

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 10TH OCTOBER, 2019

AT 6.30 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Shimon Ryde BSc (Hons)
Vice Chairman: Councillor Melvin Cohen LLB

Claire Farrier
Brian Gordon
Tim Roberts

Eva Greenspan
Laurie Williams
Nagus Narenthira

Mark Shooter
Stephen Sowerby
Julian Teare

Substitute Members

Alison Cornelius
Gill Sargeant
Kathy Levine

John Marshall
Daniel Thomas
Anne Hutton

Gabriel Rozenberg
Helene Richman

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: mainplanning.committee@barnet.gov.uk

Media Relations contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
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14.	19.3208.S73 - National Institute of Medical Research, The Ridgeway, NW7 1AA	345 - 406
15.	Planning Enforcement and Planning Committees Appeals Update – January to June 2019	407 - 418
16.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

4 September 2019

Members Present:-

AGENDA ITEM 1

Councillor Shimon Ryde (Chairman)

Councillor Claire Farrier	Councillor Mark Shooter
Councillor Eva Greenspan	Councillor Stephen Sowerby
Councillor Brian Gordon	Councillor Julian Teare
Councillor Nagus Narenthira	Councillor Laurie Williams
Councillor Tim Roberts	Councillor John Marshall (as substitute)

Apologies for Absence

Councillor Melvin Cohen

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 24 July 2019, be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Melvin Cohen who was substituted by Councillor John Marshall.

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

Councillor Shimon Ryde declared a non-pecuniary interest in agenda item 7 relating to Colesworth House, Crokesley House, Curlington House, Clare House and Kedyngton House, Burnt Oak Broadway, by virtue of being a council appointed director of Barnet Homes. As such Councillor Ryde withdrew from the meeting for the duration of the item and did not take part in the consideration or decision-making process.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the contents of the Addendum.

6. PHASE 7 AND 8, MILLBROOK PARK (FORMER INGLIS BARRACKS) NW7 1PX - 19/3092/RMA

Councillor Farrier gave her apologies and left the meeting at 7:45pm.

The planning officer introduced the report relating to Phase 7 and 8, Millbrook Park (Former Inglis Barracks).

An oral representation was made on behalf of applicant by Tim Surgess.

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

This was put to the vote and unanimously AGREED

The Committee therefore RESOLVED TO APPROVE the application subject to the conditions in the report.

7. COLESWORTH HOUSE, CROKESLEY HOUSE, CURTLINGTON HOUSE, CLARE HOUSE AND KEDYNGTON HOUSE BURNT OAK BROADWAY - 19/2657/FUL

The Chairman, having declared an interest and left the room and the Vice-Chairman having given his apologies, the Committee was asked to nominate a Chairman to preside over this item. Councillor Gordon seconded by Councillor Greenspan, duly nominated Councillor Sowerby to preside as Chairman over this item.

This was put to the vote and it unanimously agreed that Councillor Sowerby preside as Chairman of this item.

The planning officer introduced the report and addendum which related to Colesworth House, Crokesley House, Curtlington House, Clare House And Kedyngton House, Burnt Oak Broadway.

An oral representation was made on behalf of applicant.

Following discussion of the item, Councillor Roberts moved a motion that was seconded by Councillor Teare to delegate the agreement of the brick colour to officers in consultation with the acting Chairman. This amendment was unanimously agreed.

The acting Chairman then moved to vote on the recommendations in the cover report, which was to approve the application subject to the conditions in the report as amended.

This was put to the vote and it unanimously agreed.

The Committee therefore RESOLVED TO APPROVE the application subject to the conditions in the report as amended.

8. 100 BURNT OAK BROADWAY EDGWARE HA8 0BE - 19/1049/FUL

The planning officer introduced the report relating to 100 Burnt Oak Broadway, Edgware.

An oral representation was made on behalf of applicant by Daniel Harris.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to the conditions in the report, noting that this would be subject to no direction to call in or refuse the application being received from the Mayor of London.

This was put to the vote and votes were recorded as follows:

For	8
Against	3
Abstain	0

The Committee therefore RESOLVED TO APPROVE the application subject to the conditions in the report.

9. 104A BURNT OAK BROADWAY EDGWARE HA8 0BE - 19/3906/FUL

The planning officer introduced the report relating to 104A Burnt Oak Broadway, Edgware.

An oral representation was made on behalf of applicant by Daniel Harris.

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

This was put to the vote and unanimously AGREED

The Committee therefore RESOLVED TO APPROVE the application subject to the conditions in the report.

10. UNDERHILL STADIUM AND HOCKEY CLUB, BARNET LANE, BARNET, EN5 2DN - 17/4840/FUL

The planning officer introduced the report relating to Underhill Stadium and Hockey Club, Barnet Lane.

An oral representation was made on behalf of applicant.

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

This was put to the vote and unanimously AGREED

The Committee therefore RESOLVED TO APPROVE the variation subject to the conditions in the report.

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

None.

The meeting finished at 7.55 pm

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Location **Colesworth House, Crokesley House, Curtlington House, Clare House And Kedyngton House Burnt Oak Broadway Edgware HA8**
AGENDA ITEM 6

Reference: **19/2657/FUL** Received: 9th May 2019
Accepted: 20th May 2019
Ward: Burnt Oak Expiry 19th August 2019

Applicant: Mrs Susanna Morales

Proposal: Roof extensions to the five purpose-built apartment blocks of Burnt Oak Broadway Estate to create 18 new 1 and 2 bedroom flats with their own private amenity space. Associated works to landscaping, parking areas, refuse areas, fencing and cycle storage

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Payment of £20,000.00 towards highway improvements for existing junction at Montrose Avenue and Burnt Oak Broadway

 Payment of £14,403.00 towards carbon offset to meet the Mayor of London's zero carbon target.
4. Monitoring of legal agreement (£1,548.14)

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:

5428-1015 A, 5428-1016 A, 5428-1017 A, 5428-1018 A, 5428-1019 A, 5428-1050, 5428-1000 B, 5428-1800 D, 4138/P01 A, 4138/P02 A, 4138/P03 A, 5428-1603 C, 5428-1600 C, 5428-1601 C, 5428-1602 C, 5428-1604 C, 5428-1450 C, 5428-1451 C, 5428-1426 E, 5428-1427 E, 5428-1420 E, 5428-1421 E, 5428-1422 E, 5428-1423 E, 5428-1424 D, 5428-1425 E, 5428-1005 A, Biodiversity Survey Report (Rev 1) by foa ecology dated April 2019, Daylight and Sunlight Assessment, Planning Report by elementa dated 18.03.2019, Energy Strategy Report by elementa dated 18.03.2019, Schedule of Materials

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 in conjunction with the acting chair of the Committee.

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 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, 38 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 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 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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

6 Within 3 months of occupation, 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 modes of transport 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.

7 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.

8 No development shall commence until a highway condition survey 50 metres on 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.

Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

9 Prior to occupation of the development full details of the electric vehicle charging points consisting 1 active and 1 passive 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 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.

10 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 of Traffic 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.

11 Prior to the first occupation of the new development a 'Secured by Design' accreditation shall be obtained for the new residential units.

c) The development shall only be carried out in accordance with the approved details and retained as such thereafter.

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

12 Development shall not begin until a surface water drainage strategy for the development has been submitted and approved in writing by the Local Authority.

Reason: to should demonstrate that the development is in compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off in accordance with Policy DM04 of the Development Management Policies DPD (2012) and London Plan (2015).

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

14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The

development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

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

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

16 Prior to occupation of the development of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

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

17 The recommendations set out Biodiversity Survey Report (Rev 1) prepared by foa ecology dated April 2019 approved under Condition 1 of this consent, shall be implemented in full and adhered to throughout the site preparation, demolition and construction process.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.

18 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.

19 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).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 06.11.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not 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).

The development fails to provide a legal undertaking to enable a contribution towards the associated costs to improve predestiran accessibility and highway safety, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 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.
- 4 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.
- 5 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 or 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.

- 6 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.
- 7 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.

- 8 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.

- 9 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

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

The Mayor of London adopted a CIL charge on 1st April 2019 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

Decision Date: 24 January 2019

Description: Demolition of the existing building. Erection of a four, five and six-storey building to facilitate 51 no (assisted living C2 use) self-contained units with associated communal facilities, landscaping, parking, buggy/cycle storage and refuse and recycling storage

3. Proposal

The application proposes roof extensions to the five purpose-built apartment blocks of Burnt Oak Broadway Estate to create 18 new 1 and 2 bedroom flats with their own private amenity space. Each unit would be delivered by Open Door Homes, the Arms Length Affordable Housing Provider within Barnet and would be delivered as an affordable rent product.

The extensions to each building and the units created would be as follows;

Kedyngton House

Kedyngton House has a maximum height of 14 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 4 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat P - 1 Bedroom 2 Person - 61sqm (GIA:50sqm)
Flat Q - 2 Bedroom 3 person - 84sqm (GIA: 61sqm)
Flat R - 1 bedroom 2 person - 58sqm (GIA 50sqm)

Clare house

Clare House has a maximum height of 14.6 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.5 metres to the top of the flat roof. The height of the extension ranges from 3.20 to 3.25 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat M - 1 Bedroom 2 Person - 65sqm (GIA:50sqm)
Flat N - 2 Bedroom 3 person - 75sqm (GIA: 61sqm)
Flat O - 1 bedroom 2 person - 57sqm (GIA 50sqm)

Curtlington House

Curtlington House has a maximum height of 14.3 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.2 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.3 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flat I, J, K and L which would be as follows;

Flat I - 2 Bedroom 3 Person - 72sqm (GIA:61sqm)
Flat J - 1 Bedroom 2 person - 67sqm (GIA: 50sqm)
Flat K - 2 bedroom 3 person - 73sqm (GIA 61sqm)
Flat L - 2 bedroom 3 person - 63sqm (GIA 61sqm)

Crokesley House

Crokesley House has a maximum height of 13.9 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.6 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.4 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat E - 2 Bedroom 4 Person - 82.6sqm (GIA:70sqm)
Flat F - 1 Bedroom 2 person - 70sqm (GIA: 61sqm)
Flat G - 1 bedroom 2 person - 73.2sqm (GIA 50sqm)
Flat H - 2 bedroom 3 person - 80.5sqm (GIA 70sqm)

Colesworth House

Colesworth House has a maximum height of 13.8 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.8 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.45 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flats A, B, C and D which would be as follows;

Flat A - 2 Bedroom 4 Person - 81.7sqm (GIA:70sqm)
Flat B - 2 Bedroom 3 person - 75.3sqm (GIA: 61sqm)
Flat C - 2 bedroom 3 person - 73.3sqm (GIA 61sqm)
Flat D - 2 bedroom 3 person - 72sqm (GIA 61sqm)

There would also be associated works resulting in alterations and works to landscaping, parking areas, refuse areas, fencing and cycle storage

4. Public Consultation

A site notice was erected 13 June 2019.

Consultation letters were sent to 301 neighbouring properties.

9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Concerns regarding the existing structural state of the buildings with requirement for building improvements for structural cracks, mould issues and drainage. Concerns regarding potential development resulting in additional damage.
- Concerns regarding impact on existing parking stress by increased residents
- Concerns regarding impact on privacy and light from neighbouring occupier.
- Concerns regarding intensification of the site and subsequent impact on surrounding area in terms of crime and cleanliness.

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, CS3, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, 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:

- Whether the principle of development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the amenity of future occupiers;
- Whether harm would be caused to highways parking;
- Whether harm would be caused to trees;

- Any other material considerations

5.3 Assessment of proposals

Principle of development:

Paragraph 117 of the National Planning Policy Framework (NPPF) (2019) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 118 of the NPPF (2019) states that amongst other things, planning policies and decisions should, in point (e): "support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."

The proposal uses airspace above existing residential development to deliver new homes. It is therefore supportable in principle in accordance with the NPPF (2018).

For areas such as the application site policies CS1 and CS3 of the Barnet's Core Strategy DPD (2012) expects new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access.

The proposed development would be delivered as a 100% affordable rent development which would meet and exceed the requirements of policy DM10 which seeks to achieve at least 40% affordable housing units across the Borough through the plan period. The ability of this scheme to provide above-threshold affordable housing on site is a compelling material consideration in the planning balance. This provision is to be secured through a legal agreement.

In addition, the further increase in development density close to a town centre, along a key linear route and at a high PTAL location accords with development principles set out in the London Plan.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the development of an additional storey in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of an additional storey is deemed acceptable.

Impact on character and appearance of main building, street scene and surrounding area:

Paragraph 124 of National Planning Policy Framework (2019) 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.

Policy CS5 of Barnet's Core Strategy (2012) 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 Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The application site is made up of five separate residential blocks of 3 storeys along Burnt Oak Broadway. The buildings are owned and managed by Barnet Homes. From south to north along burnt Oak Broadway the the buildings are as follows; Kedyngton House, Clare House, Curtlington House, Crokesley House and Colesworth house. Due to the topography along Burnt Oak Broadway the base of each building sits at a slightly higher level than the previous as the street inclines to the north.

The apartment blocks have a flat roof form with associated chimneys and are clad in light yellow bricks. Onsite car parking, cycle parking and buggy storage is located to the rear, with single-storey storage units located between each block. To the front of the site is a large strip of green defensible space which is sporadically occupied by trees. This area whilst functional in its provision of defensible space from the adjacent main road, has limited visual amenity value.

The application site is not located within a conservation area although adjoins the Watling Estate Conservation Area to the rear. No buildings within the application site are either statutory or locally listed buildings. There are no trees subject to a Tree Preservation Order within the curtilage of the application site. The site resides within Flood Zone 1.

The surrounding character is mixed, with residential to the rear located within the Watling Estate Conservation Area and residential, retail and leisure uses opposite. There is no consistent architectural form or scale opposite the application site along Burnt Oak Broadway, with examples of this variance including a two-storey pitched roofed shopping parade, and a six-storey flat roofed building comprising residential and leisure uses.

The proposed extensions and proposed units for each building will be outlined below, before an assessment of the character amenity and other matters will be assessed collectively afterwards.

Kedyngton House

Kedyngton House has a maximum height of 14 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 4 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat P - 1 Bedroom 2 Person - 61sqm (GIA:50sqm)
Flat Q - 2 Bedroom 3 person - 84sqm (GIA: 61sqm)
Flat R - 1 bedroom 2 person - 58sqm (GIA 50sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Each unit falls slightly under this with a maximum shortfall of 0.6sqm. However, each bedroom has incorporated a built-in storage unit of 0.8sqm which is not included in the bedroom measurements in addition to a separate store located in each unit's hallway which meets the requirements for internal storage for each unit. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

Clare house

Clare House has a maximum height of 14.6 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.5 metres to the top of the flat roof. The height of the extension ranges from 3.20 to 3.25 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat M - 1 Bedroom 2 Person - 65sqm (GIA:50sqm)
Flat N - 2 Bedroom 3 person - 75sqm (GIA: 61sqm)
Flat O - 1 bedroom 2 person - 57sqm (GIA 50sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Unit M and O fall slightly under this with a maximum shortfall of 0.5sqm. However, each bedroom has incorporated a built-in storage unit of 0.8sqm which is not included in the bedroom measurements in addition to a separate store located in each unit's hallway which meets the requirements for internal storage for each unit. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

Curtlington House

Curtlington House has a maximum height of 14.3 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.2 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.3 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flat I, J, K and L which would be as follows;

Flat I - 2 Bedroom 3 Person - 72sqm (GIA:61sqm)
Flat J - 1 Bedroom 2 person - 67sqm (GIA: 50sqm)
Flat K - 2 bedroom 3 person - 73sqm (GIA 61sqm)
Flat L - 2 bedroom 3 person - 63sqm (GIA 61sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Flat I, L and L falls slightly under this with a maximum shortfall of 0.5sqm. However, each unit is considerably over the London Plan Requirements and does have provision of storage space within each unit's hallway. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

Crokesley House

Crokesley House has a maximum height of 13.9 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.6 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.4 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

- Flat E - 2 Bedroom 4 Person - 82.6sqm (GIA:70sqm)
- Flat F - 1 Bedroom 2 person - 70sqm (GIA: 61sqm)
- Flat G - 1 bedroom 2 person - 73.2sqm (GIA 50sqm)
- Flat H- 2 bedroom 3 person - 80.5sqm (GIA 70sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. All units meet the required internal bedroom sized and London Plan space requirements.

Colesworth House

Colesworth House has a maximum height of 13.8 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.8 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.45 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flats A, B, C and D which would be as follows;

- Flat A - 2 Bedroom 4 Person - 81.7sqm (GIA:70sqm)
- Flat B - 2 Bedroom 3 person - 75.3sqm (GIA: 61sqm)
- Flat C - 2 bedroom 3 person - 73.3sqm (GIA 61sqm)
- Flat D - 2 bedroom 3 person - 72sqm (GIA 61sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Flat D under this with a shortfall of 0.3sqm. However, each unit is considerably over the London Plan Requirements and does have provision of storage space within each unit's hallway. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

The proposed extension would introduce an architecturally modern element the top of each block which is considered to improve the visual interest of each property. The proposed extensions would have a standing seam metal finish with the fenestration framed in dark composite material. The proposed modern additions to the buildings have been informed by the existing architectural details of the property and incorporate the existing chimney stacks into the design. It is considered that the overall design of the extensions would complement the architectural detail of the blocks and would be an appropriate addition to the street scene given the varied architectural styles, design and size of the buildings located along this part of Burnt Oak Broadway.

The proposed size, scale and mass of the proposed extensions would be considered acceptable given they will still be below the maximum height of the existing buildings will not protrude past the existing elevations of the buildings. Given that the scale, mass and size is appropriate and the aforementioned design aspects improving the architectural interest and visual aesthetics of the buildings the proposal is considered to have an acceptable impact on the character of the buildings, street scene and wider locality.

The application has been submitted within a schedule of materials however details of all materials, particularly those proposed with the landscaping have not all been provided. The indicative materials suggested in the schedule and are considered to seem acceptable however specific details of each material including manufacturer/type will be secured by way of condition for provision of materials and samples to be submitted and approved to the local authority prior to construction of the development.

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The amenity impacts to be assessed are those to the East of the site with particular consideration to the rear of the closest residential neighbours along Millfield Road. The neighbouring windows to the rear of these properties along Millfield are approximately 25 metres away from any of the blocks of flats located along Burnt Oak Broadway. The proposed outdoor amenity spaces to the units would be facing onto Burnt Oak Broadway in order to reduce any privacy or overlooking issues. It is considered that the additional mass on the buildings and height of approximately 3 metres would not result in any unacceptable levels of harm to the amenity of the neighbouring occupiers given the significant setback of any rear facing windows

To the north of the site, the closest building Colesworth House is adjacent to The Father's house International Church which does not benefit from limited fenestration to the side elevation adjacent to the application site As such the additional mass and height is not considered to result in any unacceptable harm. This site is to be redeveloped into an extra care facility also delivered by Open Door Homes.

To the south of the site the southernmost building Kedyngton house is adjacent to a three-storey purpose built block of flats, Montrose Court. The proposal would be set back significantly due to Montrose Avenue running between the flank elevations of each building as well as a significant amount of vegetative screening to both the boundary of the application site and Montrose Court. As such, it is not considered the proposal would result in any unacceptable levels of harm to the amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

In summary, it is considered that the development proposals would allow for adequate daylight, sunlight, privacy and outlook in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Amenity of future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

18 self contained units will be created.

