partly visible. In addition,

views of the church when travelling along the northern line are fleeting and until recently would have been seen in the context of three portacabins which stood to the rear of the church for some 17 years.

However, the Council's Heritage Officer does not agree with the findings of the submitted report and does not consider that the proposed design amendments help mitigate the harm caused to the heritage assets.

It is acknowledged that the proposal will result in the loss of this view by virtue of the massing, siting and height of proposed block B and that this application does not reduce the scale. However, the proposal has incorporated other new design elements which seek to reference the traditional features of the church and station buildings. Previously, Planning Officers considered that this rear view is only available from short-distance views of the surrounding area. The only available public views of the rear of the church are experienced from users of Woodside Park Station from the platform and on the tube. There are limited views of the rear of the church from outside the station. Given the very limited view of the church and that it's only experienced from users of the Station, the loss of this view is not considered to be significant by Officers. In addition, the existing trees and vegetation currently provide considerable screening of this view which is not considered as prominent. As such this impact is still considered to be minimal by Officers.

In terms of the scale and height of proposed block B, when you view the street scene elevations from Holden Road, the height of Block B would not exceed the height of the church. Additionally, it is important to note the flank elevation of the four storey properties at Hoptree Close are currently visible behind the Church when viewed from Holden Road, thus affecting its setting. The submitted Holden Road visualisations and viewpoints demonstrate the proposal would not dominate the church building and Officers are satisfied that there is no adverse harm in this regard. Adjacent to the church, the site is under development for the erection of a large flatted building. This will have a more considerable impact on the current view experienced along Holden Road. The proposed scheme will be sited further back and will be screened by the existing and proposed landscaping. It is acknowledged that view of the proposed development will be visible between sites and will introduce a new visual element to the surrounding area. When experiencing the views of St Barnabas Church along Holden Road, it is considered that the Church still maintains its prominence within the street scene and the views of the proposal will only be experienced in between buildings.

Planning Officers consider that the proposed layout, height, scale and bulk and external appearance have been carefully considered in terms of the site's constraints, wider context and urban form. Overall, the proposal is considered to be of a high quality in terms of form and detailed appearance. However, the previous concerns raised by the Council's heritage officer and Area Planning Committee are acknowledged and it is noted that the proposal will have a level of harm upon the setting of the Locally Listed Buildings.

As required by the NPPF, applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This will be made within the 'Planning Balance' section at the end of the report.

#### Impact on the amenity of adjacent occupiers and surrounding area

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 justification justifications.

The site is located within a residential area with a variety of building forms. In terms of potential impact there are existing residential properties to the east and west of the site.

To the east there are purpose built flatted buildings (Winterberry, Carolina and Silver Bell Court) which vary in height. However, their main orientation is north-south with only a row of single windows along the west elevation facing towards the proposal. In addition, these buildings are located across the underground tracks, with a distance varying between 28-31m and therefore Officers are satisfied that they would not be harmfully affected by the proposed development in terms of overlooking.

To west of the site lie the rear gardens of the residential properties of Holden Road. To the west of building A are two pairs of semi-detached properties, a detached property comprises of flats in the middle and St Barnabas Church to the west of Building B. Officers acknowledge that St Barnabas Church is currently being converted to flats and the adjoining site at No.42 is currently under construction. No.44 also benefits from a recent permission to demolish the existing building and erect a new flatted building. It is noted along this western boundary that there are areas of significant and mature planting which will help limit or screen views towards the sites. In terms of separation distances, there would be varying distances of between 6m to 8m from the western elevations of the buildings and the boundary. In terms of window-to-window distances between the properties at Nos. 42-52 Holden Road, there would be approximate distances of 35m to 50m. In terms of direct overlooking, the proposal would comply and exceed the window-to-window requirements. Whilst there would be shorter window to boundary distances, Officers consider that the existing mature trees and dense vegetation along the boundary would provide significant screening and help mitigate any perceived levels of overlooking from neighbouring gardens.

At the southern end, the separation distances between the proposal and the St Barnabas scheme are much less, with proposed windows facing onto the site. There would be approximately 6m to the boundary and 16m to the rear elevation of St Barnabas. Within the submitted Design and Access statement, the applicant has undertaken detailed analysis of the potential impact of the converted church units. It has been analysed that a number of proposed windows serve as secondary windows. Officers have also assessed the potential impact and consider that the impact will not be significantly detrimental. In addition, it is noted that new landscaping is proposed along the western boundary which may help reduce the potential impact.

In summary, Officers are satisfied that the proposed development will safeguard the residential amenity of the neighbouring occupiers along Holden Road and the future occupiers of the development under construction.

### *Residential amenity within the proposed development*

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate

standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

All the units proposed are one-bedroom units measuring 38sqm. A number of design principles are incorporated into all Pocket schemes in order to maximise space, comfort and sustainability. This includes floor-to-ceiling windows, a low ratio of circulation spaces to liveable space, high quality sound proofing, built in storage and high quality internal and external amenity spaces. All of the units would exceed the 37sqm national minimum requirement.

The majority of units would be single-aspect, which is not an issue in principle, as none of the units would be north facing. Each unit would benefit from floor to ceiling windows to increase the level of daylight and sunlight received into each unit. The applicant has submitted a Daylight and Sunlight Study, to assess the whether the proposed habitable rooms will receive satisfactory levels of daylight and sunlight. The study demonstrates that all of the proposed habitable rooms would receive a high level of both daylight and sunlight and would exceed BRE targets by significant margins.

As the site is located adjacent to the underground tracks, a Noise and Vibration Assessment has been undertaken and submitted in support of the application. The assessment advises that with a well-built building fabric and good quality double-glazed windows, both these elements would contribute towards a significant reduction of ambient noise levels. In terms of vibration, the assessment states that there is a low probability of adverse impact from future occupiers. The Council's Environmental Health Officers have raised no objections.

Overall, Officers are satisfied that that high standard of accommodation would be provided for future occupiers.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out 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 rooms. All of the ground floor units within both buildings would benefit would be provided with private amenity spaces. In addition, the proposed would provide 860sqm of external communal amenity space on the roofs of both buildings and within the courtyard and south western linear garden. The provision of external spaces is therefore compliant with Barnet requirements but Officers are satisfied that the proposed spaces would be useable and available throughout the year and would help create a sense of community within the development.

### Highways and parking

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.

The Council's Traffic and Development service had previously raised concerns regarding a car free scheme at this location given that the site is not located within a Controlled Parking Zone (CPZ) and the non-provision of disabled parking spaces.

The development is still proposing a car free scheme; however, the applicant is now providing 2no. wheelchair accessible spaces to the front of the development should the need arise, which can be provided should one of the units be purchased by a disabled user. These disabled spaces will be installed for the sole use of residents and signs will be erected to encourage compliance. Highways and TfL have confirmed that they are satisfied with the provision of disabled spaces. Pocket developments are generally car free as the purchasers are young people who commute to work using public transport. The risk of overspill parking is therefore considered low and can be overcome by a range of mitigation measures as outlined below.

Whilst Highways have been advocating for parking spaces, they acknowledge that potential parking displacement and overspill can be overcome by a range of mitigation measures. These include a contribution towards the review and implementation of a CPZ, permit restrictions, a contribution towards the provision of a car club space in the vicinity of the area and the travel plan measures. With these mitigation measures, Highways consider that these would sufficiently alleviate any potential parking displacement issues. The applicant has agreed to all these financial contributions and they will be secured by S106 obligations.

In light of the above, Officers consider that the agreed measures would satisfactorily overcome the previous reason for refusal and would ensure that there is no adverse parking displacement or overspill into the surrounding area. The proposal is therefore considered to be acceptable on highways grounds.

### Trees, landscaping and ecology

#### *Trees*

The application is accompanied by an Arboricultural Impact Assessment & Method Statement (25/03/2019). The site comprising of trees of varying values, age and categories. There are also a number of mature trees along the western boundary. The very large Horse Chestnut tree adjacent to the north-west corner of the site has been recently safeguarded under a Tree Protection Order (TPO). Proposed tree removals are proposed within the site and the scheme proposes suitable protection fencing and bespoke construction measures to ensure that the existing western trees are protected during construction and in the future once the development is completed.

The application has been reviewed by the Council's Arboricultural Officer and further information and details has been provided in relation to the foundations in the north-west area. The revised plans illustrate that the building is to be built of pile and beam foundations which will reduce the risk of harming tree roots and would retain space for tree root growth. Officers are therefore satisfied the proposed measures are satisfactory and protected TPO tree and western sited trees will be appropriately safeguarded.

#### *Landscaping*

The proposed landscape design seeks to deliver a high-quality resident focused environment through the provision of well-considered spaces and carefully identified planting and materials. The primary entrance to the site is at the northern boundary where the aim is to create a safe and functional access arrangement for all users, providing a pedestrian focussed paved space leading down the western part of the site. Within the central part of the site, there will be a courtyard created between the two blocks with new ornamental trees, to help create a space where the residents of both blocks can meet. Along the western boundary, a linear community garden is proposed, with seating and sensory planting.

The two roof terraces will offer additional areas of amenity space for residents. The terraces will primarily comprise of raised planting areas, pergola structures and seating.

### *Ecology*

The application is supported by a Preliminary Ecological Appraisal (October 2018) undertaken by ACD Environmental Ltd. The appraisal comprised of a desk study and an Extended Phase 1 Survey. The report advises that the site primarily comprises of scrub and ephemeral/short perennial grassland. The results of the survey have advised that neighbouring trees on the adjacent land have ecological value. These trees will not be affected by the proposed development but a number of mitigation and enhancement measures are proposed during the construction phase and will remain once the development is constructed.

The Council's Ecological Consultants have been consulted and have commented that the submitted EclA report has set out mitigation aimed at ensuring no net loss in biodiversity and no adverse effects on protected species, to support the planning application. The mitigation will ensure compliance with relevant legislation and policy. The recommended enhancements in the form of wildflower meadow creation, new tree and hedgerow planting, wildlife beneficial borders, compost bins and bat and bird boxes will provide a net gain biodiversity in accordance to NPPF and Local Planning Policy CS7.

### Sustainability

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

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

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

The application is accompanied by an Energy Statement from TUV SUD (February 2019) which sets out how the development accords to the London Plan energy hierarchy.

### *Be Lean*

Passive design measures included within the development to reduce energy demand would include the following:

- energy efficient building fabric and insulation to all heat loss floors, walls and roofs;
- high efficiency double-glazed windows throughout;

- efficient building services including high efficiency heating systems;
- low energy lighting throughout the building.

These measures are assessed as providing a 1% reduction in regulated CO2 emissions.

### *Be Clean*

At the present date, there is no decentralised heating network in close proximity of the site. However, the scheme shall be future proofed with space allocated in the plantroom for heat exchangers and pump sets to enable future connection. The proposal seeks to install a Combined Heat and Power (CHP) due to the energy demands of the site. The CHP is assessed as providing a 24% reduction in regulated CO2 emissions.

### *Be Green*

The applicant has investigated the feasibility of range of low and zero carbon technologies for the development and is proposing to install roof mounted solar photovoltaic panels.

The installation of PV panels will result in a reduction of 11% reduction in regulated CO2 emissions.

### Summary

Overall, an on-site reduction of 39 tonnes of CO2 per year in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development, equivalent to an overall saving of 37%. The carbon dioxide savings exceed the on-site target set within policy 5.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £70,601.89 to the Borough's offset fund.

### Flood Risk and SUDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Drainage Strategy Report from Whitby Wood Limited (February 2019). This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a surface water drainage scheme would be attached.

## **5.4 Response to Public Consultation**

**Design, scale and height** - This is considered and addressed within the report. Officers consider that the design is of a high quality, responding appropriately to the levels of the site and surrounding area and incorporates a predominate red brick which is appropriate to the site's context.



**Overprovision of flats in this area and greater need for larger family flats** - Officers consider that 1-bed units are highly appropriate for this highly accessible location and that family units would not be suitable. Taken into account the targeted demographic of Pocket users, this location is ideally located, particularly for young, single professionals or those who struggle to afford elsewhere in the Borough.

**Impact on the setting of the locally listed St Barnabas Church and Woodside Park Station. Loss of view of the church from the station** - This is thoroughly assessed within the report. Officers have taken a balanced judgement that the provision of a high-quality development that provide 100% affordable housing would outweigh any adverse effect on the non-designated heritage asset.

**Impact on neighbouring amenity** - This has been assessed within the report. Officers consider that the proposal would not detrimentally harm the residential amenity of neighbouring occupiers. The application is supported by a Daylight and Sunlight Assessment which demonstrates that recommended BRE requirements would be met. Officers consider that there is sufficient separation distances between neighbouring properties and that existing and enhanced landscaping will help mitigate any potential overlooking / overbearing impact.

**Highways and parking** -The application is subject to a legal agreement which seeks contributions towards the review and implementation of a CPZ and for future occupiers to be restricted for applying for residential parking permits. Therefore, these mitigation measures are considered to help alleviate any parking displacement/overspill issues.

**Impact on trees**- This has been assessed within the report and by the Council's Arboricultural Officer. The proposal is considered to adequately protect trees on and around the site.

## **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.

A potential negative impact will be the non-provision of any specific wheelchair adaptable units with the proposal. However, Pocket have provided justification for not providing on-site M4(3) units which is based on evidence gathered from all other Pocket developments. To date, Pocket advise that no wheelchair unit has been sold to a wheelchair user. Whilst no wheelchair adaptable units will be provided on-site, Pocket advise that units can be altered should circumstances change in the future. Capacity for two wheelchair accessible parking spaces have now been provided within the scheme. Nevertheless, the development will be fully constructed to M4(2) standards including step-free pedestrian access to all levels. On balance, whilst this is identified as a negative impact, Officers considered that there are acceptable justifying reasons to deviate from planning policy in this instance.

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 the issues identified as discussed within this report. It is noted that the site's location adjacent to the underground tracks, as well with the site levels pose challenging constraints. Significant harm had previously been identified by the Area Planning Committee that resulted in the application being refused for the impact on the Locally Listed Building. However, it is considered that the additional heritage information submitted and the resolution of the previous highways issue, in combination with the high-quality design, with further design amendments and the provision of 100% affordable housing, the previous identified harm is considered to be outweighed by the proposed benefits. The typology of 1-bed units, adjacent to the tube station is considered to be very appropriate. The scale, height and massing is considered to be acceptable and has been progressed, in conjunction with Officers, as a direct response to the site constraints. These factors including the use of red brick are considered to help the proposal integrate successfully within the surrounding area and have a more positive relationship with the adjacent heritage assets.

Having taken all material considerations into account, the application proposed the redevelopment of a highly accessible and under-utilised small site and will provide 86no. affordable units which will provide a significant benefit to the Borough and its housing supply. Subject to mitigation, measure relating to highways, noise, contamination, 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.





4. Highways
  - (a) Travel Plan monitoring contributions of £5,000; and
  - (b) Highway Safety measures contribution - £40,000
  
5. Provision of Skills, Employment, Enterprise and Training appropriate to the site:
 

£165,916 Local Employment Agreement payment in lieu
  
6. A financial contribution towards carbon off-setting of £51,192 in order to achieve net zero carbon dioxide emissions from the residential component of the development.
  