The units are as follows:

Flat A - 2 Bedroom 4 Person - 81.7sqm (GIA:70sqm)
Flat B - 2 Bedroom 3 person - 75.3sqm (GIA: 61sqm)
Flat C - 2 bedroom 3 person - 73.3sqm (GIA 61sqm)
Flat D - 2 bedroom 3 person - 72sqm (GIA 61sqm)
Flat E - 2 Bedroom 4 Person - 82.6sqm (GIA:70sqm)
Flat F - 1 Bedroom 2 person - 70sqm (GIA: 61sqm)
Flat G - 1 bedroom 2 person - 73.2sqm (GIA 50sqm)
Flat H - 2 bedroom 3 person - 80.5sqm (GIA 70sqm)
Flat I - 2 Bedroom 3 Person - 72sqm (GIA:61sqm)
Flat J - 1 Bedroom 2 person - 67sqm (GIA: 50sqm)
Flat K - 2 bedroom 3 person - 73sqm (GIA 61sqm)
Flat L - 2 bedroom 3 person - 63sqm (GIA 61sqm)
Flat M - 1 Bedroom 2 Person - 65sqm (GIA:50sqm)
Flat N - 2 Bedroom 3 person - 75sqm (GIA: 61sqm)
Flat O - 1 bedroom 2 person - 57sqm (GIA 50sqm)
Flat P - 1 Bedroom 2 Person - 61sqm (GIA:50sqm)
Flat Q - 2 Bedroom 3 person - 84sqm (GIA: 61sqm)
Flat R - 1 bedroom 2 person - 58sqm (GIA 50sqm)

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 1 bed 2 person on one floor requires 50sqm
- 2 bedroom 4 person on one floor requires 70sqm.
- 2 bedroom unit 3 person requires 61 sqm.

The proposed dwellings meet and exceeds the min. GIA requirements.

Lighting

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room. All rooms are considered to meet and exceed the required glazing levels and would provide a good level of light.

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, although a floor to ceiling height of 2.5 metres is preferred.

The proposed dwellings meet and exceed the requirement

Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable design and construction SPD advises that 5m² should be provide per habitable room for flats.

Outdoor amenity space for each unit is provided through winter gardens facing towards Burnt oak Broadway. These amenity space provided varies for each unit as is as follows;

- Flat A - 2 Bedroom 4 Person - 7sqm
- Flat B - 2 Bedroom 3 person - 6.4sqm
- Flat C - 2 bedroom 3 person - 6.5sqm
- Flat D - 2 bedroom 3 person - 6.3 sqm
- Flat E - 2 Bedroom 4 Person - 7sqm sqm
- Flat F - 1 Bedroom 2 person - 5.9sqm
- Flat G - 1 bedroom 2 person - 5.8sqm
- Flat H- 2 bedroom 3 person - 7.0sqm
- Flat I - 2 Bedroom 3 Person - 6sqm
- Flat J - 1 Bedroom 2 person - 7.4sqm
- Flat K - 2 bedroom 3 person - 7.4sqm
- Flat L - 2 bedroom 3 person - 6sqm
- Flat M - 1 Bedroom 2 Person - 5.9sqm

Flat N - 2 Bedroom 3 person - 7.3sqm
Flat O - 1 bedroom 2 person - 4.8sqm
Flat P - 1 Bedroom 2 Person - 6.2sqm
Flat Q - 2 Bedroom 3 person - 8.2sqm
Flat R - 1 bedroom 2 person - 5.1sqm

It is noted that the existing units within the five buildings benefit from similar small private outdoor amenity space. The amenity space provide for each unit is under the requirement for the amount of bedrooms and habitable room proposed. However, the site lies within PTAL 4/5 within closing close proximity of several bus routes, Burnt Oak Underground Station and is within close vicinity of Silk stream park within a 5-minute walk. Considering the existing site constraints with limited opportunity to provide any additional outdoor amenity space on the existing site, the PTAL of 4/5 and close vicinity of local parks the shortfall of amenity space is considered acceptable.

Trees:

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development.

The local authorities Landscape Consultant has been consulted on the application. The officer is satisfied the proposals will not harm any of the existing trees on site. It has been acknowledged that there is scope for additional planning and high-quality landscaping on the site as well as the green roofs to the new developments, details to be approved by the local authority prior to occupation of the development will be secured via condition. Furthermore, the proposed Green Roofs are strongly supported, however details on the type and level of planting required will be requested via condition to be agreed prior to occupation of the units.

Parking and highways:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London

Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

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.

A private road to the rear of the site provides 68 standard parking spaces for the Estate including 5 disabled parking spaces, with access from Montrose Avenue to the south and egress on Burnt Oak Broadway to the north. The northern access from Burnt Oak Broadway is shared with a car showroom, which is located to the northeast of the site. There is a barrier fixed open at the junction with Burnt Oak Broadway and an additional barrier at the entrance to the Estate.

Approximately 650 metres to the north of the site is Burnt Oak Station which provides frequent underground services into Central London. The closest southbound bus stops are located adjacent to Colesworth House and Kedyngton House on Burnt Oak Broadway. Northbound bus stops are located within 50 metres to the north and south of the site boundary respectively. To the north- The PTAL rating of the site is 3/4 (good). There are 7 bus routes within 5 minutes walking distance of the site providing access to destinations such as Ruislip, Brent Cross and Edgware.

In the vicinity of the site, Burnt Oak Broadway is restricted by single and double yellow lines and designated loading bays. The single yellow lines on the east side of the street restricts loading between Monday - Friday, 8am - 6.30pm. The site is just outside a CPZ but there is unrestricted parking in close vicinity.

There is a pedestrian route along the Estate road within the site boundary, which connects to the footway on Burnt Oak Broadway. The footways on Burnt Oak Broadway is in excess of 7.5m in width. Footways are well maintained and raised tables with tactile paving are provided at junctions with side roads. There is a pedestrian refuge island located on Burnt Oak Broadway at the southern extent of the site. A short distance (60 metres south of the site) on Burnt Oak Broadway is a pedestrian refuge island and Zebra crossing. The Watling Avenue / Burnt Oak Broadway junction, (170 metres north of the site) provides signal-controlled pedestrian crossing facilities. There are also 2 signal-controlled pedestrian crossings along Watling Avenue which are located along the desire line to Burnt Oak Broadway Underground Station. All other side roads rely on dropped kerbs and tactile

paving along the route. It is considered that the access between the site and local facilities does not present a barrier to those with disabilities

Montrose Avenue and Watling Street are designated by TfL "as quieter roads that have been recommended by other cyclists. Also, to the north east of the site, a greenway for cyclists runs through Silkstream Park.

The nearest car club location is approximately 1km (12 - 13 minutes' walk) to the south of the site on Colindeep Lane, within a development known as Zenith House. There is also a car club at the Pulse Development on Joslin Avenue a short distance from Colindale Station, approximately 1.3km (16 - 17 minutes' walk) to the south east of the site.

The applicant proposes 5 parking spaces for the 20 units which equates to a parking ratio of 0.25 spaces per dwelling. However, the existing development has 78 flats with 64 spaces so in total, there will be 98 units with a parking provision of 70 spaces which equates to a ratio of just over 0.70 spaces per dwelling.

2011 census suggest that car ownership ratio for the ward in which the site is located is 0.56 spaces per dwelling. Going by level of average car ownership indicated for this super output area, a total 98 units will generate approximately 55 cars. The site is easily accessible by public transport and has a PTAL of 4/5 (good). It is therefore considered that the level of parking provision on site with a ratio of 0.7 spaces per dwelling is acceptable.

Cycle Parking

Based on London Plan standards, a total of 38 long-stay cycle parking spaces should be provided. The application form indicate that 20 cycle parking spaces are proposed and this does not meet the minimum standards set out in the London Plan. The current proposal has a short fall of 18 cycle spaces. After the benefit of a site visit it is considered that there is space to provide the additional required cycling spaces on site. These details shall be secured by way of condition prior to occupation of the units. The long stay cycle parking spaces must be provided in a covered, sheltered, lockable and enclosed compound.

Road Safety

The Highways Officer has states that records show that there has been 14 reported personal injury accidents in the section of Burnt Oak Broadway between Stag Lane and Montrose Avenue vicinity on the five year period ending 2018. 11 were slight, 2 were serious and 1 was fatal with 6 of the accidents involved pedestrians.

The two serious accidents occurred on Montrose Avenue and at the junction with Stag Lane. The one fatal accident occurred on Montrose Avenue near St Alphage Walk.

This suggest that there is a safety problem on roads surrounding the site. The site will generate nearly around 90 person trips daily and residents of the development will use this accident hotspot. A contribution of £20,000 is therefore sought towards a proposed junction improvement scheme at this location estimated at approximately £650,000 which is shared with the London Borough of Harrow across on the other side of Burnt Oak Broadway who are seeking similar funding for any new redevelopment taking place around this junction. A feasibility design has been completed and the scheme would be implemented when funding becomes available. This money would be secured via S106 agreement, however if the funding across various projects does not materialise over time and the junction improvement

works do not happen at all or within a nominal five year period the money secured through the S106 agreement would be refunded back to Barnet Homes.

Refuse and recycling:

The existing refuse arrangements on site are to be demolished and moved towards the rear of the site adjacent to the existing car parking spaces. The proposed bin stores will be obscured by louvre screens. The applicant has stated there will be several additional bins however specific sizes of these has not been provided nor has elevational details of the proposed bin store and screening facilities. Some of the refuse stores are also more than 10m away from the nearest highway, as such a collection point will need to be designated and a management plan for refuse collection created. A condition will be attached requiring these details to be approved by the local authority prior to occupation of the development.

Ecology/biodiversity:

London Plan Policy 7.19 states that development proposal should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. Point c states that proposals should not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified. Policy DM16 of Barnet's Development Management Policies Document DPD (2012) provides similar protection for biodiversity and identified/designated sites.

The application site is not in a Site of Special Scientific Interest nor is it in a Site of Importance for Nature Conservation. It is not a European site.

The application site has been the subject of a Preliminary ('Phase 1') Ecological Appraisal to establish whether it provides a habitat for protected species. The site was considered to provide negligible potential for reptiles, newts, badger, dormice and water vole. The Appraisal states that 'no evidence of bats was found'. The Appraisal does state that as a precautionary measure, a single bat emergence survey is recommended. The document also makes recommendations to avoid having an adverse impact on breeding birds and recommendations for habitat enhancements. A condition will be attached to ensure these recommendations are adhered to, and implemented.

Accessibility and Sustainability:

Table 2.6 of Barnet's Sustainable Design and Construction SPD (2016) states that 90% of new dwellings should comply with building regulation M4 (2) "accessible and adaptable dwellings". This is also included in London Plan Policy 3.8.

The Mayors Housing SPD (March 2016) states in Paragraph 2.3.10: "...in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents." It continues: "This may bear particularly on the following types of schemes...new units as a result of upward extensions to existing residential homes and flats".

This is the case in this instance. The applicant has stated within their planning statement justification for why the inclusion of a lift would not be viable as it would have a detrimental impact on the layout of the existing units including the loss of some units existing outdoor amenity

space. It would therefore be unviable as it would not receive permission from the local planning authority. The Local Planning Authority will therefore apply the policy flexibly. All other standards have been applied and the proposal is found compliant in all other respects.

London Plan Policies 5.2 and 5.3, and the GLA's Energy Assessment Guidance require that all new residential dwellings must be carbon neutral, with at least a 35% reduction beyond the 2013 Building Regulations being provided on-site. Non-domestic development must achieve a 35% reduction on site beyond the 2013 Building Regulations. The application submission includes an Energy Assessment which demonstrates that these requirements can be satisfied, which the remaining offset by a developer's contribution in order for the project to comply with the 'Zero Carbon' requirement. This will be secured by way of S106 agreement for £14,403 made payable to Barnet council. To offset the residual unmet regulated carbon emissions.

Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that new dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day. A condition has been attached accordingly.

5.4 Response to Public Consultation

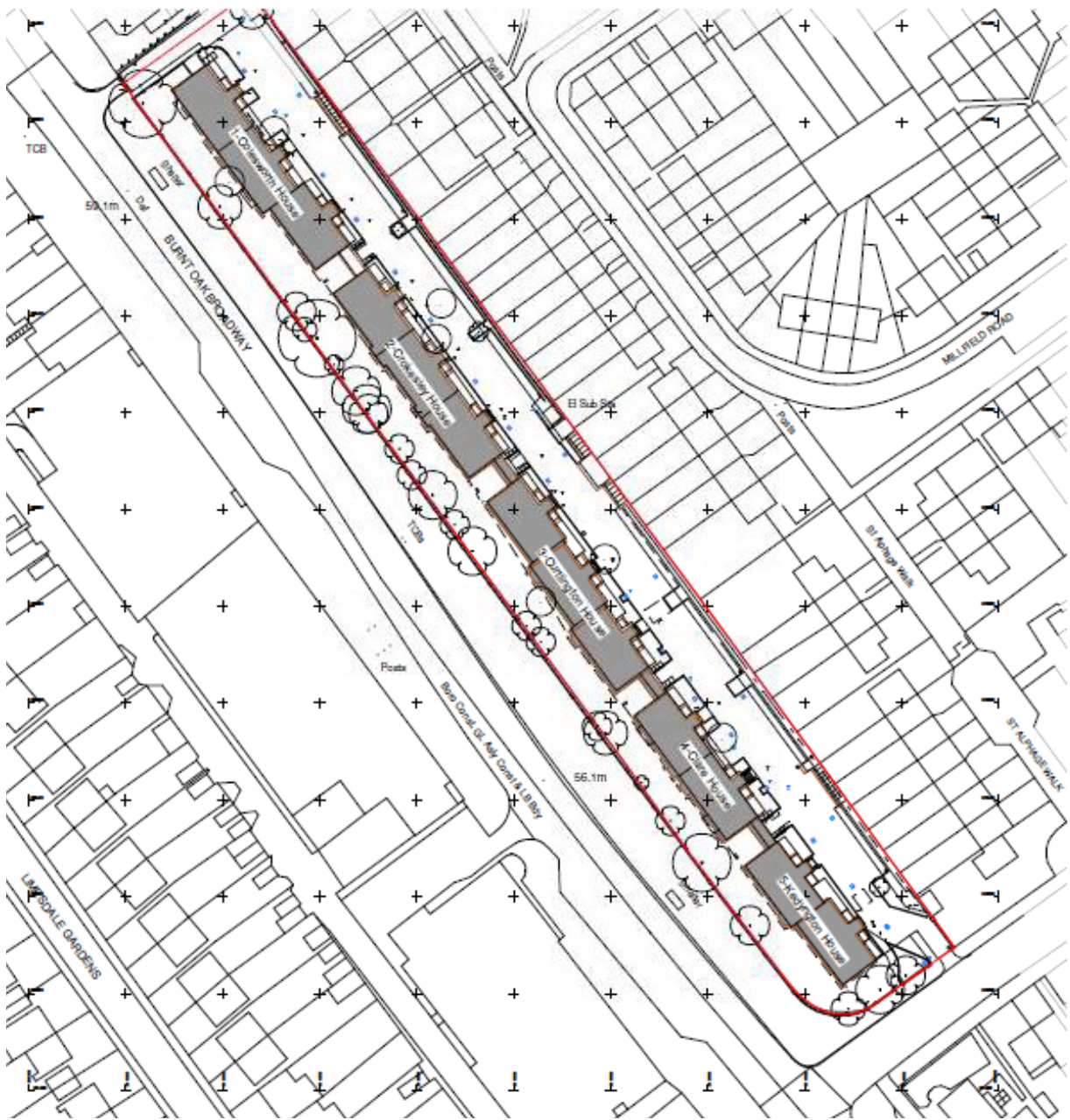
- Concerns regarding the existing structural state of the buildings with requirement for building improvements for structural cracks, mould issues and drainage. Concerns regarding potential development resulting in additional damage; this is not a material planning consideration however discussions were had with Barnet Homes who explained that the issues raised and the necessary remedial works would be included within the development of the additional storeys.
- Concerns regarding impact on existing parking stress by increased residents; this has been addressed within the main assessment of proposals section.
- Concerns regarding impact on privacy and light from neighbouring occupier; this has been addressed within the main assessment of proposals section.
- Concerns regarding intensification of the site and subsequent impact on surrounding area in terms of crime and cleanliness; this is not a material planning consideration.
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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 wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. The application is deemed acceptable on highways and parking grounds. The proposals are acceptable in terms of impact on trees and landscaping. This application is therefore recommended for approval.



2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
 3. 35.1% of habitable rooms to be provided as affordable with a tenure split of 47.3% Affordable Rent and 52.7% Shared Ownership. An early stage review mechanism is to be secured;
 4. 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.
5. Contribution of £2,072.55 to amend traffic order to restrict future occupiers from obtaining parking permits;
 6. Contribution of £5,000 towards monitoring of Travel Plan;
 7. Financial contribution towards CPZ monitoring, consultation and implementation, if required, up to £20,000;
 8. All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority;
 9. All necessary works under section 278 resulting from the location and works identified in the PERS Audit;
 10. Financial contribution towards a local cycling feasibility study and associated necessary and reasonable improvement works in accordance with TfL's Healthy Streets and Vision Zero;
 11. Details of Car Club Scheme, including membership, user incentives and location of car and associated infrastructure;
 12. Restriction on use of stopped-up footway for storage/supermarket trolleys;
 13. A contribution of £12,000 towards tree planting in Burnt Oak Town Centre and along Burnt Oak Broadway;
 14. A carbon offset contribution of £65,962;
 15. Prior to the Occupation of any residential units of the No. 100 Development, the building known as No.104A Burnt Oak Broadway shall be demolished to ground floor, i.e. to the adjacent highway pavement level;
 16. A contribution of £3,000 towards the monitoring of the S106 agreement.

RECOMMENDATION III:

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:

- Site Plan Existing 426-dRMM-ZZ-ZZ-SIT-A-1000_P01
- Site Plan Proposed (Illustrative) 426-dRMM-ZZ-ZZ-SIT-A-1001_P01
- Site Plan Demolition 426-dRMM-ZZ-ZZ-SIT-A-1002_P01
- Site Location Plan 426-dRMM-ZZ-ZZ-SIT-A-1003_P01
- Existing Elevations 426-dRMM-ZZ-ZZ-ELE-A-1100_P01
- South West GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4000_P01
- South East GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4001_P01
- North East GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4002_P01
- North West GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4003_P01
- South East GA Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4004_P01
- North East GA Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4005_P01
- North West GA Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4006_P01
- South West Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4007_P01
- Lower Ground Floor Block Plan 426-dRMM-ZZ-LG-PLA-A-2000_P02
- Ground Floor Block Plan 426-dRMM-ZZ-00-PLA-A-2001_P01
- First Floor Block Plan 426-dRMM-ZZ-01-PLA-A-2002_P01
- Second Floor Block Plan 426-dRMM-ZZ-02-PLA-A-2003_P01
- Third Floor Block Plan 426-dRMM-ZZ-03-PLA-A-2004_P01
- Fourth Floor Block Plan 426-dRMM-ZZ-04-PLA-A-2005_P01
- Fifth Floor Block Plan 426-dRMM-ZZ-05-PLA-A-2006_P01
- Sixth Floor Block Plan 426-dRMM-ZZ-06-PLA-A-2007_P01
- Seventh Floor Block Plan 426-dRMM-ZZ-07-PLA-A-2008_P01
- Eighth Floor Block Plan 426-dRMM-ZZ-08-PLA-A-2009_P01
- Ninth Floor Block Plan 426-dRMM-ZZ-09-PLA-A-2010_P01
- Tenth Floor Block Plan 426-dRMM-ZZ-10-PLA-A-2011_P01
- Eleventh Floor Block Plan 426-dRMM-ZZ-11-PLA-A-2012_P01
- Roof Floor Plan 426-dRMM-ZZ-RF-PLA-A-2013_P02
- Lower Ground Floor GA Plan 426-dRMM-ZZ-LG-PLA-A-2100_P02
- Ground Floor GA Plan 426-dRMM-ZZ-00-PLA-A-2101_P01
- First Floor GA Plan 426-dRMM-ZZ-01-PLA-A-2102_P01
- Second Floor GA Plan 426-dRMM-ZZ-02-PLA-A-2103_P01
- Third Floor GA Plan 426-dRMM-ZZ-03-PLA-A-2104_P02
- Fourth Floor GA Plan 426-dRMM-ZZ-04-PLA-A-2105_P01
- Fifth Floor GA Plan 426-dRMM-ZZ-05-PLA-A-2106_P01
- Sixth Floor GA Plan 426-dRMM-ZZ-06-PLA-A-2107_P01
- Seventh Floor GA Plan 426-dRMM-ZZ-07-PLA-A-2108_P02
- Eighth Floor GA Plan 426-dRMM-ZZ-08-PLA-A-2109_P01
- Ninth Floor GA Plan 426-dRMM-ZZ-09-PLA-A-2110_P01
- Tenth Floor GA Plan 426-dRMM-ZZ-10-PLA-A-2111_P01
- Eleventh Floor GA Plan 426-dRMM-ZZ-11-PLA-A-2112_P01
- Roof GA Plan 426-dRMM-ZZ-RF-PLA-A-2113_P02
- 426-dRMM-ZZ-ZZ-SC-A-0200_P01 Area Schedule
- Play Space Calculation (received 18th June 2019)

- Air Quality Assessment (RPS, 04/02/2019, JAP10587)

- Air Quality Neutral Calculation (RPS, 04/02/2019, JAP10587)
 - Arboricultural Impact Assessment (agb Environmental, 29 November 2018, P3095.1.0)
 - Bat Survey Report (Aven Ecology, January 2019)
 - BREEAM Pre-Assessment Report (Hilsdon Holmes Limited, Energy & Environmental Consultants, 04/02/2019)
 - Daylight and Sunlight Report (Point 2 Surveyors, July 2019, Version 1 R9, P1737)- Energy Assessment (Webb Yates Engineers - J3543-M-RP-0001, Rev. 02, Status S9)
 - General Approach - Webb Yates Engineers - Ref: J3543-X-RP-0001, Rev. 01, Status S9)
 - Heritage, Townscape and Visual Impact Assessment (Built Heritage Consultancy, January 2019)
 - Parking Stress Study (Markides Associates, 26th July 2019)
 - Preliminary Ecological Appraisal (Aven Ecology, January 2019)
 - Scheme Internal Daylight Report (Point 2 Surveyors, November 2018, Version 1, Project P1737)
 - Structural Design Report (Webb Yates Engineers, Ref: J3543-S-BD-0002, Rev. 02, Status S9)
 - Sustainability Assessment (Webb Yates Engineers, Ref: J3543-M-RP-0002, Rev. 01, Status S9)
 - Transport Assessment (Markides Associates, February 2018, 18037-01)
 - Travel Plan (Markides Associates, February 2018, 18037-01)
 - Underground Utilities Search Report (Cornerstone Projects Ltd, Ref No 1: 918084)
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- Addendum to Air Quality Assessment and Air Quality Neutral Calculation (RPS, 19th July 2019, JAP10587)
 - Addendum to Arboricultural Impact Assessment (AGB Environmental, 19th July 2019)
 - Addendum to Bat Survey Report (Aven Ecology, July 2019)
 - Addendum to Heritage Assessment (MRPP, 22nd July 2019)
 - Addendum on Internal Daylight/Sunlight (Point 2 Surveyors, 17th July 2019)
 - Addendum to Planning Statement (MRPP, July 2019)
 - Addendum to Preliminary Ecological Appraisal (Aven Ecology, 19th July 2019, 0227)
 - Addendum to Transport Assessment and Travel Plan (Markides, July 2019, Project Number: 18037-01)

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 No development shall take place within the area proposed for further basement excavation shown with blue hashing on drawing 426-dRMM-ZZ-LG-PLA-A-2100 P02, until a programme of archaeological work in accordance with a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjacent 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.