7. Provision of £6,000 towards street tree plant
  
8. Meeting the Council's costs of monitoring the planning obligation - £21,962

#### 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:

Drawing number 122-HAL-DR-A-EX-010 - OS Site Plan  
 Drawing number 122-HAL-DR-A-EX-100 - Existing Level 00  
 Drawing number 122-HAL-DR-A-EX-300 - Existing North Elevation  
 Drawing number 122-HAL-DR-A-EX-301 - Existing East Elevation

Level  
 Drawing number 122-HAL-DR-A-GAP-010 Issue P1 - Proposed Lower Ground

Drawing number 122-HAL-DR-A-GAP-100 Issue P1 - Proposed Level 00  
 Drawing number 122-HAL-DR-A-GAP-101 Issue P1 - Proposed Level 01  
 Drawing number 122-HAL-DR-A-GAP-102 Issue P1 - Proposed Level 02  
 Drawing number 122-HAL-DR-A-GAP-103 Issue P1 - Proposed Level 03  
 Drawing number 122-HAL-DR-A-GAP-104 Issue P1 - Proposed Level 04  
 Drawing number 122-HAL-DR-A-GAP-105 Issue P1 - Proposed Roof Plan  
 Drawing number 122-HAL-DR-A-GAP-200 Issue P1 - Existing and Proposed Block

Plans  
 Drawing number 122-HAL-DR-A-GAP-300 Issue P1 - Proposed North and South Elevations

Drawing number 122-HAL-DR-A-GAP-301 Issue P1 - Proposed East Elevation  
 Drawing number 122-HAL-DR-A-GAP-500 Issue P1 - Proposed Section A-A

Design and Access Statement, HAL Architects (including landscape statement by Fabrik), June 2019  
Statement of Pre-application Consultation, WSP/Indigo, June 2019  
Energy and Sustainability Statement, Eb7, 30th May 2019  
Flood Risk Assessment/SUDS, Nimbus, June 2019  
Utility Statement, Eb7, May 2019, Rev 01  
Archaeological Desk Based Assessment, CGMS, April 2019  
Transport Statement, Pulsar Transport Planning, June 2019  
Draft Travel Plan, Pulsar Transport Planning, June 2019  
Noise Impact Assessment, KP Acoustics, 18887.NIA.01, 15/04/2019  
Air Quality Assessment, Eb7, 7th June 2019  
Daylight & Sunlight Report, Schroeders Begg, 2096/E, June 2019  
Ground Investigation and Basement Impact Report, Jomas Associates, 21/06/2019

CGI Street View received 21.08.19  
CGI Entrance View received 21.08.19  
Preliminary Ecological Appraisal, Quants Environmental, July 2019  
Briefing Note - Employment Considerations, Indigo, 27.08.19.

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

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

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

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

## 6 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.

7 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016 ) and Policies 3.2, 5.3 and 7.14 of the London Plan (2016).

8 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.

9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

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

10 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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.

11 An Air Quality and Dust Management Plan shall be submitted to, and approved by, the Local Planning Authority, before the development commences whose purpose shall be to control and minimise emissions attributable to the demolition and/or construction of the development. Reference shall be made to the Mayor of London's SPG, "The Control of Dust and Emissions during Construction and Demolition". The plan shall confirm:

- a) which air quality emission and dust control measures are to be implemented;
- b) which monitoring methods are to be implemented; and
- c) that construction machinery will meet NRMM standards

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

12 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 April 2013) and 7.15 of the London Plan 2015.

13 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.

14 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

15 a) No development shall take place until details of mitigation measures to show how the development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the D1/D2 usage and mechanical plant; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

16 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a gym. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason: To ensure that the 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.

17 The level of noise emitted from the extraction and ventilation plant for the D1/D2 usage 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.

18 a) The D1/D2 units shall not be occupied until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the extraction and ventilation plant for the D1/D2 usage, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

19 The development hereby approved shall not be occupied until the existing vehicular access on Oakleigh Road North has been closed and the highway reinstated to footway and a new access has been constructed in accordance with the plans submitted to and approved by the Local Planning Authority. The existing redundant crossover(s) is to be reinstated to footway level including any other agreed highway works in the vicinity of the site in accordance with the plans/details approved by the Highway Authority. The cost of the works and any associated traffic order and designs fees shall be fully borne by the applicant.

The applicant will be required to enter into a s278 agreement with the council for these works.

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

20 The building shall not be occupied until 33 parking space(s) including 4 disabled bays at basement level and 2 car parking spaces at ground floor level have been laid out and implemented within the site in accordance with the approved plans. The approved parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

21 Full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation of the development 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 2016.

22 Prior to first occupation of the development, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is first occupied, 63 (long stay) and 10 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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.

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

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

24 Before the permitted development is occupied, a full Parking Management Plan (PMP) that sets out the criteria for allocation of spaces, enforcement of illegal parking, allocation of electric vehicle charging point spaces, disabled parking provision and allocation, monitoring of disabled spaces, electric vehicle charging points, etc. shall be

submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

25 Within 3 months of occupation, a Framework Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

26 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

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

27 Prior to commencement of the development, an "Agreement in Principle" (AIP) for the construction of the lower ground floor (basement) shall be submitted to and agreed/approved in writing by the local highway authority. Thereafter, the basement shall be constructed in accordance with the approved AIP and traffic management plan. It is noted that the applicant will be required to enter into a s278 agreement with the council for any works on the public highway.

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

28 Prior to commencement of the development, a Road Safety Audit (Stage 1) of the proposed site access and associated parking layout changes on Oakleigh Road North shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remedial measures resulting from the audit shall be agreed with the Local Highway Authority and implemented at the applicant's expense.

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

29 Prior to the occupation of the development, a Maintenance Agreement for the operation of the traffic light system for the ramped access and the electronic gates shall be submitted to and approved by the Local Planning Authority and shall not be carried out nor shall it be subsequently operated other than 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.

30 Prior to the first occupation of the building hereby approved, details of the electronically operated gate providing access to the basement level car park and the means of remote access shall be submitted to and approved in writing by the Local Planning Authority.

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.

31 Notwithstanding the vehicular access ramp details submitted with the planning application, the gradient of the proposed ramp access to the underground parking area should not exceed 1:10 otherwise the ramp shall be constructed in accordance with the guidelines in Institute of Structural Engineers Design recommendations for multi-storey and underground car parks.

Reason: To ensure 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.

32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the ground floor premises shall be used as either a Health Centre (D1 use); Children's Day Nursery (D1 use) or Gymnasium (D2 use) and for no other purpose (including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers and to safeguard the amenities of the area in accordance with policies DM01 and DM13 of the Barnet Local Plan.



33 Prior to the first occupation of the ground floor D1/D2 use hereby permitted, hours of use shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented in accordance with the details as approved under this condition.

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers and to safeguard the amenities of the area in accordance with policies DM01 and DM13 of the Barnet Local Plan.

34 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 6.00 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).

35 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).

36 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).

37 Other than the balconies and terraces shown on the approved plans, the roofs of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

38 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

39 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 33.18% 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.

40 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.

41 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 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

42 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.

43 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.

44 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 how such building or such parts of a building seek to apply the principles of Secured by Design'.

b) 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.

45 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.

46 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.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September

2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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

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

### RECOMMENDATION III:

1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 12.01.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS1 CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

2. The proposed development does not provide a legal agreement to mitigate the highways 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.

3. 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 CS13 of Barnet's Local Plan Core Strategy (2012) and Policy DM04 of the Barnet's Adopted Development Management Policies Document DPD (2012).

4. The development fails to provide a legal agreement to enable contributions towards local tree planting within the London Borough of Barnet and therefore would not provide street trees to mitigate the visual massing of the building in the local area, contrary to Policy DM02 of the Barnet's Development Management Policies DPD (2012), Barnet's Sustainable Design and Construction SPD (2016) and the Planning Obligations SPD.

5. The proposed development does not include a formal undertaking to meet requirements of employment and training. The proposal would therefore not address the impacts of the development, contrary to policies DM01, DM12, DM13, DM14 and DM17 of the Barnet Development Management Policies (2012) and Policies CS NPPF, CS1, CS4, and CS8 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 Gyms can create significant noise disturbance for neighbouring residents. Listed below are some mitigation measures: Gym equipment should be acoustically isolated from the building structure using acoustic matting. Machines should be sited away from structural pillars. Amplified music should include a noise limiter. Amplified music should not be allowed from 11pm to 7am.
- 4 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

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

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

- 5 The submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.



- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o 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 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 8 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of 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.
- 9 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 10 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of any works on the public highways.
- 11 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 12 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein
- 13 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."

- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures

he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of Oakleigh Road North (No. 14) within the Totteridge Ward.

The site was last occupied by the Royal Mail Whetstone Delivery Office.

The site covers an irregular rectangular area of approximately 0.16ha. The existing buildings have a floor area of approximately 900sqm.

Vehicular access to the site is from Oakleigh Road North.

Immediately to the east is an access road serving the commercial warehouse to the south. There is also a three storey block of flats to the south (Regent Court), which was developed in conjunction with an office block located on the High Road. Further east lies a two storey residential property.

To the west and at the junction of High Road and Oakleigh Road North lies a 3/4 storey building accommodating Barclays Bank.

The site is not listed nor does it lie within a Conservation Area; there is Grade II Listed building known as the Griffin Public House located further north although not in the immediate vicinity.

The site has a public transport accessibility level (PTAL) of 4 (Good). Totteridge and Whetstone Underground Station is located within walking distance. There is a busy bus stop located immediately adjacent to the existing entrance to the site.

The site is located within the Whetstone Town Centre as defined by the Council's Local Plan.

There are no trees on the application site.

The surrounding area contains a mixture of uses including commercial and residential.

### **2. Site History**

Application site:

Reference: N07801B

Address: Whetstone Sdo, 14 Oakleigh Road North London N20

Description: Formation of disabled persons access into customer enquiry office.

Decision: Approved subject to conditions.

Decision Date: 26 March 1996

Other relevant history on adjacent sites:

Reference: 17/6853/PNO

Address: Edelman House, 1238 High Road, London, N20 0LH

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (26 Units.)

Decision: Prior Approval Required and Approved

Decision Date: 14 December 2017

Reference: B/04309/14

Address: Land Between Sweets Way And Oakleigh Road North, London, N20

Description: Demolition of all existing buildings and outline planning permission (with all matters other than access and layout reserved) for new residential dwellings (Use Class C3), comprising up to 201 houses and up to 87 flats (up to 288 new dwellings in total), and a community building (Use Class D1) providing up to 255 sqm floorspace. The provision of pedestrian and vehicular site access from Sweets Way and pedestrian only from Oakleigh Road North

Decision: Approved following Legal Agreement

Decision Date: 24 July 2015

Reference: N00498V

Address: 1238 High Road N20

Description: Four-storey office block, three-storey block of ten flats and parking provision for 41 cars.

Decision: Approved subject to conditions

Decision Date: 22 January 1980

Reference: N00498Q

Description: Four storey office block, three storey block of 10 flats and parking provision for 41 cars

Address: 1238-1248 High Road N20

Decision: Approved subject to conditions

Decision Date: 13 September 1978

Reference: N00498P

Address: 1238-1248 High Road N20

Description: Erection of four-storey office block, three-storey block of 10 flats and parking provision for 41 cars.

Decision: Approved subject to conditions

Decision Date: 11 January 1978

### **3. Proposal**

The application proposes:

"Demolition of existing buildings and erection of part-four, part-five storey building plus basement to provide 783sqm of D1/D2 floorspace, at ground floor level and 41 self-contained flats (Use Class C3) on upper levels. Associated hard and soft landscaping, amenity space and provision of off-street car parking, cycle parking and refuse storage at basement level"

41 flats are proposed as follows:

19 x 1 bed 2 person

2 x 2 bed 3 person

19 x 2 bed 4 person

1 x 3 bed 5 person.

783 sq m of community floorspace is proposed at ground floor level. This will provide one of the three following uses:

Health Centre (D1 use)  
Children's Day Nursery (D1 use)  
Gymnasium (D2 use).

A total of 35 car parking spaces are proposed, comprising 33 at basement level (accessed by signal controlled one way ramp) and two at ground floor level. 5 disabled spaces will be provided, 3 in the basement and 2 at ground floor level.

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

Consultation letters were sent to 191 neighbouring properties.

14 responses were received comprising 14 letters of objection. These can be summarised as follows:

- Traffic congestion
- Overlooking/loss of privacy
- Loss of light
- Overdevelopment
- Inadequate infrastructure
- Space should be used to provide a children's centre/GP practice/youth club/dentist/nursery
- Height is out of context
- Overshadowing
- Out of character
- Over intensive use of the site
- Will block views
- Noise and disruption during construction
- Insufficient car parking
- Doctors surgeries and hospitals at capacity already
- Highway safety concerns

Internal Consultee Comments:

- Highways: No objection subject to financial contribution, conditions and informatives.
- Environmental Health: No objection subject to conditions and informatives.
- Arboriculturalist: No objection subject to Street tree contribution and landscaping condition.
- Skills and Enterprise: Financial contribution requested.
- Ecologist: No objection.
- Lead Local Flood Authority: Detailed SUDS design required.

External Consultee Comments:

- Thames Water: No objection.
- London Fire Brigade: Not satisfied as compliance with part B5 of Building Regulations not shown. Sprinkler systems recommended.
- Metropolitan Police: No objection subject to Secure by Design condition.
- TfL: No objection in principle.
- Historic England Archaeology: No objection, no conditions required.

#### **5. Planning Considerations**

## 5.1 Policy Context

### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### The 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.

Relevant London Plan policies:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.7 (Large Residential Developments); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.15 (Co-ordination of Housing Development and Investment).

London's Economy:

4.3 (Mixed use development and offices); 4.7 (Retail and town centre development); 4.12 (Improving opportunities for all).

London's Response to Climate Change:



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

London's Transport:

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

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes);

Implementation, Monitoring and Review:

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

#### Draft London Plan 2017

The London Plan is currently under review. Following examination of the Plan earlier in 2019, the Panel has now published its report, and whilst the Mayor has yet to formally respond, the draft London Plan accompanied by the Panel report is a material consideration in the determination of this application.

#### 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, CS10, CS12, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM11, DM12, DM14, DM16 and DM17.

#### Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

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

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

The main issues for consideration in this case are:

- Principle of development;
- Affordable Housing
- Employment/Community Use
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Quality of accommodation for future occupiers;
- Highways;
- Environmental Health
- Sustainability
- Trees, Landscaping and Ecology
- Archaeology
- Flood Risk and Drainage
- Refuse and Recycling storage
- S106 legal agreement

### **5.3 Assessment of proposals**

#### **Principle of development**

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units, and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

The principle of a flatted development on the application site is acceptable given the mixed nature of the road and the Town Centre location.

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 application site has a PTAL of 4 which is 'good', and is considered to fall within an 'urban' setting as defined in the London Plan.

The proposal would have 144 habitable rooms (3 habitable rooms for 1 bedroom flats, 4 habitable rooms for 2 bedroom flats and 5 habitable rooms for the 3 bed flat).