- 6 No works on the public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highways Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into an agreement with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting the public highway including creation of new accesses, reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the Highway Authority 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.

- 7 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the tree protection fencing 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. Furthermore, the tree works and mitigation measures outlined within Arboricultural Impact Assessment (agb Environmental - 29 November 2018 - P3095.1.0) must be fully implemented and adhered to throughout the development.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 8 Prior to commencement of the development (excluding demolition, site clearance and ground works) a Condition Survey of the existing public highway immediately in front of the development and along Stockwell Close, shall be undertaken and the result submitted to the Local Planning Authority. Within one month of the construction work ceasing a second road condition survey shall be undertaken and the results submitted to the Local Planning Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

Reason: In the interests of safeguarding the existing road corridor.

- 9 No development other than demolition, site clearance and temporary enabling works, shall be commenced until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning

authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

10 a) No development other than demolition, site clearance and temporary enabling works, shall commence 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 have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

11 a) No development other than demolition, site clearance and temporary enabling works, shall commence until details and samples 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.

12 a) Prior to the commencement of above ground works of the development hereby approved, other than demolition, site clearance and temporary enabling works, details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that it can achieve full 'Secured by Design' Accreditation.

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

c) The development shall only be carried out in accordance with the approved details and retained as such thereafter.

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

13 Prior to the first occupation of the development hereby approved, it shall have been constructed in strict accordance with the carbon dioxide emission reduction measures outlined within the Webb Yates Engineers - Energy Assessment - Ref:

J3543-M-RP-0001 - Revision: 02 - Status: S9, to achieve energy efficiency measures equating to a 46% decrease in CO2 emissions over the Part L 2013 baseline or 63 tonnes CO2/year savings (SAP 10).

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.

14 a) The non-residential parts of the development hereby approved, are required to meet the BREEAM Very Good level at post construction stage.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

15 No development other than demolition, site clearance and temporary enabling works, shall commence until details of Photovoltaic Panels and the Air Source Heat Pump (ASHP) system have been submitted to and approved in writing by the Local Planning Authority, including their final layout, external appearance and contribution to the energy efficiency savings of the development hereby approved.

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) No development other than demolition, site clearance and temporary enabling 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, 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 and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority.

Sound insulation shall ensure that the levels of noise generated by the A1 and D2 uses 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 measures approved under this condition shall be implemented in their entirety, in respect of each use prior to the commencement of that use/first occupation within the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by 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.

- 17 Prior to the first occupation of the development hereby approved, the development shall have been implemented in accordance with the methodology and calculations to achieve the mitigation measures outlined within the Air Quality Assessment (RPS - 04/02/19 - JAP10587), Air Quality Neutral Calculation (RPS - 04/02/2019 - JAP10587) and Addendum to Air Quality Assessment and Air Quality Neutral Calculation - RPS - 19/07/2019 - JAP10587).

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic and mixed-use air quality effects in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.14 of the London Plan 2016.

- 18 a) Prior to the first occupation of the Class A use hereby approved, a detailed assessment for any kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties shall be carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced by 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).

- 19 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.

- 20 The level of noise emitted from plant shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any habitable 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 habitable 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.

- 21 Should contamination on site be discovered during excavation works in the area marked in blue hashing on plan 426-dRMM-ZZ-LG-PLA-A-2100 P02 hereby approved, a method statement outlining the remediation works to be carried out shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced.

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.

- 22 a) Notwithstanding the details submitted with the application and otherwise hereby approved, respective components (A1, D2 and C3) of the development shall not be occupied until details of their (i) Refuse and Recycling Collection Strategy, which includes details of their 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 their 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 by its respective uses and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

- 23 Prior to the occupation of the development, a Waiver of liability and indemnity agreement must be signed by the developer and submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 24 Notwithstanding the plans submitted, the disabled parking spaces shown on approved drawing 426-dRMM-ZZ-LG-PLA-A-2100 P02 shall be provided and clearly marked with a British Standard disabled symbol and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 25 a) Prior to the first occupation of the development hereby approved, details of disabled parking for retail uses on Stockwell Close, shall be submitted and approved in writing by the Local Planning Authority.

b) The details approved in this condition shall be fully implemented and retained as such thereafter.

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

- 26 a) Before the development hereby permitted is first occupied, full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for each disabled space.

b) The development shall be implemented in full accordance with the approved details prior to first occupation and maintained as such 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.

- 27 a) Prior to the first occupation of the C3 use hereby approved, a Car Park Management Plan detailing the allocation of disabled car parking spaces and all on-site parking controls, charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the approved details prior to first occupation and maintained as such thereafter.

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

- 28 Prior to the first occupation of the development hereby approved, a Road Safety Audit of the immediately surrounding highway network shall be conducted along with a design and implementation response that provides forms of mitigation against issues raised by the road safety auditor. This shall be submitted to and approved in writing by the Local Planning Authority, with the approved outcomes fully implemented and retained as such thereafter.

Reason: To ensure the surrounding highway networks road safety conditions are fully assessed and mitigated 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 a) Prior to the first occupation of the Class A1 and D2 uses hereby approved, a Delivery and Servicing Plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority.

b) The details approved in this condition shall be fully implemented and retained as such thereafter.

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

- 30 a) Notwithstanding the plans hereby approved, before the development hereby permitted is first occupied, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store shall be submitted to and approved in writing by the Local Authority. The location of both residential and retail / commercial short and long-stay cycle parking shall be provided and clearly marked.

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.

- 31 a) Prior to their first instalment, details of all privacy screens and balustrades to be installed, including dimensions and material finish 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).

32 a) Prior to the first occupation of the development hereby approved, details of the means of enclosure, including boundary treatments and residential access points, shall be 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 proposed and 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).

33 a) Prior to the first occupation of the development hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. All exterior lighting should follow the guidance of the Bat Conservation Trust.

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

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 and DM16 of the Barnet Local Plan and 5.3 of the London Plan.

34 a) Prior to the first occupation of the development hereby approved, details of the proposed green roof shall 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 by 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 2015.

- 35 a) Prior to the first occupation of the development hereby approved, a site wide soft landscaping plan, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall have been submitted to and agreed in writing by the Local Planning Authority. This should include soft landscaping to communal amenity spaces and the area along the rear boundary adjacent to Gaskarth Road.
- 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.

- 36 a) Before the C3 part of the development hereby permitted is first occupied, a scheme detailing the location, layout and play equipment to be installed in the children's play space, shall be submitted to and approved in writing by the Local Planning Authority. Details should also include safety measures, areas of protective flooring and how the play equipment proposed addresses different levels of challenge.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

- 37 The Class A1 and D2 Uses hereby approved shall only be open to customers between the hours of 06:00 and 23:00 on any day or as otherwise agreed in writing by the Local Planning Authority.

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

- 38 The area of the lower ground floor plan hereby approved, marked 'A1 Retail Use / D2 Leisure Use' shall be used as A1 and D2 including related ancillary uses only and for no other purpose (including any other purpose in Class A or 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).

The area of the ground floor plan hereby approved, marked 'A1 Retail Use' shall be used as A1 including related ancillary uses only 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). The area marked 'A1 Retail Use / D2 Entrance' shall be used as access to the lower ground floor 'A1 Retail Use / D2 Leisure Use' only and for no other purpose.

The area on the first-floor plan hereby approved, marked 'A1 Retail Use' shall be used as A1 including related ancillary uses only 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.

- 39 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.

- 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 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).

RECOMMENDATION IV:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10 April 2020, unless otherwise agreed in writing, the Service Director – Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not provide a legal agreement to mitigate against the impacts of the development in respect of its car-free nature and required highways works. 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.

2. The proposed development does not include a formal undertaking to provide onsite affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy DM10 of Barnet's Development Management Policies (2012) and Policy 3.13 of the London Plan (2016).

3. The proposed development does not include a formal undertaking to enter into a Local Employment Agreement. The proposal would therefore not address the impacts of the development, contrary to Policy CS8 of Barnet's Local Plan (2012) and the Delivery Skills, Employment, Enterprise and Training from Development through S106 SPD (October 2014).

4. The proposed development does not include a formal undertaking to provide tree planting within Burnt Oak Town Centre and along Burnt Oak Broadway. The proposal would therefore not address the impacts of the development, contrary to Policy DM01 of Barnet's Development Management Policies (2012) and Policy 7.4 of the London Plan (2016).

5. The proposed development does not provide a legal agreement to ensure sufficient safeguarding measures are in place against the storage of supermarket trolleys to the front of the application site. The proposal would therefore not address the impacts of the development on the adjacent public footpath and the free flow of pedestrian movement. This would be contrary to Policy DM17 of Barnet's Development Management Policies (2012).

6. The proposed development does not provide a legal agreement to ensure it comes forward together with no. 104A Burnt Oak Broadway (19/3906/FUL) in a timely manner. This proposal would therefore cause harm to the character and appearance of Burnt Oak Broadway and viability of Burnt Oak Town Centre. This would be contrary to Policies DM01 and DM11 of Barnet's Development Management Policies (2012).

7. 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.

8. The applicant has failed to pay a monitoring fee to ensure the s.106 agreements are fully implemented. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 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.

The Mayor of London adopted a CIL charge on 1st April 2012 and updated from 1st April 2019 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

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 or by telephoning 0208 359 4500.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 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 (2019) / 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 that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 8 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 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 (2019)/ 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.

- 10 Tree and shrub species selected for landscaping planting should 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 non-British trees to be planted must have been held in quarantine."

Officer's Assessment

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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

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

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

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

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

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.

The National Planning Policy Framework (NPPF) was revised in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, as well as promoting 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 London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

(Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: transport); 2.15 (Town Centres).

London's People:

3.1 (Ensuring equal life chances for all); 3.2 (Improving health and addressing health inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.14 (Existing Housing).

London's Economy:

4.1 (Developing London's Economy); Policy 4.7 (Retail and town centre development); Policy 4.8 (Supporting a successful and diverse retail sector and related facilities and services); Policy 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); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity).

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); 6.13 (Parking).

London's Living Spaces and Places

7.1 (Lifetime Neighbourhoods); 7.2 (An inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location and Design of Tall and Large Buildings); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes); 7.19 (Biodiversity and Access to Nature); 7.21 (Trees and Woodland).

Implementation and Monitoring Review:

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

Draft New London Plan

The London Plan is currently under review and is also a material consideration.

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
CS3 (Distribution of growth in meeting housing aspirations)
CS4 (Providing quality homes and housing choice in Barnet)
CS5 (Protecting and enhancing Barnet's character to create high quality places)
CS7 (Enhancing and protecting Barnet's open spaces)
CS9 (Providing safe, effective and efficient travel)
CS12 (Making Barnet a safer place)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM06 (Barnet's heritage and conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

Watling Estate Conservation Area Character Appraisal (July 2007)
Planning Obligations (April 2013)
Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025
Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (2016)
Affordable Housing and Viability (2017)

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development.

PLANNING ASSESSMENT

Site Description

The application site comprises of a two-storey building (plus basement level) fronting the A5 (known as Burnt Oak Broadway). The site forms part of the southern end of the Primary Shopping Frontage of Burnt Oak Town Centre, a District Centre as identified within the London Plan (2016). The site was last in use as a Tesco supermarket but has remained vacant since 2017, notwithstanding temporary uses. The building at the application site has a dated brick, render and part glazing façade of no particular architectural merit. The building extends to the rear of the site and is separated from the gardens of residential dwellings on Gaskarth Road by Stockwell Close and by a row of mature trees. Stockwell Close wraps around the south to the south-east and north-east of the application site, providing access to a car park to the rear of the Bald-Faced Stag public house and a servicing area associated with the previous Tesco supermarket use. The application site sits on higher ground than Watling Avenue and the Watling Estate to the east.

Whilst the application site sits within the London Borough of Barnet, the London Borough of Brent is located directly opposite across the A5 and the London Borough of Harrow is slightly further north along the A5.

The area immediately surrounding the application site on Burnt Oak Broadway is varied in its architectural form. It includes two and three-storey pitched roofed, brick clad inter-war parades, three-storey post-war flat-roofed render and brick clad commercial and residential buildings and a prominent five-storey stone clad building on the corner of Burnt Oak Broadway and Stag Lane. Adjacent to the application site to the north is no.104A Burnt Oak Broadway which currently comprises of a two-storey pitched roofed building operating as a bed shop. This site is currently subject to a planning application (ref: 19/3906/FUL) for a two-storey (plus basement level) Class A1/A3 building of a similar materiality to the proposed development. Adjacent to 104A Burnt Oak Broadway to the north is the Bald-Faced Stag public house which is currently being redevelopment into a mixed-use building with eight flats and ground floor retail space (ref: H/01765/14). Adjacent to the application site to the south is a three-storey flat roofed building at Stag House which was recently granted permission to extend up to six-storeys fronting Burnt Oak Broadway and 3.5 storeys to the rear (ref: 17/8140/FUL). The predominant building height of buildings immediately adjacent to the application site is two to five-storeys. As noted above, a six-storey building has been granted permission at Stag House, but it does not appear that this has yet been implemented.

The wider character along the A5, particularly to the south of the application site is mixed, with different architectural forms, materiality and building heights evident. Tall buildings form part of the wider character of the A5. Indeed, the TNQ building 600m to the south of the application site is currently under construction and will have a building height of nineteen storeys when complete. This building is located within the London Borough of Brent and an area designated within their Local Plan as the Burnt Oak / Colindale Growth Area (CP11). The support for taller buildings along certain sections of the A5 is largely driven by its strategic importance in the delivery of higher density development. This is evidenced by the fact the A5 to the south of the site is located within the Colindale Area Action Plan area and Burnt Oak / Colindale Opportunity Area, both areas where taller, high-density development is broadly supported.

The application site is located immediately adjacent to the Watling Estate Conservation Area which runs along Watling Avenue (including part of the junction with Burnt Oak Broadway but not including the adjacent Bald-Faced Stag site) and the area to the rear of the site (north-east / east). The conservation area was built in the inter-war years as a housing estate for soldiers and their families following World War I. Watling Avenue to the north of the application site is characterised by largely uniform traditional two-storey (plus habitable rooms at roof level) pitched roofed parades. These are located between Burnt Oak Tube Station and the junction between Watling Avenue and Burnt Oak Broadway.

The area to the rear of the application site (located within the Watling Estate Conservation Area) along Gaskarth Road, is characterised by two-storey pitched roofed residential dwellings with a mixture of elevational cladding varying from brick, timber and rendered pebble dash. The application site backs onto the rear gardens of properties on Gaskarth Road.

The application site is located within Flood Zone 1, contains no statutory or locally listed buildings and has no trees subject to a Tree Preservation Order (TPO) located within its curtilage.

Proposed Development

The proposed development seeks to demolish the existing two-storey building on site (previously accommodating a Tesco supermarket), to replace it with a mixed-use building that ranges from part four and part five-storeys to the rear, up to twelve-storeys fronting Burnt Oak Broadway. A simple material palette of smooth and textured concrete, sinusoidal and flat metal cassette and sheet cladding in anodised aluminium and glazing form the proposed building's main external materiality.

As shown on the Site Location Plan submitted as part of this application, part of the balconies proposed on the north-western elevation will oversail the adjacent site at no.104A Burnt Oak Broadway. The adjacent site, as highlighted in the relevant planning history section below, is also subject to a planning application (ref: 19/3906/FUL) to demolish the existing bed shop and replace it with a two-storey (plus basement level) flexible A1/A3 scheme. This scheme has been designed to complement the proposed development in materiality and layout. Should permission be granted, both schemes will be linked through a legal agreement to ensure that no.104A is demolished before no.100 is fully occupied. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage. Therefore, if granted the proposed oversailing balconies will form part of a wider coherent site plan and design.

The proposed mixed-use scheme will comprise of 100 self-contained flats across ground to eleventh-floor level and 1718.8m² of Class A1 / D2 floor space across lower ground, ground and first-floor level. The Class D2 floor space is split over the ground and lower ground floor levels, albeit the Class D2 use at ground floor level is for access to the lower ground floor only.

Of the proposed 100 residential units, 37 will be affordable homes (16 London Affordable Rent and 21 London Shared Ownership). This represents an onsite Affordable Housing provision of 37% by unit and 35.1% by habitable rooms.

The proposed development provides private amenity for each flat, along with 538m² of communal amenity space (including 205m² of children's play space) across a ground floor courtyard and a first-floor terrace.

Aside from 4.no disabled parking spaces at lower ground floor level (with space for an additional 6 as needed), the proposed development would be car-free.

Short (10) and long-stay (178) cycle parking for both commercial and residential uses are located at ground and lower ground floor levels.

The proposed development will incorporate green roofs, photovoltaic panels and an air source heat pump (ASHP) system within the building design.

No trees along the rear boundary of the site will be removed. Ecology / biodiversity mitigation and enhancement measures are proposed during pre and post construction phases.

Relevant Planning History

Reference: 19/3906/FUL

Address: 104A Burnt Oak Broadway, Edgware, HA8 0BE

Description: Retention of basement and redevelopment and re-provision of new two-storey building for flexible A1/A3 floorspace.

Decision: Pending Consideration

As outlined within this report, the proposed scheme over-sails no.104A Burnt Oak Broadway. This is captured in the redline boundary submitted as part of this application. Both the no. 100 and highlighted no.104A Burnt Oak Broadway schemes will be linked through a legal agreement to ensure that no.104A is demolished before no.100 is fully occupied. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage.