The site covers an area of 0.16ha. Based on this, the density would equate to 256.25 units per hectare (900 habitable room per ha).

The London Plan density matrix stipulates a range of 45-260 units per hectare (200-700 hr/ha), therefore the proposed density would fall within the range for units per hectare and would exceed the top end of the range based on habitable rooms per hectare.

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" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new

development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

Policy DM08 seeks an appropriate mix of dwellings.

The proposed development comprises mainly 1 and 2 bedroom units but also includes 1 x 3 bed unit which represents provision of a family unit.

It is considered that this is an appropriate mix given the site's town centre location and the site's characteristics. It is not thought that a high number of larger family units (3-bed and 4-bed would be appropriate in this location.

### **Affordable Housing**

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It identifies that negotiations should take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off-site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may, in exceptional cases, accept the provision of off-site affordable housing or a commuted payment instead of such provision.

The Policy sets a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more.

As the proposed scheme would involve more than 10 residential units, the development would be subject to affordable housing provision.

The applicant has provided a Viability Assessment (Turner Morum) which has been independently reviewed on the Council's behalf (BNP Paribas). The independent assessment has recommended that a scheme with 100% private housing generates a surplus of £830,000 in comparison to the viability report submitted with the application.

The independent review goes on to conclude that a payment in lieu of £830,000 for an off-site contribution to affordable housing would be reasonable.

The proposed development is located in a town centre and provides mainly 1 and 2 bed units. As the priority for affordable housing is for larger family units it is considered that a financial contribution towards affordable housing at another location which can provide family units would be more appropriate than on-site affordable housing in this case.

The applicant has agreed to provide the recommended £830,000 financial contribution and this will be sought as a planning obligation within the Section 106 agreement.

It is considered that an early and late review mechanism is appropriate in line with the Housing SPG and Mayor's requirements and as such this has been included in a section 106 agreement, to ensure that if profitability of the scheme is sufficiently improved, that an appropriate contribution towards off-site affordable housing is secured.

This contribution including review mechanism would be secured through a section 106 Agreement.

Therefore, in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies.

### **Employment/Community Use**

The application site was last occupied by Royal Mail and used as the Whetstone Delivery Office (Sui Generis use class).

The site provided a base for 32 Full Time Equivalent (FTE) employees most of which were postmen or women.

The site was vacated in March 2019 and those employees that were formerly based at the Whetstone Delivery Office have now transferred to the nearby facility on Longmore Avenue, Barnet.

Policy DM14 relates to new and existing employment space.

Part iv of the Policy states that proposals to redevelop and existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

Whilst the application site was formerly in an employment generating use, the applicant has argued that because the sui generis use is not a B class employment use it is not protected by Policy DM14.

Notwithstanding the question of the extent to which policy DM14 protects the loss of the employment use, the application proposes a ground floor unit which will provide an employment generating community use to replace former delivery office use.

Policy DM13 relates to Community and education uses and states that new community or educational use should be located where they are accessible by public transport, walking and cycling preferably in town centres and will be acceptable where there is no significant impact on the free flow of traffic and road safety and where the amenity of residential properties is protected.

The ground floor unit would provide a 783 sq m space in a town centre location which will be occupied by one of the following end users:

Health Centre (D1 use);  
Children's Day Nursery (D1 use); or  
Gymnasium (D2 use).

Information provided with the application suggests that, depending on the end user, the employment generating community use would provide between 8 and 50 FTE jobs.

It is considered that the proposed 783 sq m employment generating community use would meet the relevant tests of Policies DM11 (Town Centres), DM13 (Community Uses) and DM14 (Employment Space) and the loss of the existing sui generis employment generating use is acceptable for the following reasons:

- The existing 32 FTE post jobs have been re-located and retained within the Borough
- A 783 sq m D1/D1 community use will be provided as part of the proposed development
- The proposed D1/D2 will create between 8 and 50 FTE jobs.
- The applicant has agreed to provide a Local Employment Agreement (LEA) financial contribution of £165,916.

The proposal is therefore considered to be acceptable in terms of loss of employment / provision of new community floorspace.

### **Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality**

Policy CS5 requires new developments in Barnet to respect local context and distinctive local character, creating places and buildings of high quality design.

Policy DM01 requires that all developments should seek to ensure a high standard of urban and architectural design, demonstrating a high level 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.

### Design

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting. A modern style of building is proposed in this instance and this is considered to be acceptable in principle; subject to the form and scale being sympathetic to its context.

In the surrounding area, brickwork is the most common building material and therefore its use as the primary material is considered to be appropriate and in-keeping with the local context.

The design of the building proposes traditional brick facing materials with contemporary design features such as set-backs, indentations, brick detailing, dark window frames and reveals to create a high-quality development. Exact material details will be subject of a planning condition.

## Height

The proposed building is part four, part 5 storeys in height with the top (4th) floor set in from the floors below in order to provide visual relief at the upper level.

The heights of the surrounding buildings are mixed; with the building immediately to the west (Barclays) of similar height to the proposed development (raised part 3, part 4 storeys).

Buildings to the east on Oakleigh Road North are predominantly 2 storey and the immediate neighbouring building to the south (Regents Court) is 3 storeys.

The proposal responds to the neighbouring 2 and 3 storey buildings by reducing in height to 4 storeys with a reduced bulk and mass at its eastern end and by setting in from the southern boundary at upper levels in order to reduce perceived mass and provide articulation.

It is considered that the proposed part 4, part 5 storey height is appropriate within the context of the surrounding area.

## Layout

The proposed front building line follows the existing building line of the Barclays building to the west (with modest forward protrusions in the form of balconies). This continuation of the existing building line is considered to be acceptable.

At Ground floor, the development proposes an active frontage in the form of a flexible community unit (783 sq m) which will accommodate either a health centre, a nursery or a gym. The provision of this unit and the active frontage is welcomed in this town centre location.

The north elevation will also include the gated entrance to the basement car park and two residential entrances.

The scheme will also introduce new landscaping to the front of the site that will benefit the appearance of the site/building as well as the surrounding public realm.

Overall the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the application site, the street scene and the wider locality.

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

Policy DM01 and London Plan Policy 7.6 require development proposals to respect the amenities of neighbouring occupiers.

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

## Overlooking/loss of privacy

The Barnet Residential Design SPD requires development to provide separation distances of 21m between habitable room windows and 10.5m between habitable room windows and a neighbouring garden.

The closest neighbouring development to the south is known as Regents Court (1238-1248 High Road).

The approved floor plans of this development indicate that the kitchen, entrance and bathrooms to these flats would front the application site, and bedrooms and living rooms are located to the south. As the Regents Court windows fronting the site do not serve habitable rooms, the 21m guideline is not breached.

Opportunities for direct overlooking will be restricted by the boundary fence between the two properties and the Regents Court walkway balustrade. The scheme will introduce new high quality landscaping and boundary treatments to the northern boundary of the site.

The closest neighbouring properties to the east are 34 Oakleigh Road North and properties at the west end of Whetstone Close.

Whilst the primary entrances to these properties are in some instances on the flank of the building, there are no directly facing habitable room windows on the flank elevations.

Whilst there are habitable room windows on the west elevation of the Whetstone Close properties, these would not directly face any habitable room windows within the proposed development and balconies and terraces would include suitable privacy screening to ensure no harmful loss of privacy occurs.

### Daylight & Sunlight

The application is accompanied by a daylight/sunlight report which assesses the impact of the development proposals on surrounding properties.

The Executive Summary of the submitted report states:

"The findings detailed in this daylight and sunlight report shows that the proposals will have overall, relatively minor effects on the surrounding residential properties assessed in respect of daylight/sunlight.

The results of our examination are based upon the standard assessment procedure of the BRE Guide 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' Edition 2011 (The BRE Guide). The results show that for any applicable reductions to the neighbouring habitable windows / rooms analysed, these meet target criteria for the daylight vertical sky component (VSC) to primary windows and daylight distribution within neighbouring rooms (with due inclusion / consideration of reference to BRE Guide clause 2.2.11), with the isolated exception of VSC reductions to 2 No bedrooms which are still close to target criteria (supplementary testing confirms they would still retain suitable levels of daylight in consideration of average daylight factor values - please see the main body of the report).

In respect of Regents Court and 34-36 Oakleigh Road North, for the windows / rooms to these neighbouring properties these are not applicable for review since the windows facing site, are either secondary and / or serving non-habitable rooms i.e. bathrooms, hallways, and small kitchens circa 6m<sup>2</sup>, (ordinarily, small kitchens with a floor area less than 13m<sup>2</sup>

are not considered habitable in reference to Barnet's local plan and in broader context with the London Plan).

For sunlight review, BRE Guide target criteria is met for sunlight ('total suns') to all neighbouring habitable rooms. In terms of sunlight availability to neighbouring gardens / amenity, these also meet the BRE Guide target criteria.

Therefore, we conclude the proposal, does not have any materially adverse effect on neighbouring residential daylighting or sunlight, including to amenity areas.

For the main proposed new-build habitable rooms, these all satisfy the requirements in terms of provision of adequate daylight (Average Daylight Factor) so that the proposals meet the BRE Guide target criteria (and BS8206) for daylight."

Overall, it is considered that the proposal will not have a significant impact on the daylight / sunlight of neighbouring properties.

### **Quality of accommodation for future occupiers**

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD.

#### Dwelling Mix

Policy DM08 seeks an appropriate mix of dwellings.

The proposed development comprises mainly 1 and 2 bedroom units but also includes 1 x 3 bed unit which represents provision of a larger family unit.

It is considered that this is an appropriate mix given the site's town centre location and the site's characteristics. It is not thought that a high number of larger family units (3-bed and 4-bed) would be appropriate in this location.

#### Residential Space Standards

Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is summarised below as relevant to the units proposed within the development:

- 1 bed, 2 persons - Minimum Internal Floorspace 50 sq m
- 2 bed, 3 persons - Minimum Internal Floorspace 61 sq m
- 2 bed, 4 persons - Minimum Internal Floorspace 70 sq m
- 3 bed, 5 persons - Minimum Internal Floorspace 86 sq m

Officers have reviewed the proposed 41 units and are satisfied that they all meet the minimum space standard requirements.



## Outlook

Policy DM01 also requires consideration of the residential amenity of future occupiers of the development in terms of outlook.

The proposed flats are a mixture of single and dual aspect units.

A Daylight and Sunlight report has been submitted with the application and undertakes an analysis of the levels of light expected to be received by the proposed residential units.

For the main proposed new-build habitable rooms, these all satisfy the requirements in terms of provision of adequate daylight (Average Daylight Factor) so that the proposals meet the BRE Guide target criteria (and BS8206) for daylight.

Officers are satisfied that all of the proposed units would allow for suitable outlook and daylight/sunlight for future occupiers.

## Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

The Council's Sustainable Design and Construction SPD (2016) sets that in new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new build properties where there are material considerations.

Officers have reviewed the proposed layouts and note that there are no direct instances of windows overlooking of other units due to the orientation or layout of the building. There are some examples of oblique facing windows but privacy can be ensured through use of appropriate window treatments. The proposed balconies will be enclosed by privacy screens which limit the overlooking impact. As such, Officers are content that future occupiers of the development would be likely to enjoy good levels of privacy.

## Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 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. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments.

The Mayor's Housing SPG sets out a requirement of 5sqm of private amenity space for 1 and 2 person dwellings with a further 1sqm per additional person.

All of the 41 units would benefit from an external balcony or terrace. Due to the site characteristics, there would be no provision of outdoor communal amenity space other than the public realm improvements to the front of the building.

The overall provision of new outdoor amenity space adds to approx. 476 sqm (average of 11.6 sqm per unit).

Although the provision of amenity space is restricted to balconies and terraces only, it is noted that Whetstone Stray and Swan Lane public open spaces are both located within a 10 minute walk (0.5 mile) from the application site.

Officers consider that the proposed amenity space is of a good quality with easy access to further external open space located within close proximity of the site.

### Wheelchair Housing

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All schemes should have 10% wheelchair home compliance, as per London Plan policy 3.8.

A condition is attached which would secure these wheelchair units and constructed in accordance with the requirements of Part M4(3) of the Building Regulations.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers.

### **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

Based on the PTAL of the site, a policy compliant scheme would necessitate a range of between 22 - 52 spaces for the residential element of the scheme.

The proposal seeks to provide 33 spaces to serve the 41 residential units which equates to a ratio of 0.80.

The Council's Traffic and Development service have reviewed the proposal and the submitted Transport Statement and have provided the following comments:

"The site has a PTAL rating of 4 (good), on a scale of 1 - 6 where 1 represents (poor access to public transport) and 6 (excellent access to public transport). There are seven bus routes within that are served from stops within 5 minutes walking distance of the site. The nearest bus stop is directly outside the site.

Totteridge and Whetstone Underground station is approximately 400 metres (walking distance) from the site and supports Northern Line services on the High Barnet branch. Furthermore, Oakleigh Park Station is approximately 1200 metres from the site. It is served by Great Northern trains that operate from Welwyn Garden City to Moorgate.

There are two car club schemes within 10 minutes walking distance of the site. The first is E-car with two spaces in the Barnet House car park and the other is Zipcar with a space on the High Street about 450metres from the site.

#### Parking:

The current proposal seeks to demolish the existing building and erect 41 self-contained apartments (19x1bed, 21x2bed, 1x3bed) and 783sqm metres of D1/D2 use. This would generate a maximum allowable parking provision of between 22 - 52 spaces for the residential element of the scheme. The applicant proposes 33 spaces including 4 disabled bays at basement level for the residential element which equates to a parking ratio of 0.8 spaces per dwelling. This level of parking provision is acceptable for a site in town centre location with good access to public transport (PTAL score of 4) and a local car ownership ratio of 0.73 spaces per dwelling.

For the D1/D2 Community/Leisure Use, two large spaces are proposed at ground level. This is on the pretext that the facility is likely to serve the local population and so majority of the trips will be linked trips most of which will be undertaken by walking, cycling and public transport. The number of vehicle trips generated by the development in the morning peak hour (8-9am) is 9 IN and 4 OUT and 5 IN and 8 OUT for the evening peak hour (5-6pm). There are no set car parking standards in the London Plan for D1/D2 use and site observations suggests that there are ample spaces on-street within 500metres radius of the site to accommodate this level of parking demand.

The applicant proposes 63 long stay cycle parking spaces in the basement for residents and 10 short stay at ground level for the D1/D2 use. The 63 cycle spaces in the basement meets minimum London Plan standards. 10 short stay spaces are required for D1/D21 meet minimum London Plan standards.

The provision of internal cycle parking is ideal and Highways would recommend that cycle parking is in two separate compartments, each with around 30 - 40 bicycles for added security. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition is therefore recommended.

Electric vehicle charging points are to be provided in accordance with London Plan standards. This equates to 7 active and 7 passive electric vehicle charging points. Highways would recommend a cycle parking condition.

#### Access and Servicing:

Vehicular access to the site is currently from Oakleigh Road North via a gated entrance that leads to a hardstanding area to the eastern side of the site. The access is located within the existing bus cage markings and the proposed site access arrangements seek to trim back existing parking markings by providing double yellow lines to the east of this relocated junction. This will improve visibility and, as a consequence, highway safety as well. It is requested that with the exception of refuse collection, deliveries by van and cars are accommodated in the development.