Consultations

As part of the consultation exercise, 624 letters were sent to neighbouring residents and a site notice was posted. Following the submission of amended plans and revised supporting documents, a period of re-consultation was undertaken. As a result of the consultation exercise, a total of 8 responses were received, comprising 5 letters of objection, 2 letters of representation (neither support nor object) and 1 letter of support. For clarity, 1 of the 4 letters of objection received has been incorrectly duplicated.

Summary of public comments

Support:

The letter of support received seems to have been incorrectly referenced as the content of the response references its objection to the scheme as outlined below:

- As with previous developments in this area "objecting" to these brutal and monstrous blocks has little or no effect, they are going to be built as housing is required.
- 10 years plus of dirt, filth, dust, noise, shaking of properties and cracking of walls, ceilings resulting from large scale development.
- Off site modular construction should be implemented for large development.
- 100 residential units would seem a form of overdevelopment.

Representation:

Two letters of representation were received. The responses received are summarised below:

- Comment received on behalf of the Hendon and District Archaeological Society:

100 Burnt Oak Broadway fronts on the A5 road, which is probably close to the line of the Roman road called 'Watling Street'. This is under-researched, and it may be that evidence is to be found of the road or roadside settlements when there are developments along the line of the A5. Historic England should therefore have the opportunity of considering an archaeological condition, and so I am copying this to them.

- Objection to a building of 5 or more storeys as it would change the look and feel of the neighbourhood drastically, could interfere with existing telecommunication signals and would encourage more high-rise buildings in the area.

- Upper storeys of a high-rise block would overlook the nearby school, the common on the corner of Gaskarth / Playfield Roads and Silkstream Park. It would blight the views from those areas and lessen their amenity value.

- Objection to the D2 use if there is a likelihood of alcohol being sold on the premises, noise nuisance and/or large numbers and groups of visitors, particularly in the evenings.

- There is little to no regular police presence in the area to provide residents with a feeling of security.

- The pavement is not wide enough to support groups of people congregating or accessing the premises and buses are not frequent enough to clear groups quickly.

- For a D2 use of a type whereby people will remain at the premises for some time, there must be adequate parking facilities included within the plans.

- The area would feel less safe if there were greater numbers of transient visitors to the area, particularly visiting groups and especially if they have alcohol.

- There are insufficient parking spaces in the area to support a development that does not provide parking designated for its residents and for visitors to the commercial space on the ground and lower floors. The number of disabled parking spaces should be proportionate to the overall number of parking spaces.

Objection:

The letters of objection received are summarised as follows:

- Large-scale developments in the area are a blight and have substantial environmental impacts.

- Lack of onsite parking for residents with consequential overspill into adjacent area.

- Increased vehicular trip generation and parking in the area will increase noise and air pollution.

- Current lack of parking enforcement in the area. Increased parking will have detrimental impact on existing residents.

- The proposed building scale is out of character with the central Burnt Oak area

- Would overshadow and block light to adjacent houses and flats which are lower in scale.

- Would result in overlooking into neighbouring windows and gardens to the rear of the site.

- Building built up close to adjacent gardens to the rear and would appear as a large wall.

- A lack of council housing within the scheme.

- The site's topography will exacerbate the proposed building height. It will dominate the skyline.

- Overlooking of Barnfield School and neighbouring residential homes.

A letter of objection was received from Andrew Dismore AM (London Assembly Member for Barnet and Camden) objecting to the proposed development. The letter received can be summarised as follows:

- The proposed height is too high and out of keeping with the local area, which is characterised by two or three storey buildings in the main.
- The proposed development is on the border of the conservation area and is out of character with it.
- The proposed tall building amounts to an over-densification of the site.
- The tenure mix has insufficient family sized units and at 37% affordable, is below the target 40%.
- None of the affordable units will be at social rent, which is what is desperately needed in this area.
- The car parking provision is inadequate.
- A car free development is not sustainable in this location given the poor orbital links.
- The impact of the proposed development will be that parking will be pushed onto neighbouring streets, creating further congestion and competition for parking space.

Responses from External Consultees

Greater London Authority

Summary

The GLAs Stage 1 response included the following recommendation:

That Barnet Council be advised that the application is strongly supported in strategic planning terms. It does not currently fully comply with London Plan and draft London Plan policies on commercial uses, sustainable development and transport as set out in paragraph 66 of this report, but the possible remedies set out in that paragraph could address these deficiencies.

The points raised by the GLA requiring further attention included:

- Additional urban greening;
- Additional detail regarding overheating, potential connection to a nearby district heating network, the site's heat network and renewable energy infrastructure;
- Maximisation of onsite commercial floor space;
- Improve legibility of the D2 use fronting Burnt Oak Broadway;
- Ensure children's play space is policy compliant.

The applicant has sought within the revised plans to address the highlighted points raised by the GLA.

Land use

In line with draft London Plan Policy SD6 'town centres' and D6 'optimising housing density', the proposed development seeks to contribute towards the housing demand of the Borough, through the provision of a mixed-use development within a sustainable town centre location. As such, the principle of a residential-led redevelopment of the site is supported in strategic planning terms.

Town Centre

In the context of the existing premises, the proposals would provide an improved quality of retail floorspace which would make a positive contribution to the vitality of the district centre and would re-introduce an active frontage along Burnt Oak Broadway. Whilst the net loss in non-residential floorspace is noted, the scale of the proposed retail use is considered appropriate in terms of the role and function of the Burnt Oak Town Centre, which has been identified for high residential growth within the draft London Plan.

The introduction of 803m² of flexible Class A1/D2 floorspace at basement level, which could be taken up by a gym or indoor recreation facility, would support the diversity of the town centre and is supported in strategic planning terms.

Affordable Housing

Subject to confirmation of tenure and affordability, the affordable housing offer (35% by habitable rooms) meets the 35% Fast Track threshold. In order to meet the Fast Track Route requirements, the Council must confirm that it is satisfied with the proposed tenure mix.

Housing mix and density

The applicant has indicated that the proposals would primarily include one and two-beds, which is acceptable in this town centre location; however, the strategic requirement for affordable family housing should be met and the proportion of affordable housing maximised. The applicant should liaise with the Local Authority in terms of the housing needs of the Borough.

The proposed scheme has a density of 363 units per hectare or 960 habitable rooms per hectare, which complies with the London Plan's density matrix for 'central' locations. The draft London Plan is less prescriptive regarding densities and seeks to ensure that sites optimise densities, through taking a site's context and location into account and requiring greater scrutiny on higher density schemes. The proposed development does not fall within the range specified in part C of draft London Plan Policy D6, where additional scrutiny and information is required. Given the site's very good accessibility, and subject to addressing the issues raised within this report, it is considered that the scheme appropriately optimises its density and complies with London Plan Policy 3.4 and draft London Plan Policy D4.

Urban design

The principle of locating a taller building within an accessible town centre location is supported in strategic planning terms. However, officers acknowledge the sensitive location of the site, which sits within a pocket of the Watling Estate Conservation Area, which is characterised by low-scale development (2-5 storeys). The proposed heights would therefore be noticeably taller than the buildings in the surrounding area and the impact on the Watling Estate Conservation Area must be balanced against the public benefits of the proposal.

The overall massing has been informed by a design-led approach which has sought to balance the requirement to minimise heritage impact and optimise housing delivery. GLA officers consider that an appropriate balance has been achieved. The general layout of the

buildings would concentrate the bulk of the massing along the town centre frontage and would step down towards the residential properties at the rear. The stepped appearance of the building would act to reduce the visual dominance of the tall block.

Whilst the proposed design is appropriate for a town centre location and would reintroduce an active frontage along Burnt Oak Broadway, the acceptability of the design will be subject to an assessment of the impacts on the surrounding conservation area. High quality facing materials, balcony treatments and window reveals should be secured to ensure exemplary design is carried through post planning to completion.

Heritage

In accordance with paragraph 198 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal. The public benefits of the proposals include the provision of housing and a 35% provision of affordable housing, and the re-activation of the primary shopping frontage. The wider economic and regenerative benefits to the town centre should also be considered. In GLA officers' opinion, the public benefits of the proposal are sufficient to outweigh the harm that would be caused to nearby heritage assets, subject to the securing of the affordable housing, and a high-quality design and materials at the construction stage as outlined above.

Inclusive design

The applicant's design and access statement addresses key points regarding inclusive access. 10% of the units would be M4(3) compliant (wheelchair accessible or adaptable). Full compliance with M4(3) and M4(2) should be secured by condition. Blue badge parking spaces would be provided in accordance with draft London Plan standards.

Physical constraints associated with the change in level across the site must be carefully considered. The design and access statement should show how disabled people access each of the entrances safely, including details of levels, gradients, widths and surface materials of the paths and how they are segregated from traffic and turning vehicles, and how any level changes on the routes will be addressed.

Climate change

An overheating assessment must also be provided. In terms of 'be clean', the applicant is proposing to install a site-wide combined heat and power network (CHP). However, due to the grid decarbonisation and air quality concerns, a CHP led heating strategy is not considered optimal for the site. Alternative low carbon heating methods should firstly be investigated; it is advised that the proposed strategy is revised. For the 'be green' element of the hierarchy, a detailed roof layout should be provided demonstrating that the roof's potential for PV installation has been maximised.

An on-site reduction of 51 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings. This is equivalent to an overall saving of 42%, which does not meet the zero-carbon target. The non-residential element would achieve a 20% reduction, which also falls short of the emissions target set in London Plan Policy 5.2. The applicant should address the technical queries raised in order to verify these savings. The remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund.

Flood risk, drainage, and water

The approach to flood risk management complies with London Plan Policy 5.12 and draft London Plan Policy S12.

The surface water drainage strategy for the proposed development does not comply with London Plan policy 5.13 and draft London Plan Policy SI.13 as it does not give appropriate regards to the greenfield runoff rate. Further details are required on SUDs measures and attenuation storage volume.

Transport

The proposal would be car-free, which is welcomed. Residential blue badge parking and passive provision for electric charging points has been provided in line with draft London Plan standards. A disabled bay should be provided on street for the commercial element of the proposals. The location should be agreed with the Council.

The proposals suggest that cycle parking is provided in line with draft London Plan Policy T5, which is welcomed. However, no information is provided on quantum and compliance with the LCDS guidance. This information must be provided prior to stage 2 referral.

Restriction of parking permits and a car parking management plan should be secured.

Transport for London (TfL)

The site has boundaries with Burnt Oak Broadway and Stockwell Close, which are both borough highway.

The nearest section of the Strategic Road Network is the adjacent Burnt Oak Broadway but there is no part of the Transport for London Road Network nearby.

Burnt Oak London Underground station is approximately 400 metres from the site and there are bus stops serving 142, 292, 32, N16, 114, 251, 605, 204, 302 and N5 routes on Burnt Oak Broadway and on Watling Avenue respectively 100m and 200m distant. Due to the aforementioned public transport connections, the Public Transport Accessibility Level (PTAL) of the site is 4-5 (on a scale of 0 - 6b, where 6b is the highest). Mill Hill Broadway, a Network Rail station with Thameslink services, is within cycling distance (2.1 km).

Car Parking

The development is to have no general parking, which is welcome. There is provision for 10 disabled parking spaces on the lower ground floor, which can be accessed from Stockwell Close: 4 of these disabled spaces will be provided from the outset; the remaining 6 can be made available should demand materialise. All the parking spaces will have electric charging infrastructure. The applicant is willing to accept restrictions that prevent residents from being able to apply for residential parking permits - this restriction should be enforced by the Council. The overall residential parking proposal is aligned to draft London Plan standards.

The draft London Plan requires a disabled parking space be provided for the commercial element of the development. The applicant is proposing this on Stockwell Close. The applicant should either agree a street location for the disabled bay and arrangements for

its provision with the Council prior to determination of this application or identify suitable space within the development itself.

A car parking management plan, which sets out how disabled parking will be managed including ensuring that spaces are allocated on the basis of need and not attached to a particular flat or leased long term, should be secured by condition.

Cycle Parking

The transport assessment wording suggests that draft London Plan standards will be followed for residential cycle parking, which is welcome. However, the applicant must provide TfL with the figures for how many cycle parking spaces are actually being provided. There are two large cycle stores located in the development: one located at the base of core A at the lower ground floor level; the other located to the rear of the site, adjacent to Stockwell Close. The cycle parking at the rear of the site can be accessed directly from Stockwell Close, which is convenient for cyclists. The lower ground floor cycle parking is accessed by both lift and stairs. The applicant should provide further information regarding how the cycles can be wheeled down the stairs. The primary access for cycles should be the step free route via the lift. All cycle access should follow London Cycling Design Standards (LCDS) guidance.

For commercial land uses, 5 cycle parking spaces are being provided for staff, with an additional 7 short-stay spaces (in the form of Sheffield stands) for customers adjacent to the main site access. Draft London Plan standards would require 9 long-stay spaces for this A1 land use if it was food retail or 6 spaces if it was non-food retail. Draft London Plan standards would require 21 short-stay spaces for this A1 land use if it was food retail or 9 spaces if it was non-food retail. Cycle parking for the commercial land use should be increased to meet draft London Plan standards.

Healthy Streets

In response to consultation comments the applicant has undertaken a PERS audit of the walking route between the site and Burnt Oak station. This concluded that whilst there are no major areas of concern some improvements are recommended to the walking route and these should be considered by the Council as highway authority and consideration given to whether the developer should contribute via a s106 and/or s278 agreement.

Additionally, a Cycle Level of Service (CLoS) assessment has been carried out on the route from site to Mill Hill Broadway rail station. The route achieved a Basic CLoS rating. The results of the CLoS assessment should be reviewed by the Council and used to inform improvements to the cycling environment to be secured through the s106 or alternative mechanism.

Freight

It is proposed that deliveries and servicing take place from Stockwell Close. The Council as both planning and highway authority should review this proposal and secure a delivery and servicing plan by condition. A full Construction Logistics Plan (CLP) should be secured by condition.

LB Brent Council

Whilst Brent Council does not object to the principle of the development, there are concerns that the proposal would have an adverse impact on overspill parking onto Brent's streets. In order to mitigate this impact, it is requested that a contribution of £50,000 is secured to implement a CPZ within Brent's streets.

LB Harrow Council

There are concerns that the proposal would have an adverse impact on overspill parking onto Harrow's streets. In order to mitigate this impact, it is requested that a contribution of £25,000 is secured to fund a review of the current CPZ and parking arrangements in the vicinity of the site.

Historic England

No objection subject to a pre-commencement condition relating to a Written Scheme of Investigation (WSI).

Thames Water

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:

- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

Surface Water:

The pre-development discharge rate specified of 34 l/s is in excess of the 225mm surface water sewer capacity in Stockwell Close. We therefore believe that the pre-development discharge rate is significantly lower than 34 l/s. We are therefore not convinced that 17 l/s is a 50% reduction. We are concerned that the proposed adopted highway is excluded from the calculations as we cannot identify another location (other than the surface water sewer) where this flow would drain to. We suspect that a peak discharge rate for both the proposed development and adopted highway should be in the order of 5 l/s. We require a revised drainage strategy that (i) proposes a realistic pre-development discharge rate (possibly restricting the flow to the capacity of the lateral) and (ii) a surface water strategy that accounts for both the development and the proposed adoptable highway.

Foul Water:

The foul water proposal implies a pumped discharge into the sewer. Please confirm the peak pump discharge rate so that we can assess the impact that the development has on the public foul sewer.

Responses from Internal Consultees

Affordable Housing

The affordable housing strategy, provision and tenure type is acceptable. This will be secured via a s106 agreement.

Arboriculturalist

No objection subject to conditions relating to site landscaping and green roofs, and a £12,000 (plus VAT) contribution towards tree planting within Burnt Oak Town Centre and on Burnt Oak Broadway to be secured via a s106 agreement.

Drainage / SuDS

Require further information to be fully satisfied of the schemes acceptability. However, given additional correspondence with the applicant, are satisfied that the outstanding information can be appropriately conditioned without preventing the application from being approved.

Ecology

The proposals are unlikely to have any potentially significant adverse effects on the integrity of any statutory or non-statutory sites subject to conditions relating to bats, lighting, nesting birds and trees.

Environmental Health

No objection subject to conditions relating to noise, odour, contaminated land and air quality.

Heritage

The proposed development includes a tall building which is considered in the Council's Local Plan to be a 'Tall Building' (i.e. above eight-storeys). Core Strategy Policy CS5 lists strategic locations in the borough that may be appropriate to locate tall buildings. The proposed site is not within such a location.

Policy CS5 indicates that outside these locations tall buildings will not be supported. Local Plan Policy DM05 makes clear that proposals for tall buildings outside the strategic locations will not be considered acceptable.

As this site falls outside one of the identified strategic locations, there is an in-principle objection to the proposal. This is compounded by the impact the proposed development would have on the Watling Estate conservation area, which the site borders immediately to the north east. Watling Estate is a large former London County Council estate built in the

late 1920's and designed on Garden City principles. It was designated as a conservation area in April 1998.

The development would appear highly visible from within the conservation area, given its size and proximity. It would be dominant in views to the west, particularly from Gaskaith Road, but also from other roads in this part of the conservation area where it would be widely visible. The buildings bordering the western part of the conservation area consist of two-storey dwellings with front and rear gardens.

Presently, there are no buildings of this scale which border the conservation area. If allowed it could set a precedent for future developments of a similar size within the setting of this designated heritage asset. This proposal is contrary to both Core Strategy and Development Management policies and consequently should be refused permission.

The proposal would cause less than substantial harm to the setting of the Watling Estate Conservation Area.

Local Skills, Employment and Enterprise

Acceptable subject to a Local Employment Agreement to be secured via a s106 agreement.

Street Lighting

No objection subject to a lighting scheme to be secured via condition.

Highways

Supportive of the principle of a car-free development at the application site and the proposed design on highways grounds. This is subject to s106 and s278 agreements and appropriately worded conditions.

Travel Plan

The Travel Plan is acceptable. However, the development will be subject to a £5,000 Travel Plan monitoring fee to be secured via a s106 agreement.

Urban Design

Supportive of the proposed design approach including building materiality, private and communal amenity provision and its impact on the streetscape of Burnt Oak Broadway. Raised concerns about the schemes acceptability in relation to Policy DM05 and the fact the site is not located within a designated tall building area. However, satisfied that from a design perspective the urban design approach employed addresses key building, streetscape and public realm considerations outlined with the highlighted policy. Welcomed the use of the proposed facing materials, particularly their modular form which is expected to result in reduced construction times. Broadly supportive of the proposed design approach subject to conditions.

PLANNING ASSESSMENT

Land Use / Principle of development

The proposed development seeks to provide a mixed-use development comprising of Class A1 and D2 space across lower ground, ground and first-floor levels and 100 self-contained residential flats (Class C3) across the first to eleventh-floor levels. The scheme re-provides Class A1 floor space fronting onto Burnt Oak Broadway, thereby complying with Policy DM11 and reinforcing the importance, vitality and vibrancy of the Primary Shopping Frontage within the Burnt Oak Town Centre. Furthermore, the introduction of a flexible Class A1 / D2 at lower ground floor level expands the site's retail and commercial offering by encouraging additional end-users and footfall. The scheme also provides an improved ground floor frontage, design and site layout (also accounting for the proposed changes at no. 104A Burnt Oak Broadway (ref: 19/3906/FUL)) which are expected to drive wider economic and regenerative benefits within the Burnt Oak Town Centre and Primary Shopping Frontage.

The application site is in a highly sustainable and accessible location on the A5 and within Burnt Oak Town Centre. The highlighted town centre has an established mixed character that includes residential, retail and commercial uses. These uses are generally accommodated via a retail / commercial provision at ground floor level fronting Watling Avenue and Burnt Oak Broadway, with residential accommodation above. The proposed development follows this pattern of development by proposing a retail (Class A1) use at ground floor level fronting Burnt Oak Broadway, with residential units located to the rear of the site at ground floor level and on all upper floors. It is considered that this design approach complies with Policy DM11 and the necessity to retain a Class A1 retail use and ground floor frontage at the application site, whilst supporting the long-term vitality and vibrancy of the Burnt Oak Town Centre and optimising the delivering of housing density commensurate with the site's sustainable and accessible location. This approach is strongly supported and considered consistent with the wider strategic regenerative objectives outlined by the GLA below.

In line with draft London Plan Policy SD6 'town centres' and D6 'optimising housing density', the proposed development seeks to contribute towards the housing demand of the Borough, through the provision of a mixed-use development within a sustainable town centre location. As such, the principle of a residential-led redevelopment of the site is supported in strategic planning terms.

In the context of the existing premises, the proposals would provide an improved quality of retail floorspace which would make a positive contribution to the vitality of the district centre and would re-introduce an active frontage along Burnt Oak Broadway. Whilst the net loss in non-residential floorspace is noted, the scale of the proposed retail use is considered appropriate in terms of the role and function of the Burnt Oak Town Centre, which has been identified for high residential growth within the draft London Plan. Notwithstanding this, the need for and function of the first-floor residential lounge is queried, and officers consider that this presents an opportunity to increase retail capacity through the inclusion of a mezzanine level to the ground floor unit.

The introduction of flexible Class A1/D2 floorspace at basement level, which could be taken up by a gym or indoor recreation facility, would support the diversity of the town centre and is supported in strategic planning terms.

The proposed scheme has sought to maximise the retail offering onsite in line with the GLA's highlighted position. Consequently, the revised scheme now proposes to replace the first-floor residential lounge for additional A1 retail space. This approach is supported.

Based on the above, it is considered that the proposed mixed-use scheme is acceptable in policy terms and would serve to enhance the vitality and vibrancy of the Burnt Oak Town Centre and Primary Shopping Frontage, whilst optimising the delivery of housing within a sustainable and accessible location.

Residential density

London Plan policy 3.4 seeks to optimise the housing output of sites. This considers local context and character, the design principles outlined within chapter 7 of the London Plan (2016) and public transport capacity. Table 3.2 of the London Plan (2016) sets out a density matrix which serves as guidance for appropriate densities in different locations and with varying levels of accessibility.

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

The application site is 0.275ha in size, and within an urban area with a Public Transport Accessibility Level (PTAL) of 5. The proposal would deliver 100 residential units at a density of 363 units/ha or 960 hr/ha. The indicative density of a scheme of the nature proposed suggested is 70 to 260 units/ha (Table 3.2 of the London Plan (2016)).

Chapter 11 of the National Planning Framework (Revised 2019) (NPPF) states that:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within both the existing and draft London Plan. Indeed, Policy 3.4 of the London Plan (2016) advocates a more flexible approach to density in certain areas, stating:

A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 (Density Matrix) mechanically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure.

The application site forms part of the Primary Shopping Frontage of Burnt Oak Town Centre and is located on the strategic A5 arterial road. A short distance to the south (600m), the A5 runs through both the Colindale / Burnt Oak Opportunity Area (Map 2.4 of

the London Plan (2016)) and the Colindale Area Action Plan (AAP) area, where 'sustainable higher density living with a range of unit sizes, types and tenures' is strongly supported in strategic policy terms. Given the application sites highly sustainable and accessible town centre location, the wider strategic objective of delivering higher density development within these locations and the mixed character of the A5, it is considered that the residential density proposed is consistent with the highlighted policy approach. This assessment is supported by the GLA, who upon review of the proposed development stated:

The proposed scheme has a density of 363 units per hectare or 960 habitable rooms per hectare, which complies with the London Plan's density matrix for 'central' locations. The draft London Plan is less prescriptive regarding densities and seeks to ensure that sites optimise densities, through taking a site's context and location into account and requiring greater scrutiny on higher density schemes. The proposed development does not fall within the range specified in part C of draft London Plan Policy D6, where additional scrutiny and information is required. Given the site's very good accessibility, and subject to addressing the issues raised within this report, it is considered that the scheme appropriately optimises its density and complies with London Plan Policy 3.4 and draft London Plan Policy D4.

Affordable Housing

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

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

The proposed development would exceed the 35% onsite affordable housing provision required to meet the 'fast track' requirements set out in the highlighted SPG, providing onsite affordable housing at 37% by units and 35.1% by habitable rooms. The proposed tenure split is 47.3% London Affordable Rent (by habitable rooms) and 52.7% London Shared Ownership. Six of the London Shared Ownership units and two of the London Affordable Rent units would be wheelchair adaptable. The exact unit mix and tenure split is shown in the table below:

Unit size	London Affordable Rent				London Shared Ownership		TOTALS	
	Core B		Core C		Core A			
	Units	HR's	Units	HR's	Units	HR's	UNITS	HRs
1B2P	6	12	0	0	14**	28	20	40
2B4P	6	18	2	6	7**	21	15	45
3B5P	0	0	2*	8	0	0	2	8
	Total units		Total hab rooms		Total units	Total hab rooms	37	93
	16		44		21	49	37%	35.1%
	43.2% of AH		47.3% of AH		56.7% of AH	52.7% of AH	of total	of total
* indicates all wheelchair adaptable units								
** includes 4x1B2P 2x2B4P wheelchair adaptable units								

Whilst the Council normally seeks a tenure split of 60% Social Rented and 40% intermediate as outlined in Policy DM10, the highlighted policy does allow for these proportions to be determined on a case by case basis to reflect local market rents. The GLA (Stage 1) has reviewed the proposed onsite affordable housing provision and is satisfied that the proposed development provides an acceptable quantum of onsite affordable housing in compliance with the highlighted 'fast track' requirements. However, to fully comply with the 'fast track requirements, the GLA required agreement to be reached with the Council regarding the unit and tenure mix. Following review by the Council's Affordable Housing Officers and in view of local market conditions, the proposed unit mix and tenure split is considered acceptable. Therefore, the proposed development is deemed compliant with Policy DM10.

The quantum, type and mix of the affordable housing provision proposed is expected to provide a notable contribution to the housing stock within the Burnt Oak Town Centre. It is hoped this will provide a catalyst for further regeneration and growth within Burnt Oak and along the A5 corridor which acts as a strategic route connecting the north and south of the Borough. The onsite affordable housing contribution will be secured via a s106 agreement.

Dwelling Mix

Policy 3.8 (Housing Choice) of the London Plan (2016) states that new developments should ensure they:

Offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.

This strategic policy approach is reinforced by Policy DM08 which states that:

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

Policy DM08 outlines three-bed social rented housing and three / four-bed intermediate housing as the highest priority dwelling sizes.

The proposed development would provide one hundred dwellings with the following mix of units:

Flat Type	Proposed
1-Bed 2-person	45
2-bed 3-person	8
2-bed 4-person	37
3-bed 5-person	10
Total	100

Given the application site's town centre location and urban character, its siting on a main arterial road (A5) and high PTAL rating (5), it is considered that the proposed mix is acceptable and consistent with the highlighted policy approach. Indeed, almost half (47%) of the overall number of proposed units are large two-bed, or three-bed units, with seventeen of these being provided as affordable housing units. This is considered an appropriate mix of smaller and larger units, including priority unit sizes that will serve to accommodate and cater for a wide range of resident needs and local housing demands, whilst serving as a catalyst for socio-economic regeneration within Burnt Oak.

This assessment is supported by the GLA, who upon review of the proposed development stated:

London Plan Policy 3.8 'Housing Choice', draft London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments, while affordable family housing is stated as a strategic priority. London Plan Policy 3.11 also states that priority should be given to the provision of affordable family housing. The applicant has indicated that the proposals would primarily include one and two-beds, which is acceptable in this town centre location; however, the strategic requirement for affordable family housing should be met and the proportion of affordable housing maximised. The applicant should liaise with the Local Authority in terms of the housing needs of the Borough.

Housing Quality / Future Occupier Amenity

A high quality built environment, including high quality housing in support of the needs of a range of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2016) Chapters 1 (Context and Strategy), 2 (London's Places), 3 (London's People), and 7 (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 policies DM01, DM02 and DM03, as well as the Barnet's Sustainable Design and Construction SPD (2016) and Residential Design Guidance SPD (2016).

Residential Internal Space Standards

Table 3.3 in the London Plan (2016) outlines the minimum gross internal floor area required for different dwelling sizes. The table below shows the relevant minimum floorspace standards for the unit sizes proposed:

	Dwelling Type (bedrooms/persons)	Storeys	Minimum Floorspace (m2)	Internal
Flats	1 bed (2 persons)	1	50	
	2 bed (3 persons)	1	61	
	2 bed (4 persons)	1	70	
	3 bed (5 persons)	1	86	

Duplex	3 bed (5 persons)	2	93
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Following a review of all proposed units, it is confirmed that they meet the minimum internal space standards outlined above.

Wheelchair Accessible 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. Policy 3.8 (Housing Choice) of the London Plan (2016) requires that:

c ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'

d ten per cent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

All proposed residential units have step free access via two lift cores. Furthermore, the designated disabled parking at lower ground floor level have step free access to residential units via the proximally located lift core B, with step free access provided to loft core A via the first-floor terrace area.

The Planning Statement accompanying this application confirms that the proposed development will comply with the highlighted M4(2) and M4(3) standards. Compliance with these standards will be secured via condition. It is noted that eight of the affordable housing units provided would be wheelchair accessible.

Amenity space

Barnet's Sustainable Design and Construction SPD Table 2.3 outlines the minimum external amenity space standards required for new residential developments. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments. 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 compliance.

The proposed development provides a mix of private and communal amenity areas. Private amenity space is provided via balconies associated with all individual units and communal amenity space via a ground floor courtyard (205m²) and a first-floor terrace (333m²).

All residential units are provided with balconies that range in size from 6.1m² to 37.3m², each meeting Standard 26 (Private Open Space) of the Mayors Housing SPG (2016) which requires:

A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

The proposed development would provide a cumulative onsite external amenity space (private 832.1m² / communal 538m²) that equates to 1,370.1m². This exceeds the cumulative requirement to provide 1,325m² of external amenity space based on the

standards outlined within the highlighted Barnet SPD and 612m² based on the standards within the Mayors Housing SPG (2016).

While the proposed development would provide sufficient onsite amenity space to meet the minimum standards outlined above, Silkstream Park is located 370m² by foot from the application site. This provides a quality and quantum of accessible public open space that can augment the onsite amenity provision.

The proposed communal amenity space areas will be hard and soft landscaped and will also include a children's play space as will be discussed below. A landscaping plan will be secured via condition.

Based on the above, it is considered that sufficient onsite external amenity space has been provided in compliance with the highlighted standards.

Children's Play Space

For a scheme of this size, dedicated children's play space is required and should be predicated on the child yield of the development calculated in accordance with London Plan Policy 3.6 and associated SPG on Play and Informal Recreation (2012).

The submitted Planning Statement confirms that 205m² of informal play space for children will be provided onsite. This exceeds the 200.1m² required. The location of the play space in the centre of the development provides for good levels of surveillance from surrounding residential units and step free access from the main residential entrance and cores. Exact details of the play space, including materials, play facilities providing increasing levels of challenge and associated landscaping, will be secured via condition to ensure the play space aligns with the objectives outlined within the Shaping neighbourhoods: Play and informal recreation SPG (2012).

In addition to the above, Silkstream Park is a 370m walking distance from the site, and is within the preferred walking distance for children aged 5-11 (<400m) and 12+ (<800m) to access additional facilities. This further demonstrates the schemes ability to provide a quantum and quality of external amenity that meets the needs of future occupiers of different ages and abilities.

Based on the above and subject to an appropriately worded condition, it is considered that the proposed development would provide an acceptable level of children's play space in compliance with the highlighted SPG.

Privacy

Policy DM01 requires that development has regard to the amenity of residential occupiers. It 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 Council's Sustainable Design and Construction SPD (2016) sets out design guidelines to mitigate against loss of privacy for both neighbouring and future occupiers. Chapter 7 states:

In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The proposed development would have a 24.1m distance between facing windows serving habitable rooms across the internal courtyard / terrace (south-west to north-east). This would exceed the highlighted guidelines. Furthermore, the relationship between windows and balconies on the north-west elevation and those on the south-west and north-west is considered acceptable and would not result in a harmful level of overlooking due to the oblique views provided.

Design alterations have been made during the course of this application to include balustrades to the front of ground floor units facing the central courtyard. These are low rise balustrades (details to be secured via condition) which will enable both sufficient outlook and privacy protection for future occupier.

It is recognised that the bedroom windows and secondary living room window serving the 1-bed unit located directly adjacent to the first-floor terrace and door providing access to core A, could give rise to opportunities that result in a loss of privacy for future occupiers. However, it is considered that these opportunities could be largely mitigated through an effective landscaping scheme and buffer to the first-floor terrace. This will be secured via condition. The primary windows serving the main living space of this unit and its associated balcony would not be impacted by the location of the first-floor terrace from a privacy perspective.

Outlook and Daylight

Policy DM01 and Section 2.4 of Barnet's Sustainable design and Construction SPD (2016) reinforce the importance of outlook and daylight / direct sunlight to habitable rooms. This importance is further outlined in Standard 32 of the Mayors Housing SPG (2016) which states:

All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

An Internal Daylight Report was submitted in support of the application. It concluded that:

Overall, this scheme demonstrates good compliance with the BRE guidance with regards to daylight amenity with only one room (bedroom R7/2000) experiencing a derogation from the BRE guidance. R7/2000 is a secondary bedroom which we consider is less important than the primary bedroom (R2/2000) which does experience good daylight levels at 2.19% and which easily exceeds the BRE guidance's minimum recommended ADF level of 1%.

The remaining habitable rooms within this property exceed the BRE minimum recommended levels for ADF, and overall the daylight compliance within this property is very respectable.

When assessing the quality of daylight, Standard 32 of the highlighted SPG states:

BRE guidelines on assessing daylight and sunlight should be applied sensitively to higher density development in London, particularly in central and urban settings, recognising the London Plan's strategic approach to optimise housing output (Policy 3.4) and the need to accommodate additional housing supply in locations with good accessibility suitable for higher density development (Policy 3.3).

Whilst one window falls short of BRE guidance, this must be balanced against the fact all other windows within the proposed development meet BRE guidance and the window in question is secondary, and the need to optimise housing output at accessible locations such as that application site. Given the above it is considered that the proposed scheme would provide an acceptable level of amenity for future occupiers.

In respect of outlook, the proposed development would deliver 68% dual or triple aspect units, with none of the single-aspect units north-facing. It is considered that subject to the highlighted landscaping condition relating to future occupier privacy and the first-floor terrace, all proposed residential units would benefit from a good level of outlook.

The above assessment is supported by the GLA who upon review of the proposed development concluded:

The scheme generally presents good levels of residential quality, with most units benefiting from dual or triple aspects (68%) and no cores serving more than 7 units. The proposals would not include single-aspect north facing units. Given the acceptable layout, outlook and provision of private amenity space of the single-aspect units, the residential quality would be of an acceptable standard.

Noise

In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Assessment by Cole Jarman. This notes that the front of the site falls into a Noise Risk Category 3 (High), while the rear of the site is in Category 1 (Low). The report concludes that:

Typical glazing specifications required to achieve sustainable internal noise levels have been provided, together with the adoption of acoustically treated ventilation, which can be expected to ensure that the resident' internal acoustic environment is protected from road traffic.

With the proposed good design principles followed (acoustic glazing and ventilations) the scheme meets the requirements of the NPPD and local planning policy.

The submitted Noise Assessment was reviewed by the Council's Environmental Health Officer who was satisfied in general with the information provided, subject to conditions relating to the proposed extraction and ventilation equipment and associated noise mitigation measures.

To ensure appropriate safeguards are in place to protect future occupiers from harmful noise and disturbance resulting from the Class A1 / D2 uses, hours of opening restriction will be secured via condition.

The scheme has recently been revised following a request by the GLA to amend the proposed energy strategy to exclude Combined Heat and Power (CHP) for Air Source

Heat Pumps (ASHP). The ASHP would be located on the roof as shown on the roof plan provided. However, a condition will be attached to any permission requiring full details of the ASHP and its location on the roof once the final specification has been qualified. Consequently, a condition will be attached to any permission requiring further assessment of the impact of noise from ventilation and extraction plant once details of the ASHP and its location are finalised.

Air Quality

An Air Quality Assessment and Air Quality Neutral Calculation has been submitted in support of the application. The Air Quality Assessment concludes that:

The resulting air quality effect of the Proposed Development is considered to be 'not significant' overall.

The Proposed Development does not, in air quality terms, conflict with national or local policies, or with measures set out in the London Borough of Barnet's Air Quality Action Plan. There are no constraints to the development in the context of air quality.

The Air Quality Neutral Calculation concluded that:

The total building and transport emissions fall below the relevant benchmarks during the operational phase of the Proposed Development. On-site mitigation measures and options for offsetting excess emissions are not required.

The submitted documents were reviewed by the Council's Environmental Health Officers who have advised that the proposed development is acceptable in view of Air Quality and Air Quality Neutral requirements. Consequently, a condition will be attached to any permission ensuring the mitigation scheme proposed in the highlighted documents are fully implemented.

Contaminated Land

As outlined above, the application site comprises of a two-storey building (plus basement level) which was previously in use as a Tesco supermarket. The proposed development will utilise the existing basement level, with only minor excavations required to the front of the site. No excavations below the existing basement level are required or proposed. As confirmed by the Council's Environmental Health Officers, there has been no historic use onsite which has provided a cause for concern in respect of possible contamination. However, to provide appropriate safeguards during both demolition and construction phases, a condition will be attached to any planning permission requiring mitigation measures to be provided should contamination be present within the narrow strip of excavation proposed.

Secured by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secured by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police but no comments were received. A condition will be attached to any permission requiring the proposed design to achieve Secured by Design accreditation.

Layout, Height and Design

Policy CS5 of Barnet's Local Plan seeks to ensure that all development in Barnet respects local context and distinctive character and creates places and buildings of a high-quality design. Policy DM01 echoes this approach stating that:

a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Polices DM02 seeks to ensure development prioritises a design-led approach which considers, safety, sustainability, and internal and external amenity, while Policy DM03 promotes the creation of a positive and inclusive environment that encourages high quality distinctive developments.

The proposed development would have a twelve-storey building height fronting Burnt Oak Broadway, before dropping to eight-storeys and gradually stepping down to a part four, part five-storey height to the rear. The proposed building height has been revised since the original application was made, with the front elevation reducing from fourteen storeys to twelve and the rear elevation increasing from a part three, part four storey height, to a part four, part five storey height. The highlighted revision was sought to better apportion scale across the site, whilst maintaining the residential density and unit number and mix as previously proposed.

Policy DM05 (Tall Buildings) states that:

Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

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

A tall building is defined by Policy CS5 as 'being eight storeys (equivalent to 26 metres above ground level) or more'. The policy continues by identifying locations within the Borough where tall buildings would be supported. The application site is not located within one of the identified Tall Building areas.

Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan (2016) notes that:

Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF.

The policy outlines the following criteria LPAs should consider if a proposal for a tall building is forthcoming:

C Tall and large buildings should:

a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;

b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;

c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;

d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;

e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;

f have ground floor activities that provide a positive relationship to the surrounding streets;

g contribute to improving the permeability of the site and wider area, where possible

h incorporate publicly accessible areas on the upper floors, where appropriate;

i make a significant contribution to local regeneration.

D Tall buildings:

a should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference;

b should not impact on local or strategic views adversely

E The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

The proposed development has been subject to review by the GLA in view of the highlighted policy, with the following comments received:

The principle of locating a taller building within an accessible town centre location is supported in strategic planning terms.

Whilst the proposed design is appropriate for a town centre location and would reintroduce an active frontage along Burnt Oak Broadway, the acceptability of the design will be subject to an assessment of the impacts on the surrounding conservation area.

While the impact of the proposed development on the Watling Estate Conservation Area will be assessed later in this section, the GLA response is clear in its support for a tall building at the application site. It is noted that this scheme is eligible for referral to the Mayor for determination.