Pedestrian access will take place from three separate entrances to the proposed building along Oakleigh Road North. Two entrances will lead to the residential lobby areas and a central pedestrian entrance would lead to the ground floor D1/D2 use. All entrances will be step-free to enable convenient access for all users including those using pushchairs and the mobility impaired.

The existing vehicular access to the site will be closed and re-instated as footway. A new vehicular access is to be created approximately six metres further east to avoid the

existing bus cage markings, as shown in Drawing No. 001 Rev A. LB Barnet has requested that the short section of unrestricted parking bay between the proposed access and the existing access to the adjacent property (occupied by City Electrical Factors Ltd) is replaced with double yellow lines.

The access would lead to two parking spaces at ground floor level and an internal signal controlled one-way ramp leading to 33 parking spaces at basement level. Swept path analysis has been reviewed and it shows that vehicles can enter and exit the site as well as wait internally at the entrance to the basement car park ramp

It is expected that the proposed development will be typically serviced by a weekly refuse vehicle, home food and non-food deliveries and infrequent maintenance. The vast majority of deliveries will be undertaken by vans (or smaller vehicles). Waste/refuse collection will be undertaken from Oakleigh Road North, similar to other residential properties along the street. A management company will take the bins from basement level to street level on collection day and will then return the empty bins back to basement level. The duration that refuse vehicles will need to serve the site is likely to be relatively short, and there is sufficient carriageway width along the frontage to accommodate this activity whilst not impacting other road users significantly. Refuse vehicles could also utilise the double yellow line markings proposed immediately outside the site on Oakleigh Road North. Highways would requested that deliveries carried out by vans and cars are accommodated within the site to reduce on-street servicing demand. A servicing management plan condition is therefore requested by way of a condition.

#### Road Safety:

Accident information for the 5 year period of recently available data indicate that there were 29 personal injury accidents in the vicinity of the site. Of these 29 accidents, none was fatal, 4 were serious and 25 were slight. 7 (24%) of the 29 accidents involved pedestrians. All four of the accidents recorded as serious took place at or within the vicinity of the A109 Oakleigh Road North / High Road / Totteridge Lane junction and nearly half (48%) of the accidents occurred at or in the vicinity of these two junctions (14 out of 29). The proposal will generate right turn movements which increase potential vehicle /vehicle conflicts at the site entrance which poses a road safety risk.

The collision data for the study area suggest that there is a road safety issue at and in the vicinity of the two key junctions near the site. Further, a significant proportion (24%) involved pedestrians. Reviews of key pedestrian routes and crossing points has identified a number of hotspots that are likely to be used by residents of the development. A key location is the crossing point outside Totteridge tube station. A contribution of £40K is therefore sought to upgrade the existing pedestrian refuge outside Totteridge tube station to a zebra crossing.

#### Trip Generation:

An analysis of trip generation by development has been undertaken. The results show that a total of 36 two-way person trips would be generated by the proposed development during the morning peak (8-9am) compared to 15 two- way vehicle trips for the extant use. Similarly for the evening peak (5-6pm), there will be 36 vehicle trips for the proposed development compared with 15 vehicle trips for the extant use.

The analysis concludes that there will be a modest rise (21 two-way) in person trips associated with the proposed development but a slight decrease (-5 two way) in vehicle trips during the peak hour (8-9am). Overall, there will be an increase (221 two-way) in daily person trips compared with extant use. This is not surprising given the existing use as a

sorting office and the need for multiple vehicle movements associated with post/parcel deliveries.

Highways consider that the proposed vehicle trip generation from the site has been slightly underestimated. Nevertheless, it is unlikely that this would have a material impact on the network as the number of vehicle movements is likely to be less than the extant use. Overall, Highways do not anticipate that trip generation for the proposed development would be an issue.

#### S278 Highways Works:

The existing vehicular access to the site will be closed and re-instated as footway. A new vehicular access is to be created approximately six metres further east to avoid the existing bus cage markings, LBB has requested that the short section of unrestricted parking bay between the proposed access and the existing access to the adjacent property (occupied by City Electrical Factors Ltd) is replaced with double yellow lines. The access would lead to two parking spaces at ground floor level and an internal signal controlled one-way ramp leading to 33 parking spaces at basement level. Swept path analysis submitted by the applicant shows that vehicles would be able enter and exit the site as well as wait internally at the entrance to the basement car park. A detailed plan of the final 278 works shown on (Dwg No. 001 Rev A) shall be submitted to and agreed by the Local Highways Authority prior to the commencement of the development.

The applicant will be required to enter into a section 278 agreement with the Council to undertaken the proposed highway works on the public highway (Dwg No 001 Rev A) and will be liable for all cost associated with the proposed Highways changes (eg. staff time, detailed design, traffic order making, relocation of street furniture).

#### Travel Plan:

The applicant has submitted a draft travel plan and officers are currently reviewing the plan. A separate response will follow in due course. A s106 contribution of £5,000 is sought towards travel plan monitoring.

#### Recommendation:

Highways would raise no objection to the proposed development subject to a s106 contribution of £45,000 towards travel plan monitoring and road safety measures together with conditions and informatives."

### **Environmental Health**

The application submission has been reviewed by the Council's Environmental Health Officers who have commented as follows:

"This is a development with a number of issues that will require conditions to mitigate impact from the following:

- Poor air quality from traffic (because of the site's proximity to a 3 lane junction)
- Air quality issues from development
- Poor noise quality from traffic and non-residential properties in proximityInternal noise issues from flexible mixed commercial ground floor use (there is no indication about what the ground floor is exactly proposed for)
- Noise from plant both internal and external for residential use and from commercial use

Although we have been supplied with information regarding:

- Air quality
- Noise
- Contaminated land

There is still inadequate information within the reports and so these will need to be revised in light of the comments made below. One of the issues is that we require more information regarding plant noise and noise from D1/D2 use. Often plant is not fully known until the commercial use is under let and the condition must be appropriately reworded to allow for the building to be built first. And then used later.

### Air Quality

An Eb7 Air Quality Assessment dated 7th June 2019 has been submitted.

An Air Quality Assessment usually describes existing local air quality conditions (baseline), and the predicted air quality in the future, which is the earliest year that any part of the proposed development is anticipated to be occupied. Estimated background concentrations across the study area have not been determined for baseline and the opening year.

I do not think that an assessment of emissions and impacts to worst case existing sensitive receptors has been done.

Pollutant concentrations at sensitive locations within the proposed development are predicted to be above the relevant objectives on ground floor commercial space.

Levels of nitrogen dioxide that have been predicted to the new receptors at the development site in opening year are not clearly presented (in relation to the air quality standard of 40ug/m<sup>3</sup>). The applicant needs to do a proper assessment of air quality concentrations with height. Without this there is no evidence to say that air quality mitigation should not be employed at every level of the development.

Also the development lies very close to bus stops. If flats situated at the front façade then there are likely to be issues with NO<sub>2</sub> levels, if these flats are single façade then this is their only ventilation point and it would be better to have mechanical ventilation with inlet at the rear of the building away from the main road or air should be brought in from higher up. Or use mechanical ventilation with filters.

I would recommend conditions related to air quality including air pollution impacts during demolition and construction phase.

### Noise

A KP Acoustics NOISE IMPACT ASSESSMENT, Report 18887.NIA.01, dated 15.04.2019 has been submitted. A map with the monitoring locations is presented but I cannot see that any monitoring has been done at the façade close to the bank and offices to the west of the site which may have noisy plant.