The proposed development has undertaken a design-led approach which has sought to balance the strategic objective of optimising residential density and retail floor space in a highly sustainable and accessible town centre location, with protecting the adjacent

conservation area and proposing a built form which delivers high standards of architecture and materiality, including sustainable design and construction practices. The following section will assess the proposed development in relation to the tall building policy criteria highlighted within Policy 7.7 of the London Plan (2016) and DM05 of Barnet's Development Management Policies (2012), and its impact on the adjacent Watling Estate Conservation Area.

As highlighted earlier in this report, the application site is located adjacent to the Colindale Area Action Plan (AAP) Area and Burnt Oak / Colindale Opportunity Area where tall buildings are broadly supported. Indeed, the Colindale AAP notes that the area will promote 'mixed use and residential development that will contribute significantly to the strategic housing and employment targets outlined in the London Plan under Colindale's Opportunity Area designation.' A section of the A5 600m to the south of the application site falls within the Colindale AAP where three tall buildings have been built or are approved. These include Zenith House at sixteen storeys, Merit House at fourteen and Imperial House at sixteen. The highlighted buildings are in addition to the TNQ building which is located directly opposite the Colindale AAP within the London Borough of Brent. This building is currently under construction but when complete will have a building height of nineteen storeys. The TNQ building is in an area designated within the Brent's Local Plan as the Burnt Oak / Colindale Growth Area. This is an area capable of supporting taller buildings in policy terms. These buildings serve to reinforce the strategic importance of the A5 corridor as a sustainable and accessible location appropriate for the delivering of higher density development through taller buildings. Given the application site's proximity to the Colindale AAP and Burnt Oak / Colindale OA (600m) and visual link with the highlighted taller buildings, and its highly sustainable and accessible town centre location and accessibility (PTAL 5), it is considered that a taller building as proposed would be consistent with the strategic direction and approach outlined within Policy 7.7 C a) of the London Plan (2016) and in keeping with the evolving and higher density character of the A5.

Both Policy DM05 and London Plan (2016) Policy 7.7 require development to have an acceptable impact on the character of the surrounding area in relation to scale and mass. A twelve-storey building as proposed would represent the tallest building form in Burnt Oak Town Centre and the section of the A5 immediately adjacent to the application site. In that sense the proposed development would represent a visual departure from the predominantly two to six storey building scale immediately adjacent. However, as highlighted above the visual character of the A5 is mixed in terms of height, form and materiality and continues to evolve given its strategic importance in the delivery of higher density development. Therefore, the proposed development must be viewed as part of the wider character of the A5 and not viewed in localised character terms only. However, to address both localised and wider A5 character considerations, the proposed development has sought to balance the strategic objectives of delivering higher density development in a sustainable and accessible town centre location, while providing a design which leverages sustainable construction practices and introduces an innovative design that creates a visual uplift to the immediate street scene.

While the application site does sit on higher ground than the adjacent Watling Estate and would therefore be noticeably visible from a number of adjacent vantage points, the impact of this is balanced against the wider benefits of the scheme to be discussed below. Furthermore, given the proximity of the application site to the Colindale AAP area and the Burnt Oak / Colindale OA and the taller buildings located in both, the proposed building height is not considered out of keeping when viewed within the wider skyline context.

One of the concerns raised during the design process was that the proposed development would become a visual anomaly within its immediate spatial context and become a landmark building when one was not deemed necessary. Therefore, an important consideration in the design process was to ensure that the proposed development did not inhibit future development on neighbouring sites at the Bald-Faced Stag, no. 104A and Stag House through building design, siting and balcony placement. Indeed, it was considered that a building of scale at the application site would be better accommodated within the street scene if it was part of a series of buildings which through their scale, frontage and building design and materiality enabled a more coherent spatial and visual transition up to the building height proposed. This has been detailed within the Planning Statement Addendum accompanying this application. In conjunction with the parallel application at no. 104A Burnt Oak Broadway, it is considered this objective has been achieved.

While the wider character of the A5 is mixed and includes taller buildings including the TNQ which would have a building height of nineteen storeys located 600m from the application site, the proposed development through its scale and materiality would be visually prominent within its immediate context. However, this does not automatically mean that the resulting visual and spatial impact is significantly harmful, or sufficient to warrant refusal. Indeed, any perceived harm or discordance must be balanced with wider strategic objectives and regenerative benefits, and the quality of the proposed design response. This view is supported by Policy DM01 which states:

Whilst the policy intention is to protect local character, it should not be used to restrict well designed and sympathetic development which meets other objectives in the Core Strategy, Development Management Policies DPD, the council's suite of Design Guidance Notes and Supplementary Planning Documents.

It is considered that the proposed development incorporates an innovative design response to the application site which optimises residential density and the quantum of onsite amenity provision, promotes sustainable design and construction practices and provides an architectural approach and materiality which will provide visual interest on a main road (A5) which has a mixed and evolving character in respect of scale and form. The proposed building height would exceed adjacent development but it is considered that any perceived harm is outweighed by a design and scale that improves the legibility of an important District Centre in line with London Plan (2016) Policy 7.7 C d), is consistent with the strategic approach of locating high density taller buildings along the A5 at sustainable and accessible locations and delivers significant public benefit. Indeed, the scheme proposed will leverage its scale and density to deliver notable public benefits that support wider regeneration purposes within the local area in line with London Plan (2016) Policy 7.7 C i). These benefits include:

- Significant CIL contributions;
- 100 new residential units added to the local housing stock;
- 35.1% onsite affordable housing (by habitable rooms) including 17 affordable 2-bed and 3-bed units;
- An improved Class A1 / D2 offering and shop frontage design that both reinforces the importance of the Burnt Oak's Primary Shopping Frontage and supports the long-term vitality and vibrancy of the wider town centre;
- A Local Employment Agreement promoting jobs and apprenticeships for local residents;
- A financial contribution towards new tree planting within Burnt Oak Town Centre to improve the quality of the public realm.

Notwithstanding the strategic and wider regenerative benefits of the scheme, significant consideration has been given to ensuring the proposed development delivers both an appropriate design response and wider sustainability benefits. The Council's Urban Designer has been actively engaged throughout the design process and has provided the following comments in respect of the proposed building form and materiality:

The building materiality is articulated through a minimal palette. This is an intentional design approach to maximise efficiencies during construction and utilise innovative architecture to showcase building detail. The main visible material is corrugated metal which is robust and durable with a slow ageing process. There are sinusoidal variations in the corrugated metal to allow for different shadowing effects, while the different size and widths of the metal cladding supports in breaking up the building mass. The corrugated metal can be specified and cut into panels off site. It is considered that this modular approach to construction has a notable benefit in reducing construction time and associated impacts on the adjacent highway network.

The proposed pewter coloured panelling is acceptable in its tone. It acts as a break in the façade mainly around threshold spaces, balconies and other details, without dominating the overall colour palette proposed. The recycled concrete base is welcomed as it is a material that is durable and the textured nature of this material will create additional visual interest.

The proposed materials compliment the building in showcasing quality and visual interest through material detailing. In addition, the parallel application and redevelopment of no.104A allows for a more legible frontage to the A5 which in turn gives a better base to the building and allows for the materiality to be expressed in a more legible fashion.

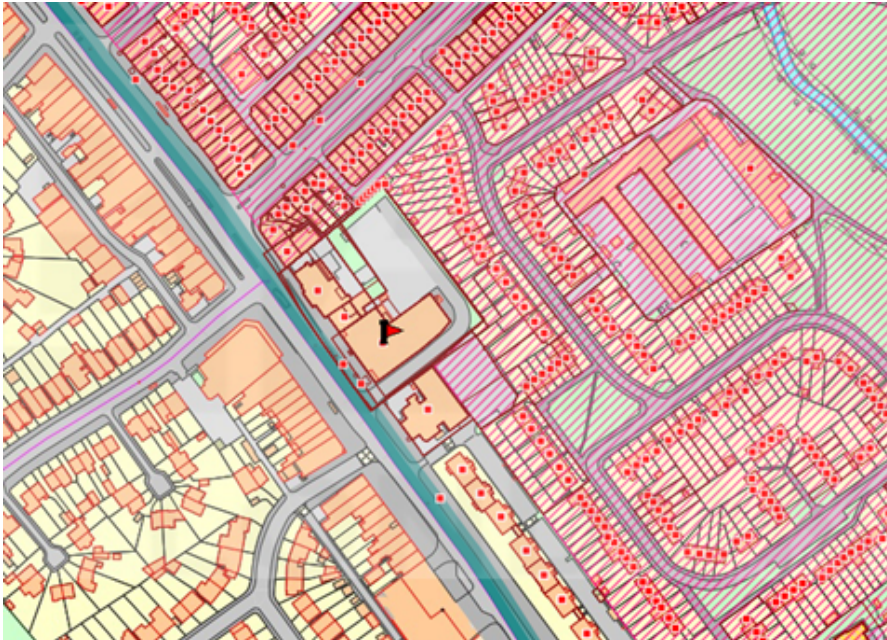
From a design perspective, it is considered that the collective benefits of the materiality strategy outweigh any perceived discordance. The building would sit comfortably within the wider character of the A5 and provide a positive juxtaposition that can become a hub of activity for existing and future residents.

The proposed development would have a part four, part five storey building height adjacent to the rear gardens of the two-storey dwellings located on Gaskarth Road. The building height is then gradually stepped up in scale as the building moves away from the rear site boundary. It is considered the proposed building scale and siting is acceptable in respect of its visual prominence when viewed from neighbouring rear gardens and windows serving habitable rooms on Gaskarth Road. Indeed, a row of tall mature trees to the rear of the site is expected to largely screen the impact of the part four, part five storey elements of the proposed development, while the taller elements would be set-back a sufficient distance from the site boundary. While there is a disproportionality in scale and form between the two-storey residential dwellings and suburban rear gardens on Gaskarth Road and the proposed development, this is considered acceptable given the application site's more mixed-use town centre character and scale and its requirement to address the highlighted strategic objectives of delivering higher-density development.

The proposed development is not considered to adversely affect its surroundings in terms of micro climate, wind turbulence and glare and would not impact the important local views outlined in Map 8 of Barnet's Local Plan (2016). This is considered consistent with London Plan (2016) Policy 7.7 D.

Heritage

The application site does not reside within a conservation area and does not contain any statutory or locally listed buildings. However, the application site is adjacent to the Watling Estate Conservation Area to the rear along Gaskarth Road and is proximally located to Watling Avenue which also forms part of the highlighted heritage asset. The map shown below indicates where the conservation area is in relation to the application site. The red diagonal lines show the coverage of the conservation area, while the application site is marked by the red flag.



The Watling Estate Conservation Area was first designated in 1988, with the current Conservation Area Character Appraisal adopted in 2007. The Watling Estate lies east of Burnt Oak Broadway which runs along the route of the pre-Roman part of Watling Street. The decision to build at Watling Estate, to the designs of the architect George Forrest, was taken in 1924. Burnt Oak Station on the Northern Line opened in 1924, and soon after the major development of Burnt Oak came when the London County Council decided to build the large Watling Estate. By April 1927 the first residents moved in. Within 12 months 2,100 families lived on the estate and by 1930 all 4,000 dwellings were finished, establishing the Estate's character that it largely maintains today.

Designed with a 'Garden City' type approach, the Watling Estate is broadly split into three distinct areas. These include the main residential area which is predominantly characterised by two-storey terraces and sometimes semi-detached houses interspersed with blocks of three storey flats and community buildings, Watling Avenue and the main shopping district of Burnt Oak which largely comprises of uniform two storey buildings with steeply pitched roofs, prominent chimneys and front dormers, and lastly the Deansbrook Road shopping area.

The area immediately adjacent to the application site is an area characterised by two-storey dwellings and the Watling Avenue shopping area. Whilst Watling Avenue has largely retained its original architectural form and detailing, many of the two-storey dwellings within the main residential area now include non-original extensions and additions and variations in building material. However, the planned layout of the residential streets which is of intrinsic importance to the conversation area designation, remains largely unchanged.

Policy DM06 seeks to protect and preserve the Borough's heritage assets. In respect of conservation areas, the policy notes:

b Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The policy also states that:

If a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. Proposals will need to consider the council's Conservation Area character appraisals and suite of Supplementary Planning Documents.

Policy 7.8 (Heritage Assets and Archaeology) of the London Plan (2016) supports the local policy position stating that:

Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Whilst accounting for the provisions within the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF (revised 2019) sets out the assessment criteria for assessing a proposed developments impact on the significance of a designated heritage asset. Paragraph 193 of the NPPF (2019) states:

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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

A detailed Heritage, Townscape and Visual Impact Assessment has been submitted as part of this application which identifies the relevance of the conservation area designation and the expected impact on the highlighted heritage asset resulting from the proposed development.

Following a site visit, a review of the submitted heritage impact assessment and consultation with the Council's Heritage Officer, it was concluded that the proposed development would have a less than substantial harm on the adjacent Watling Estate Conservation Area. Whilst the Council's Heritage Officer has raised an objection as noted within the consultee section above, it was considered that on balance, the harm caused would not be substantial.

The proposed development as a result of its building height and more contemporary form and materiality, would be visible and in certain views, visually prominent from the Watling Estate Conservation Area. The submitted Heritage Impact Assessment provides views of the proposed development in relation to Gaskarth Road to the rear of the site and Watling Avenue to the north. While the proposed development would be highly visible from certain vantage points along Gaskarth Road and would provide some limited views along Watling Avenue, it is not considered that the proposed development would result in substantial harm to the conservation areas layout, architectural integrity and setting. Indeed, the conservation areas planned layout and building typology, both important reasons for its designation, would remain unchanged.

It is also noted that the existing flat roofed two-storey building at the application site has little very design commonalities with the section of Watling Avenue located within the conservation area. While the existing building is part brick clad and is two-storey in height, there is limited visual connectivity between the application site and the adjacent conservation area. Furthermore, the existing building is considered of no architectural merit and one which neither preserves or enhances the visual integrity and setting of the conservation area. Therefore, the proposed development would not result in the demolition of a building which enhances the setting of the conservation area.

Paragraph 196 of the NPPF (2019) states that:

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.

It is considered that the proposed development would deliver significant public benefits whilst optimising the application site's 'viable' use. These benefits include:

- Significant CIL contributions;
- 100 new residential units added to the local housing stock;
- 35.1% onsite affordable housing (by habitable rooms) including 17 affordable 2-bed and 3-bed units;
- An improved Class A1 / D2 offering and shop frontage that supports the vitality and vibrancy of the wider town centre;
- A Local Employment Agreement promoting jobs and apprenticeships for local residents;
- A financial contribution towards new tree planting within Burnt Oak Town Centre to improve the quality of the public realm.

It is considered that these benefits will provide a boost to the local housing and affordable housing stock, economy and town centre public realm, which it is hoped will serve as a catalyst for medium and long-term growth and regeneration within Burnt Oak. Therefore, it is considered that the proposed development provides significant public benefit that would outweigh the less than substantial harm caused to the setting of the adjacent Watling Estate Conservation Area. Consequently, the proposed development would be compliant with the highlighted local, London and national policies.

It is noted that that application site is located approximately 225m north of the Grade II listed former Mecca Bingo Hall (Listing Number 1384932). However, it is not considered that the proposed development given the stated distance from the Grade II Listed Building would result in any harm to its setting.

The above assessment is supported by the GLA, who upon review of the proposed development concluded the following:

In accordance with paragraph 198 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal. The public benefits of the proposals include the provision of housing and a 35% provision of affordable housing, and the re-activation of the primary shopping frontage. The wider economic and regenerative benefits to the town centre should also be considered. In GLA officers' opinion, the public benefits of the proposal are sufficient to outweigh the harm that would be caused to nearby heritage assets, subject to the securing of the affordable housing, and a high-quality design and materials at the construction stage.

Archaeology

Policy DM06 states:

e Archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

While the application site does not reside within an Area of Special Archaeological Interest, the site is located close to a pre-Roman Road. Indeed, the Watling Estate Conservation Area Character Appraisal (2007) notes:

Watling Estate lies close to the line of Watling Street, a pre-Roman Road. In 1971 excavations on the estate revealed 3rd and 4th century pottery, animal bone, building material and a small bronze coin dated about AD 270-300. It has been suggested that the Roman settlement of Sullonicae, usually presumed to have been at Brockley Hill, was in fact further south on the Watling Estate.

Consequently, Historic England (Greater London Archaeological Advisory Service) was consulted on the proposed development. They have recommended that a Written Scheme of Investigation (WSI) is included as a pre-commencement condition, to ensure any archaeological remains if found during the demolition and construction phases, are protected and preserved.

Aside from a narrow strip of land to the front of the site (shown in blue on the Proposed Lower Ground Floor GA Plan), the proposed development will utilise the existing basement and will therefore not require any excavation below the existing lower ground floor level. Given limited excavation will take place, a pre-commencement condition requiring the submission of a WSI will apply only to the narrow strip of land to the front of the site.

Trees

Notwithstanding their environmental and ecological benefits, trees and soft landscaping have an important role in both enhancing local character and public amenity and protecting neighbouring occupier amenity. Policy DM01 states:

k. Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

The mature tree line along the rear site boundary has an important role in respect of neighbouring occupier amenity, ensuring adequate screening between windows and balconies on the proposed rear elevation and the rear garden and rear windows serving habitable rooms of adjacent properties on Gaskarth Road. This is particularly important given the building scale proposed and its proximity to adjacent residential gardens (10.2 to 10.5m).

An Arboricultural Impact Assessment was provided to accompany the proposed development which concluded:

Development requires no tree removal, with only minor crown reduction of one group needed to provide suitable construction access and subsequent building clearance.

Consequently, development will result in no significant loss of amenity or canopy cover. Retained trees have potential to be damaged by development. All tree protection requirements are provided to minimise this potential.

A pre-commencement meeting and arboricultural supervision, for key stages in the development that have potential impacts upon trees, are specified to ensure that all tree protection requirements are clearly understood and correctly implemented.

The Council's Arboriculturalist has reviewed the Arboricultural Impact Assessment provided and is satisfied that the tree protection and mitigation measures proposed are sufficient to protect the health and viability of the highlighted trees during both demolition and construction phases. A condition will be attached to any permission requiring the proposed tree protection measures to be fully implemented.

It is important to note that there are no trees subject to a Tree Preservation Order (TPO) located on or adjacent to the rear of the application site.

Given the scale of development and its visual impact within the street scene, a financial contribution of £12,000 will be secured via a s106 agreement for the planting of twenty trees within Burnt Oak Town Centre and on Burnt Oak Broadway.

Ecology

Barnet Policy DM01 and Policy 7.19 (Biodiversity and Access to Nature) of the London Plan (2016) each seek to retain and enhance site biodiversity whilst ensuring protected species are safeguarded as part of any development.

A Preliminary Ecological Appraisal and Bat Survey Report were submitted as part of this application. The submitted Preliminary Ecological Appraisal provided the following conclusions:

Statutory and Non-Statutory Designated Sites:

Two statutory sites for nature conservation were recorded within 2km of the Site. No SINC's are located within or immediately adjacent to the Site, and the nearest such sites is located approximately 250m to the west. Given the scale of the proposals, the area in which the Site is located and the distance to the SINC's, as well as the previous land-use, the potential for substantial impacts on the SINC's is considered to be negligible.

Protected and Notable Habitats/Species:

The habitats on Site, comprising mainly hardstanding and the building, were considered to have low/negligible ecological value, with the exception of the eastern boundary treeline.

Protected species potentially occurring on the Site include: bats and nesting birds. The building on Site offered 'low' potential to support roosting bats and limited potential to support nesting birds during the breeding season. The development proposals therefore have limited potential to impact negatively on protected and notable habitats and species.

The submitted Bat Survey Report provided the following conclusions:

Following the internal and external inspection at the 100 Burnt Oak Broadway Site, the building was assessed as having low potential to support roosting bats due to the presence of small numbers of potential roosting features.

Common pipistrelle bats were recorded on Site. Low levels of activity were recorded during the survey, especially towards the western side of the Site. No bats were observed emerging from or re-entering a roost within the on-site building or the adjoining building.

Based on the assessment carried out, a range of mitigation measures were proposed to support and protect the identified species through demolition, construction and post-completion phases, including bat boxes, a sensitive lighting scheme and bat-friendly landscaping.