The mitigation measures in the report do not take into account internal noise issues from flexible commercial ground floor use (there is no indication about what the ground floor is exactly proposed for, we just know a flexible D1/D2 use is proposed, this will need to be clarified when designing noise mitigation) and also noise from plant both internal and external for residential use and from commercial use.

I have included the mechanical plant in the plant conditions because the development includes a plant area.

Is there going to be external amenity space (such as balconies / roof terrace)? If so, we would like to have predictions of noise levels within all external amenity areas.

### Contaminated Land

A GROUND INVESTIGATION & BASEMENT IMPACT ASSESSMENT REPORT prepared by Jomas dated 21/6/2019 and ref:P2039J1655/JWT has been submitted.

Following demolition of buildings, further ground investigation should be carried out. This is also recommended by the consultants. "

Suitably worded conditions in respect of Air Quality, Noise and Contaminated Land will be attached should planning permission be granted.

### **Sustainability**

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

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

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

The application is accompanied by an Energy & Sustainability Statement from EB7 (30th May 2019) which sets out how the development accords to the London Plan energy hierarchy.

A 'Lean, Clean, Green' strategy has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 33.18% above Part L 2013 standard, through the adoption of high standards of insulation, efficient centralised gas fired heating/hot water systems, with electricity generation via roof mounted PV.

The major residential element of the proposed developments meets the London Plan target of a 35% reduction in Part L emissions.

A carbon off-set payment of £51,192.00 for this major residential scheme will meet with London Plan "Zero Carbon" requirements.

### **Trees, Landscaping and Ecology**

The site currently does not currently include any trees or green space.

The proposed draft landscape strategy proposes areas of soft and hard landscaping to the front of the building along with a green roof and planting to the rear.

The Council's Arboricultural Officer has reviewed the submissions and whilst the proposed landscaping scheme is acceptable in principle, it is recommended that a detailed landscape plan is submitted that requires replacement and enhanced planting. Details of the hard and soft landscaping will be sought via condition should planning permission be granted.

In addition, the Arboricultural Officer considers that it would be beneficial to seek a contribution towards the provision of street trees along Oakleigh Road North which would help provide visual softening at greater distance.

10 x street trees are proposed at a total cost of £6,000. The new trees would be planted along Oakleigh Road North to assist in mitigating the visual massing of the 5 storey building in the local area.

This contribution has been agreed with the applicant and would be secured via an obligation within the Section 106 Agreement.

The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal (Quants, July 2019) as has no objection to the proposal.

## **Archaeology**

The site is in an identified Archaeological Priority Area. A desk based Archaeological Desk Based Assessment (DBA) has been submitted with the application (CGMS, April 2019). Historic England has reviewed the DBA and commented as follows:

"I agree with the conclusion of the desk-based assessment that the proposed development is unlikely to have a significant archaeological impact. This is because the site lies away from the historic street frontages and appears to have been heavily disturbed in modern times. Also previous investigations in the vicinity have (with one notable exception) been generally negative in outcome.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

No further assessment or conditions are therefore necessary."

## **Flood Risk and SUDS**

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment/SUDS, Nimbus, June 2019. This has been assessed by the Council's appointed drainage specialists who require



further information to be fully satisfied with the proposal. However, this outstanding information relating to the surface water drainage scheme can be agreed prior to commencement of development. If permission were granted, a condition securing the submission of a surface water drainage scheme would be attached.

## **Refuse and recycling storage and collection**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located in the basement. Details of the storage areas and collection strategy will be secured via condition.

## **S106 legal agreement**

Heads of terms:

- Affordable Housing £830,000
- Employment and Skills £165,916 - Local Employment Agreement payment in lieu
- London Plan Carbon Offset payment £51,192
- Highways £45,000
- Street Trees £6,000

Total financial contributions of £1,098,108.

S106 monitoring contribution (2%) = £21,962.

## **5.4 Response to Public Consultation**

Addressed elsewhere in this report.

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

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

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

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

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

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

The 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 building with lifts provided to provide step-free access between the lower ground and to the upper levels. Dedicated parking spaces for people with a disability will be provided in locations in close proximity to the lift areas.

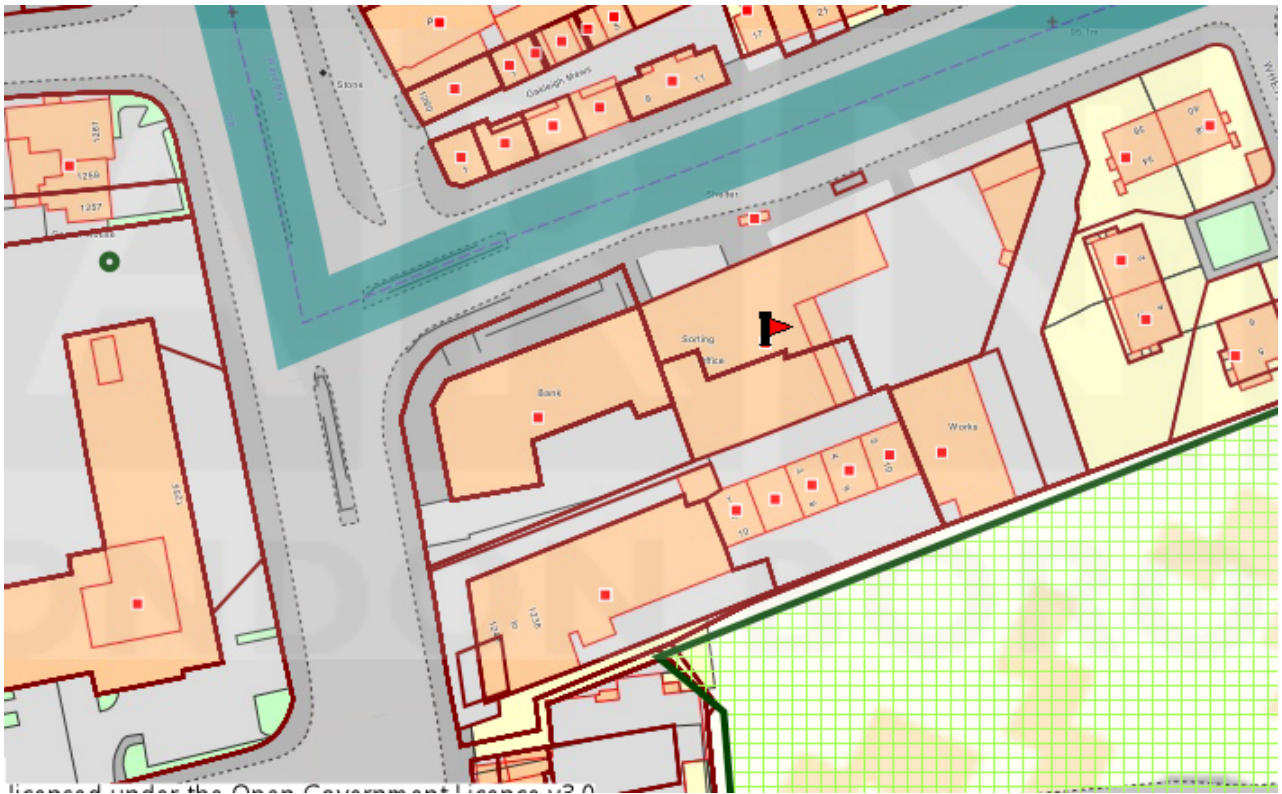
It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments 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 the all of the issues identified as discussed within this report. Officers are satisfied that the principle of development, including the loss of the employment generating sui generis use, is acceptable.

The proposed scale, massing, bulk, height and design are considered to be acceptable, whilst responding and respecting the surrounding site context. All other considerations relating to neighbouring residential amenity and parking are considered to be acceptable.

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 accords with the relevant development plan policies. 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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