The Council's Ecologist reviewed both highlighted documents and was satisfied that the proposed development was unlikely to have any potentially significant adverse effects on the integrity of any statutory or non-statutory sites. This is subject to the implementation of the mitigation measures outlined in the Arboricultural Impact Assessment and Bat Survey Report. These will be secured via condition.

Landscaping

In addition to the financial contribution to be secured for the planting of trees in the Burnt Oak Town Centre and along Burnt Oak Broadway and the retention of existing trees to the rear of the site, a condition will be attached to any planning permission requiring details to be provided of the hard and soft landscaping scheme proposed. This will include landscaping for internal communal amenity areas and any smaller measures that can be introduced to the rear of the site to further strengthen and augment the existing soft landscaping buffer between the application site and rear gardens of Gaskarth Road

Summary

In summary, the proposed development would represent a departure from Policy DM05 and would by reason on its building height deviate from the predominant two to five storey building heights immediately surrounding the application site. However, the proposed development is considered in keeping with the wider mixed character of the A5, which includes taller buildings, and compliant with the strategic policy objectives of providing higher density development in highly sustainable and accessible town centre locations such as the application site. Indeed, the proposed development is considered consistent with the policy objectives outlined within Policy 7.7 of the London Plan (2016).

The proposed development has sought to meet the highlighted policy objectives through the quality of its design, materiality and incorporation of innovative and sustainable construction practices. These proposed design interventions have been reviewed by the Council's Urban Design Officer and considered to positively contribute to the site's immediate spatial context and the A5 street scene and its wider mixed character.

The proposed design also includes an improved ground floor active retail frontage to support the vitality and vibrancy of the Burnt Oak Town Centre and a form and site layout that enables the optimisation of residential density, whilst delivering good onsite amenity provision for future occupiers. It is expected that the delivery of these, in addition to the other public benefits such as onsite affordable housing, new tree planting in the town centre, CIL payments and a Local Employment Agreement, outweigh any potential harm caused by the proposed tall building and the less than significant harm caused to the

adjacent Watling Estate Conservation Area. Indeed, it is expected that these benefits will serve as a catalyst for further regeneration within Burnt Oak.

Therefore, when assessing all material considerations within the planning balance, it is deemed that proposed development is acceptable on character and appearance grounds.

Amenity Impact on Neighbouring Properties

Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. It states:

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

In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to neighbouring residential occupiers.

Section 7 of the Council's Sustainable Design and Construction SPD (2016) states 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.

As outlined in the site description above, to the rear of the application site (north-east) there are residential properties along Gaskarth Road, whilst to the south-east and north-west the Stag House (ref: 17/8140/FUL) and the Bald-Faced Stag (ref: H/01765/14) have planning permission in place for flats. The Bald-Faced Stag is currently in the process of implementing the highlighted permission, whilst no development works have yet started in relation to Stag House (based on site visit in June).

Adjacent Properties on Gaskarth Road

The proposed development would have a part four, part five-storey building height immediately adjacent to the site boundary separating the application site from the rear gardens serving properties on Gaskarth Road. The proposed rear elevation where windows are located would have a 10.5m distance to the rear site boundary, while the section of the rear elevation accommodating balconies would have a 10m to 10.2 distance. The minimum distance between the proposed windows and balconies on the rear elevation and the rear windows serving habitable rooms at the adjacent properties on Gaskarth Road is 26.6m. Except for where the balconies are located, the proposed development would meet or exceed the recommended distances outlined within the highlighted SPD. Whilst the part of the rear elevation accommodating balconies up to fourth-floor level would be 0.3m to 0.5m short of the recommended 10.5m separation, it is considered that this is adequately mitigated by a row of mature trees spanning the adjacent rear boundary. Indeed, these trees would restrict clear views and opportunities for overlooking directly into the rear gardens of adjacent residential dwellings on Gaskarth Road. Given the distances between facing windows, it is not considered that direct window-to-window overlooking would occur. A condition will be attached to any permission

requiring tree protection measures to be implemented during both demolition and construction phases to ensure the ongoing viability of the highlighted trees.

Bald-Faced Stag

The highlighted permission for the Bald-Faced Stag (ref: H/01765/14) is currently being implemented. All windows located on the flank wall are secondary except for one serving a bedroom. This window is obscured by the roof of no. 104A Burnt Oak Broadway and therefore not impacted by the application site. Consequently, it is not considered that a harmful level of overlooking would result from the proposed north-west facing balconies which are located more than 10.5m from the flank wall of the Bald-Faced Stag. The proposed windows located on the north-west elevation are not considered to result in a harmful level of overlooking in relation to the Bald-Faced Stag due to their oblique angle.

Stag House

Based on a recent site visit, the highlighted permission (ref: 17/8140/FUL) at Stag House has not yet been implemented. However, should it be implemented a minimum distance of 10.5m would be maintained between the proposed windows along the south-east elevation and the flank wall of the approved scheme. This is considered acceptable.

Daylight / Sunlight

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

The submitted Daylight and Sunlight Report undertook analysis on the following neighbouring properties:

- 33-37 (Odd) Burnt Oak Broadway
- 39-47 (Odd) Burnt Oak Broadway
- 51 Burnt Oak Broadway
- 104 Burnt Oak Broadway (former Bald-Faced Stag PH)
- 108-110 & 112-114 (Even) Burnt Oak Broadway
- 6-8 (Even) & 10-12 (Even) Watling Avenue (Rosslyn Mansions)
- 16-18 (Even) Watling Avenue
- 20-40 (Even) Watling Avenue
- 2-24 (Even) Gaskarth Avenue
- 26-28, 30-36 (Even) & 38-48 (Even) Gaskarth Avenue
- 91-101 (Odd) Millfield Road
- 87-89 (Odd) Millfield Road
- 92-96 Burnt Oak Broadway, Stag House

The highlighted report provides the following conclusions:

Daylight

A clear majority of properties experience very good levels of daylight with some very minor but fully compliant reductions in VSC and NSL.

A minority of properties experience some reductions in daylight which derogate from the BRE guidance, however in the case of 39-47 (Odd) Burnt Oak Broadway and 51 Burnt

Oak Broadway, the reductions are not significant, and the rooms maintain high levels of retained VSC and very good NSL - most of the reductions in NSL if present being unnoticeable in accordance with the BRE guidance.

16-18 Watling Avenue and 92-96 Burnt Oak Broadway contain rooms which experience reductions in VSC and retained levels of VSC which represent derogations from the BRE guidance, that said in each of these cases, the derogations do not occur to the main window providing light to the room and only occur to secondary rooms. The good daylight levels are maintained within these rooms as demonstrated by the unnoticeable reductions in NSL.

Sunlight

Only one property (51 Burnt Oak) experiences a reduction in Sunlight which derogates from the BRE guidance. The reductions are not significant and in part result from the design of the property and existing low sunlight levels making these two rooms sensitive to any reduction in Sunlight.

In assessing the impact of development in respect of daylight and sunlight, paragraph 1.3.45 of the Mayors Housing SPG (2016) advises:

An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

It is considered that the minor derogations, which are largely limited to secondary windows, are a natural and expected consequence of developing at the scale proposed. However, as noted in the highlighted SPG, an appropriate degree of flexibility is required to accommodate higher density development in town centre locations. In this instance, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers, with any derogations from BRE standards minor and generally limited to secondary windows.

Noise and disturbance

Policy DM04 states:

Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

It is not considered that the proposed development would result in a level of noise and disturbance harmful to the residential amenity of neighbouring occupiers. The application site is in a town centre location and fronts onto a main arterial road. Access to the site for both retail and residential uses will largely occur via Burnt Oak Broadway, with only limited vehicular access to the rear of the site expected given the limited number of onsite parking spaces. Indeed, most of the proposed activity and associated noise and disturbance will

be located to the front of the application site away from the rear gardens and residential dwellings on Gaskarth Road. To ensure appropriate safeguards are in place, conditions relating to noise will be attached, including hours of opening for the Class A1 / D2 uses.

Transport / Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) seeks to ensure a more efficient and environmentally friendly use of the local road and transport networks, requiring that development is matched to capacity and the delivery of appropriate transport infrastructure is promoted. Policy CS9 also seek to ensure proposals promote:

- the safety of all road users;
- the reduction of traffic congestion;
- suitable and safe access for all users of developments;
- roads within the borough are used appropriately;
- good facilities for pedestrians and cyclists.

Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan (2012) and Policy 6.13 (Parking) of the London Plan (2016) set out the parking standards that the Council will apply when assessing new developments.

Residential Car Parking

Policy DM17 sets out the car parking standards for residential developments within the Borough. These are as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

Based on the above, the proposed development would have a maximum parking range of between 55 (0.55 spaces per unit) and 127.5 (1.27 spaces per unit) spaces.

Both London and Barnet local planning policy recognise that its residential parking standards should be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking and population densities. Appropriate disabled parking should always be provided.

Policy DM17 states that 'some developments may have difficulty meeting parking requirements, particularly in town centres.' In these instances, the council will show flexibility in the assessment of parking requirements and will consider restricting occupiers from obtaining parking permits within Controlled Parking Zones (CPZ) via a legal agreement, with the aim of reducing overall parking congestion in town centres, with more road and parking capacity available for other uses. Policy DM17 states that:

Residential development may be acceptable:

- With limited or no parking outside a CPZ but only where it can be demonstrated through a survey that there is sufficient on street parking capacity;*
- With limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the application will be required to enter into a legal*

agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The proposed development is located on Burnt Oak Broadway which is covered by single yellow line parking restrictions and a bus lane. It is a highly accessible Town Centre location with a PTAL rating of 5 and located within a five-minute walk of the Burnt Oak Underground Station and the Northern Line Edgware branch. Parking along this section of Burnt Oak Broadway and Watling Avenue will not be practical for future residents. In addition, surrounding streets within a walking distance of 200m are covered by CPZ-BO. The only section of unrestricted route that may be of potential risk from overspill parking is Barnfield Road. However, this is not considered to be practical for residents in terms of accessibility to the new development. Indeed, the submitted Parking Stress Surveys indicate this road is almost continuously at full parking capacity.

The parking stress survey provided to accompany this application, indicates that there is limited availability of parking within locations not already covered by a CPZ and the majority of these are at walking distances that would make them unattractive to prospective residents. Therefore, Council Highway Officers are satisfied that the car-free concept will be self-enforcing. However, to ensure appropriate safeguards are in place, a financial contribution towards consultation on a potential CPZ extension to Barnfield Road and its subsequent implementation will be secured via a s106 agreement. Given current CPZ coverage and potential parking stress it is likely that future extensions will only be applicable to Barnfield Road.

Although the development will be generally car-free, there are no statutory means of preventing future occupiers from bringing a vehicle. However, it is recognised that where suitable restrictions are in place, or if distance to suitable parking places is excessive, this will result in a low likelihood of occurring. However, to ensure appropriate safeguards are in place, the restriction of future residents from obtaining parking permits will be secured via a s106 agreement.

The Council's Highways Officers have reviewed the submitted Transport Assessment and are supportive of the principle of the car-free scheme at the application site subject to the highlighted safeguards secured by s106 agreements and relevant conditions relating to the use and operation of the site during demolition, construction and occupation phases. Furthermore, a car-free development is also strongly supported by TfL as noted in the consultee section above.

The proposed development provides for ten disabled parking spaces on the lower ground floor which can be accessed from Stockwell Close. Four of these disabled spaces will be provided from the outset with the remaining six made available should demand materialise. All parking spaces will have electric charging infrastructure. This is considered acceptable and compliant with both current and draft London Plan policies. A car parking management plan, which sets out how disabled parking will be managed, including ensuring that disabled spaces are allocated on the basis of need and not attached to a particular flat, or long-term lease, will be secured via condition.

Full Electric Vehicle provision as per the standards outlined within Policy 6.13 (Parking) of London Plan (2016) will be secured via condition.

A car club space has been provided on Stockwell Close. This is considered acceptable, with its location and funding by the applicant secured via a s106 agreement.

The Travel Plan submitted has been reviewed by the Council's Travel Plan Officer who has recommended approval subject to a £5,000 monitoring fee. This will be secured via a s106 agreement.

Commercial Car Parking

The proposed development is required to provide one disabled parking space for users of the retail unit. It is proposed that this space will be provided on Stockwell Close. This is considered acceptable in-principle. This will be secured via condition.

Stopping Up

Detailed Stopping Up plans have been submitted by the applicant's transport consultants (MA Tech Note, TN02, 18037-01, April 2019). These have been reviewed by the Council's Highways Officers who have deemed them as acceptable subject to the rear access arrangements being subject to a full safety audit. This will be secured via condition.

Cycle parking

Details of onsite cycle parking have been provided. Whilst the scheme is broadly compliant with Policy 6.9 (Cycling) of the London Plan (2016), further detail is required regarding the location, quantum and storage of short and long-stay cycle parking associated with the Class A1 and D2 uses. Given it is considered that there is sufficient capacity onsite to provide these additional parking spaces, exact details will be secured via condition.

Freight

It is proposed that deliveries and servicing take place from Stockwell Close. Whilst this is considered acceptable in-principle, a delivery and servicing plan will be secured via condition. Furthermore, a full Demolition and Construction Method and Logistics Plan (DCMLP) will be secured via condition to ensure appropriate mitigation measures are in place to protect the safety of both motorists and pedestrians and to enable the free flow of traffic during development works.

Refuse Collection

The proposed development provides residential refuse and recycling storage at lower ground floor level adjacent to Core B and Stockwell Close to the south of the site. These can be directly accessed by Refuse delivery vehicles via Stockwell Close and a turning head located adjacent to the north-western elevation. An additional residential refuse and recycling store is located adjacent to Core A and accessed via the Burnt Oak Broadway carriageway. This approach has been reviewed by the Council's Highways Officers and deemed acceptable subject to a Waiver of Liability to be secured via condition.

Regarding commercial refuse storage, this will be stored in bins internally and brought to the refuse vehicle by staff on collection day. Full details of the collection provision and collection point will be secured via condition.

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, while Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayors targets for carbon dioxide emission reduction in line with the Mayor's energy hierarchy.

The proposed development is accompanied by an Energy Assessment (Webb Yates Engineers) which sets out how the development accords to the London Plan energy hierarchy. Through the inclusion of high efficiency building fabrics and community heating with ASHP and Photovoltaic panels, the proposed development would deliver the following savings (includes both domestic and non-domestic elements):

SAP10 CO2 EMISSIONS (TonnesCO2/year)				
WHOLE BUILDING	TOT REGULATED EMISSIONS (Tonnes CO2/year)	CO2 savings (Tonnes CO2/year)	PERCENTAGE SAVING (%)	TOTAL SAVINGS (%)
PART L 2013 BASELINE	140.51			
BE LEAN	76.79	63.72	45.35%	45.35%
BE CLEAN	76.79	0.00	0.00%	45.35%
BE GREEN	57.18	19.61	25.53%	59.30%

The highlighted report concludes:

Taking into account the proposed construction details and U-Values to all thermal elements, high levels of energy efficient lighting and a low air permeability rating, the CO2 savings from energy efficiency measures equate to an 46% decrease in CO2 emissions over the Part L 2013 baseline or 63 tonnes CO2/year savings (SAP 10).

The measures outlined above combine to give the following site wide carbon dioxide emissions and savings (tonnes per year):

	Total Emissions (Tonnes per year)	CO2 Savings (Tonnes per year)	Percentage saving
Part L Baseline	138		
Be Lean	75	63	46%
Be Clean	75	0	0%
Be Green	56	19	13%
		CO2 Savings off set	
Off-set		1,099	

Cash in lieu	£65,962
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Major developments are required to provide carbon emissions saving in line with the zero-carbon target outlined within Policy 5.2 (Minimising Carbon Dioxide emissions) of the London Plan (2016). Given the proposed development would not achieve the required CO2 savings onsite, a financial contribution is required to offset that difference up to carbon zero. Based on the above, a financial contribution of £65,962 to the Borough's offset fund is required. This will be secured via a s106 agreement.

Flood Risk / SUDS

Policy CS13 of the Barnet Core Strategy seeks to:

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 proposed development is accompanied by a Sustainable Drainage Systems Report (Webb Yates Engineers) which addresses flood risk and sustainable drainage systems proposed for the application site.

Flood Risk

It is noted that the application site is located within Flood Zone 1 (less than 0.1% chance of flooding in any year) and is under a hectare in size which means a Flood Risk Assessment for the site is not normally required. However, the highlighted report notes that:

The proposed drainage design is to ensure that a 30year return period storm event will be contained on site and that a 100year + 40% for climate change return period storm event will be contained within the site in such a way that any flooding will be of a depth and velocity that does not provide a hazard to the inhabitants of the development.

Sustainable Drainage

This has been assessed by the Council's Drainage Officer who requires further information to be fully satisfied with the proposed development on drainage grounds. It is considered that an appropriately worded pre-commencement condition requiring details of the proposed sustainable drainage system would ensure sufficient safeguards are in place and the outstanding information requested by the Drainage Officer can be provided in a timely manner. Consequently, a sustainable drainage condition will be attached to any planning permission.

Public Comments

Where material considerations, all public comments received have been addressed within the above report. See below for direction to the relevant section:

- Off site modular construction should be implemented for large development:

Given the materials proposed, there will be an element of offsite modular construction enabled.

- 100 residential units would seem a form of overdevelopment:

See Design section.

- 100 Burnt Oak Broadway fronts on the A5 road, which is probably close to the line of the Roman road called 'Watling Street'. This is under-researched, and it may be that evidence is to be found of the road or roadside settlements when there are developments along the line of the A5. Historic England should therefore have the opportunity of considering an archaeological condition, and so I am copying this to them:

See Archaeology section.

- Objection to a building of 5 or more storeys as it would change the look and feel of the neighbourhood drastically, could interfere with existing telecommunication signals and would encourage more high-rise buildings in the area:

See Design section. There is no evidence that the proposed height would interfere with existing telecommunication signals.

- Upper storeys of a high-rise block would overlook the nearby school, the common on the corner of Gaskarth / Playfield Roads and Silkstream Park. It would blight the views from those areas and lessen their amenity value:

See Design and Amenity sections.

- Objection to the D2 use if there is a likelihood of alcohol being sold on the premises, noise nuisance and/or large numbers and groups of visitors, particularly in the evenings:

Any future retail unit would be subject to relevant licencing regulations.

- The pavement is not wide enough to support groups of people congregating or accessing the premises and buses are not frequent enough to clear groups quickly:

It is considered that there is sufficient public pavement width for the proposed uses.

- For a D2 use of a type whereby people will remain at the premises for some time, there must be adequate parking facilities included within the plans:

See Highways section.

- The area would feel less safe if there were greater numbers of transient visitors to the area, particularly visiting groups and especially if they have alcohol:

The creation of residential accommodation is expected to increase the level of permanent residents and increased informal surveillance. A condition relating to the location of CCTV and lighting will be attached to any permission.

- There are insufficient parking spaces in the area to support a development that does not provide parking designated for its residents and for visitors to the commercial space on the

ground and lower floors. The number of disabled parking spaces should be proportionate to the overall number of parking spaces:

See Highways section.

- Large-scale developments in the area are a blight and have substantial environmental impacts.

See Design and Sustainability sections.

- Increased vehicular trip generation and parking in the area will increase noise and air pollution:

See Future Occupier Amenity section

- The proposed building scale is out of character with the central Burnt Oak area:

See Design section.

- Would overshadow and block light to adjacent houses and flats which are lower in scale:

See Neighbouring Amenity section.

- Would result in overlooking into neighbouring windows and gardens to the rear of the site.

See Neighbouring Amenity section.

- Building built up close to adjacent gardens to the rear and would appear as a large wall.

See Design section.

- A lack of council housing within the scheme:

See Affordable Housing section.

- The site's topography will exacerbate the proposed building height. It will dominate the skyline.

See Design section.

- The proposed development is on the border of the conservation area and is out of character with it.

See Heritage section.

- The proposed tall building amounts to an over-densification of the site:

See Housing Density section.

- The tenure mix has insufficient family sized units and at 37% affordable, is below the target 40%:

See Affordable Housing section.

- None of the affordable units will be at social rent, which is what is desperately needed in this area:

See Affordable Housing section.

- A car free development is not sustainable in this location given the poor orbital links.

See Highways section.

- The impact of the proposed development will be that parking will be pushed onto neighbouring streets, creating further congestion and competition for parking space.

See Highways section.

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.

In considering this application and preparing this report, Officers have 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 to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lifts are provided to provide step-free access between the

lower ground, ground and 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.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. Whilst the proposed development would represent a departure from the Tall Building Policy outlined within CS5 of Barnet's Local Plan (2012) and Policy DM05 of Barnet's Development (2012), when applying the planning balance, it is considered that the benefits of the scheme in strategic terms would outweigh any potential harm caused. These include the provision of 35.1% onsite affordable housing (by habitable room), 100 self-contained flats which deliver a significant boost to the local housing stock, and an enhanced retail offering supporting the viability and vibrancy of the Burnt Oak Town Centre and its Primary Shopping Frontage. The delivery of a high-density mixed-use development at a sustainable and accessible town centre location along the A5, is considered consistent with wider strategic policy objectives outlined within the London Plan (2016) and in keeping with the wider mixed character of the A5 which includes the Colindale Area Action Plan area and Burnt Oak / Colindale Opportunity Area 600m to the south of the application site. Indeed, it is considered that the public and wider regenerative benefits of the scheme outweigh any potential harm, particularly in respect of the highlighted tall building concerns.

The proposed development is considered to successfully deliver a scheme that optimises housing delivery, improves the site's retail offering and leverages innovative design and construction practices, whilst balancing localised character, amenity and highways-related concerns. Furthermore, the scheme would deliver a good level of onsite private and communal amenity, whilst providing sufficient safeguards to protect neighbouring occupier amenity.

The proposed development would be car-free. However, given the safeguards proposed, including a CPZ review and restrictions on future occupiers obtaining parking permits, and the application site's town centre and highly sustainable location (PTAL 5), it is considered that the principle of a car-free development is acceptable in this instance. Notwithstanding the above, onsite disabled parking will be provided.

In conclusion, it is considered that the significant public and wider regenerative benefits of the proposed development would on balance, outweigh concerns relating to building height. 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 and conditions as set out at the beginning of this report, APPROVAL is recommended.



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6. A contribution of £500 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:

- Existing Site Plan (426- dRMM- ZZ- ZZ- SIT- A- 1020 P00)
- Proposed Site Plan (Illustrative) (426- dRMM- ZZ- ZZ- SIT- A- 1021 P00)
- Site Plan - Demolition (426- dRMM- ZZ- ZZ- SIT- A- 1022 P00)
- Site Location Plan (426- dRMM- ZZ- ZZ- SIT- A- 1023 P00)
- Proposed Site Plan (426- dRMM- DZ1- ZZ- SIT- A- 1024 P00)
- Proposed Section (426- dRMM- ZZ- ZZ- SEC- A- 3020 P00)
- Proposed Elevations (426- dRMM- ZZ- ZZ- ELE- A- 4020 P01)
- Proposed Floor Plans (426- dRMM- ZZ- ZZ- PLA- A- 2120 P01)

- Planning Statement (MRPP, July 2019)
- Archaeological Statement (MRPP, July 2019)
- Foul Sewage and Drainage Assessment (MRPP, July 2019)
- Transport Statement (MRPP, July 2019)
- Utilities Statement (MRPP, July 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 Prior to the commencement of demolition works for the development hereby approved, a suitable professional will be present to provide a watching-brief during soil stripping, excavation and piling activities, to document unexpected discoveries and report on all archaeological work carried out during the course of the development.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

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

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

- 6 a) No above ground 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.

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

b) The sedum roof shall be implemented in accordance with the details approved in 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 sedum 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 enhances site biodiversity and environmental sustainability in accordance with Policies DM16 of the Development Management Policies DPD (adopted September 2012) and 5.11 of the London Plan 2016.

8 a) No development other than demolition works, site clearance and temporary enabling works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from the development on adjacent residential units 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 adjacent residential units are not unacceptably prejudiced by the development 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.

9 a) No development other than demolition, site clearance and temporary enabling works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The

equipment shall be installed using anti-vibration mounts. The report shall also assess the likely noise impacts from the ventilation/extraction plant, and provide mitigation measures to reduce these noise impacts to acceptable levels.

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

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

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

10 a) Prior to the first occupation of the A1 and A3 uses hereby approved, a detailed assessment for any kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

Reason: To ensure 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).

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) 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 April 2013).

13 a) Prior to the first occupation of the Class A1 and A3 uses hereby approved, a Delivery and Servicing Plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority.

b) The details approved in this condition shall be fully implemented and retained as such thereafter.

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

14 a) Notwithstanding the plans hereby approved, before the development hereby permitted is first occupied, details of cycle parking, including the type of stands, gaps between stands, location and type of cycle store shall be submitted to and approved in writing by the Local 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.

15 The development hereby approved, shall be used as A1 (Shop) and A3 (Restaurant / Cafe) including related ancillary uses only 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.

- 16 a) Prior to the first occupation of the development hereby approved, hours of use, including for the first-floor terrace, shall be submitted to and approved in writing by the Local Planning Authority.
- b) The details approved in this condition shall be retained as such thereafter.

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

- 17 a) Prior to the first use of the first-floor terrace hereby approved, details of proposed noise mitigation measures and the size and siting of privacy screening and balustrades, shall be submitted to and approved in writing by the Local Planning Authority.
- b) The details approved under this condition shall be fully implemented and retained as such thereafter.

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

- 18 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 9% 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.

- 19 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).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been signed by 10 April 2020, unless otherwise agreed in writing, the Service Director – Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reasons:

1. The proposed development does not provide a legal agreement to ensure sufficient safeguarding measures are in place against the storage of supermarket trolleys to the front of the application site. The proposal would therefore not address the impacts of the development on the adjacent public footpath and the free flow of pedestrian movement. This would be contrary to Policy DM17 of Barnet's Development Management Policies (2012).
2. The proposed development does not provide a legal agreement to ensure it comes forward together with no. 100 Burnt Oak Broadway (19/1049/FUL) in a timely manner. This proposal would therefore cause harm to the character and appearance of Burnt Oak Broadway and viability of Burnt Oak Town Centre. This would be contrary to Policies DM01 and DM11 of Barnet's Development Management Policies (2012).
3. The applicant has failed to pay a monitoring fee to ensure the s.106 agreements are fully implemented. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 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.

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.

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 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 Should a kitchen be installed, the applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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

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

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

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against these policies, is set out in subsequent sections of this report. This is not repeated here.

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.

The National Planning Policy Framework (NPPF) was revised in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, as well as promoting 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 London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

(Delivering the Strategic Vision and Objectives for London)

London's Places:
2.15 (Town Centres).

London's Economy:
Policy 4.7 (Retail and town centre development); Policy 4.9 (Small shops).

London's Response to Climate Change:
5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity).

London's Transport:
6.9 (Cycling); 6.10 (Walking); 6.13 (Parking).

London's Living Spaces and Places
7.4 (Local Character); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology).

Implementation and Monitoring Review:
8.2 (Planning Obligations); 8.3 (Community Infrastructure Levy);

Draft New London Plan

The London Plan is currently under review and is also a material consideration.

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 (Promoting Barnet's town centres)

CS9 (Providing safe, effective and efficient travel)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM06 (Barnet's heritage and conservation)

DM11 (Development principles for Barnet's town centres)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

Watling Estate Conservation Area Character Appraisal (July 2007)
Planning Obligations (April 2013)
Sustainable Design and Construction (April 2013)

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development.

PLANNING ASSESSMENT

Site Description

The application site comprises of a two-storey building (plus basement level) fronting the A5 (known as Burnt Oak Broadway). The site is located towards to the southern end of the Primary Shopping Frontage of Burnt Oak Town Centre, a District Centre as identified within the London Plan (2016). The existing building has some modest architectural value owing to its age and pitched roof, but it is currently cluttered with signage and a prominent non-original front canopy. The building has a part brick and part render cladding with a pitched tiled roof. The site is currently in use as a bed shop.

Adjoining the site to the south is no.100 Burnt Oak Broadway, a two-storey building currently vacant, but in previous use as a Tesco supermarket. No.100 is subject to a parallel planning application (ref: 19/1049/FUL) to redevelopment the site into a mixed retail and residential use. The proposed development which is the subject of this application has been designed alongside no.100 to provide a coherent building design, site layout and an improved retail frontage. The adjoining building to the north is the Bald-Faced Stag, which is currently undergoing redevelopment in line with a previous permission (ref: H/01765/14) for a ground floor retail unit and eight self-contained flats on the first-floor level. To the rear of the site is a car park and a row of mature trees separating the car park from the rear gardens of dwellings location on Gaskarth Road. The car park to the rear of the site is accessed via Stockwell Close to the south of no.100.

The area immediately surrounding the application site on Burnt Oak Broadway is varied in its architectural form. It includes two and three-storey pitched roofed, brick clad inter-war parades, three-storey post-war flat-roofed render and brick clad commercial and residential buildings and a five-storey stone clad building on the corner of Burnt Oak Broadway and Stag Lane. The predominant building height of buildings immediately adjacent to the application site is two to five-storeys.

The application site is located immediately adjacent to the Watling Estate Conservation Area which runs along Watling Avenue (including part of the junction with Burnt Oak Broadway) to the north of the site and the includes the residential area to the rear of the site (north-east / east). Watling Avenue to the north of the application site is characterised by largely uniform traditional two-storey (plus habitable rooms at roof level) pitched roofed parades. These are located between Burnt Oak Tube Station and the junction between Watling Avenue and Burnt Oak Broadway. Gaskarth Road to the rear of the application site is characterised by two-storey pitched roofed residential dwellings, with a mixture of elevational cladding varying from brick, timber and rendered pebble dash.

The application site is located within Flood Zone 1, contains no statutory or locally listed buildings and has no trees subject to a Tree Preservation Order (TPO) located within its curtilage.

Proposed Development

The proposed development seeks to demolish the existing two-storey building, to replace it with a two-storey building (plus basement level) that accommodates 397m² of flexible Class A1/A3 floorspace. The proposed building materiality and architectural form closely follows the design approach employed in the ground and first-floor frontage within the parallel application at no.100 Burnt Oak Broadway. This includes almost full height glazing and an angled frontage. The proposed building design also includes a sedum roof and first-floor rear terrace.

As shown on the Site Location Plan submitted as part of this application, part of the balconies proposed on the north-western elevation of the parallel application at no.100 will oversail the application site. However, both the application site and no.100 Burnt Oak Broadway have been designed together to provide a more spatially coherent and comprehensive development to strengthen the retail frontage along the A5 and to support the optimisation of residential density at no.100. Should permission be granted, both schemes will be linked through a legal agreement to ensure they come forward together in a timely manner. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage.

Relevant Planning History

Reference: W00811AR/05

Address: First Floor Flat, 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Use of premises as minicab office.

Decision: Approved subject to conditions

Decision Date: 28 April 2005

Reference: W00811AE

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Use of part of ground floor as minicab office

Decision: Approved subject to conditions

Decision Date: 2 June 1993

Reference: W00811AD

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Installing new shop front.

Decision: Approved subject to conditions

Decision Date: 9 December 1992

Reference: W00811AC

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Change of use of part of public house (Class A3) to offices (Class B1).

Decision: Approved subject to conditions

Decision Date: 21 August 1992

Reference: W00811Z

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Change of use from part of Public House (Class A3) to financial & Professional Services (Class A2).

Decision: Lawful

Decision Date: 23 April 1991

Reference: W00811AA

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Change of use of part of Public House (ClassA3) to shop (Class A1).

Decision: Lawful

Decision Date: 23 April 1991

Reference: W00811Y

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Use of part of ground floor of premises for Class A1 (Retail) Class A2 (Financial & Professional) and Class A3 (Hot Food & Drink).

Decision: Lawful

Decision Date: 7 November 1990

Reference: 19/1049/FUL

Address: 100 Burnt Oak Broadway, Edgware, HA8 0BE

Description: Demolition of existing building and erection of a mixed use building between four and twelve storeys high, comprising of 100 residential units with 1718.8sqm of Class A1/D2 uses at lower ground, ground floor and part first floor levels. Associated amenity space, refuse storage, cycle stores and provision of 4no. disabled parking spaces at lower ground floor level (with space for an additional 6 as needed).

Decision: Pending Consideration

As outlined above, the proposed development has been designed alongside the highlighted current application at no. 100. If approved, both schemes will be linked through a legal agreement to ensure that they are developed together in a timely manner. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage.

Consultations

As part of the consultation exercise, 155 letters were sent to neighbouring residents. 0 comments have been received.

Responses from External Consultees

LB Harrow Council

No comments received.

Thames Water

Surface Water Drainage

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Flooding

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.

Responses from Internal Consultees

Environmental Health

No objection subject to conditions relating to noise and odour.

Highways

No objection subject to conditions.

Urban Design

Supportive of the design approach proposed subject to conditions.

PLANNING ASSESSMENT

Land Use / Principle of development

The proposed development seeks to demolish an existing two-storey building currently in use as a bed-shop (Class A1) and replace it with a two-storey building (with use of the existing basement level) with a flexible Class A1 / A3 use. As noted above, the application site is located within the Primary Shopping Frontage of the Burnt Oak Town Centre.

Policy 2.15 (Town Centres) of the London Plan (2016) states that development proposals within town centres should:

- a sustain and enhance the vitality and viability of the centre;*
- b accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations;*
- c support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, other consumer services and public services.*

Further to the above, Barnet Policy DM11 seeks to protect Class A1 retail uses within town centre locations, particularly along the Primary and Secondary Shopping Frontages.

The proposed development in conjunction with the parallel development at no. 100 Burnt Oak Broadway (ref: 19/1049/FUL), seeks to provide an enhanced retail frontage that strengthens the vitality and vibrancy of the Burnt Oak Town Centre. It does this through an improved frontage and internal unit design and a mixed retail and commercial offering. At no. 100 where there is currently a large vacant Class A1 unit, Class A1 uses would be located at ground and first-floor level, whilst a flexible Class A1 / D2 use would be provided

at the lower ground floor level. At the application site Class A1 would be retained, albeit at a marginally reduced floor space of 397m² compared with 492m², with the Class A3 use offering an additional complimentary use on site.

Whilst the loss of any Class A1 floor space is generally resisted in line with Policy DM11, it is considered that when viewed in conjunction with the parallel application at no. 100 (ref: 19/1049/FUL), the proposed flexible use and marginal loss in Class A1 is acceptable on balance. Indeed, it is considered that it would strengthen the vitality and vibrancy of the Burnt Oak Town Centre in line with Policy 2.15 of the London Plan (2016) and would do so by delivering a more visually coherent shopping frontage design and modern fit-for-purpose internal floor space, which is more marketable and includes a mix of compatible retail and commercial uses which will encourage a variety of end-users and footfall throughout the day. Moreover, through design synergies and efficiencies between the two sites, the proposed development would facilitate the optimisation of housing density at no. 100.

Further to the above, it is considered that there is an adequate provision of Class A1 uses along Watling Avenue, which ensures the overall Class A1 usage within the Burnt Oak town centre does not fall below the thresholds outlined in Policy DM11.

Overall, whilst any loss of Class A1 floor space is normally resisted in line with Policy DM11, it is considered that in this instance the proposed development is acceptable on planning balance. Indeed, the proposed development would retain Class A1 onsite, would only represent a small loss of Class A1 floorspace and would in conjunction with the parallel development at no. 100, deliver a more coherent retail frontage design, a modern fit-for-purpose internal floorspace and an enhanced retail and commercial offering including Class A3 and D2. This diversification is expected to generate additional footfall and end-users to the Burnt Oak Town Centre Primary Shopping Frontage. Furthermore, through design synergies and efficiencies the proposed development would enable the optimisation of residential density at no. 100. The proposed development is considered consistent with the strategic objectives highlighted within the London Plan (2016) and through its comprehensive redevelopment alongside no. 100 (ref: 19/1049/FUL) is expected to act as a catalyst and stimulus for further regeneration and growth within Burnt Oak Town Centre.

Layout, Height and Design

Policy CS5 of Barnet's Local Plan (2012) seeks to ensure that all development in Barnet respects local context and distinctive character and creates places and buildings of a high-quality design. Policy DM01 echoes this approach stating that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The adjacent section of Burnt Oak Broadway has a mixed character including a range of different architectural styles and forms. As outlined within the site description, these include more traditional pitched roofed buildings and parades to the north of the site, with a more varied mixed of building forms to the south of the site, including the flat roofed two-storey building at no. 100 Burnt Oak Broadway and the flat roofed three-storey building at Stag House.

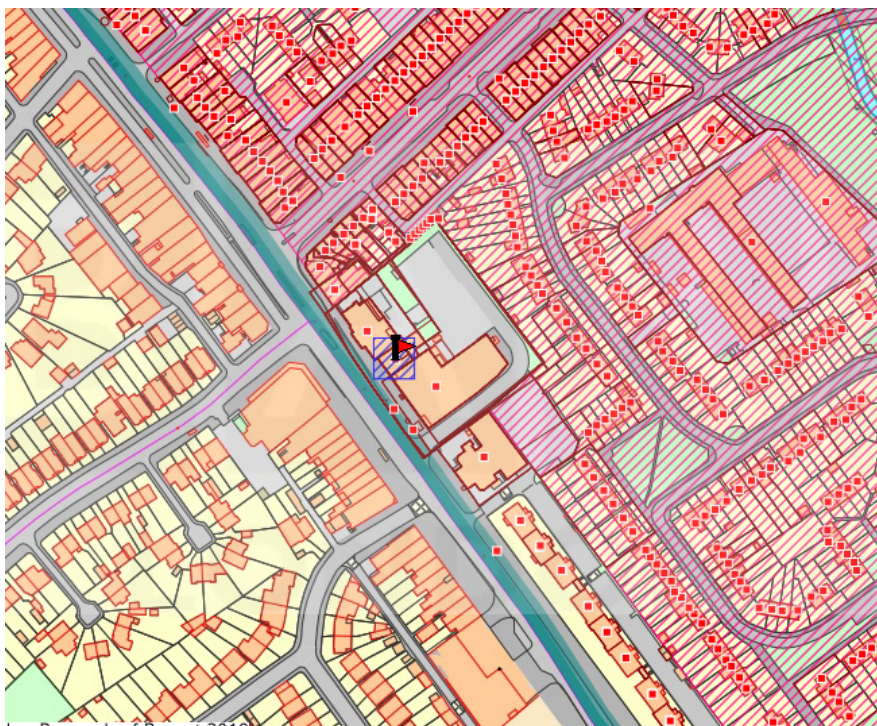
The proposed development has a more contemporary design approach, including a flat roof and full height glazing to the front and side elevation. This design approach has been developed to form part of a more comprehensive design solution which incorporates the adjacent site at no. 100 Burnt Oak Broadway. As outlined above, there is a parallel application currently under consideration at no.100 (ref: 19/1049/FUL) which seeks to redevelop that site to accommodate a new retail unit and frontage at ground floor level and high-density residential accommodation above. This scheme includes a more contemporary form and materiality, including full height glazing at ground floor level and a mixture of concrete, sinusoidal metal sheeting and glazing above. The proposed two-storey building height, contemporary form and angled and stepped footprint, has been developed to provide a more coherent spatial and visual relationship with the proposed development at no. 100 Burnt Oak Broadway, whilst improving the active retail frontage along Burnt Oak Broadway and remaining sensitive to the existing building scale at the Bald-Faced Stag which adjoins the application site to the north.

The proposed development has been reviewed by the Council's Urban Designer who is satisfied that the design approach employed is acceptable in view of the parallel development at no. 100 (ref: 19/1049/FUL) and the mixed character evident within the section of Burnt Oak Broadway immediately surrounding the application site. The proposed two storey building height sits below the approved scheme at the Bald-Faced Stag which is currently being implemented (ref: H/01765/14) and significantly below the twelve-storey development proposed at no. 100. Furthermore, its design and siting enables a more effective spatial transition between the more traditional form at Bald-Faced Stag and the contemporary form and twelve-storey building height proposed at no. 100.

Given the proposed building scale, design and siting forms part of a more comprehensive redevelopment with the adjoining site at no. 100 (ref: 19/1049/FUL), any grant of permission will be subject to a legal agreement which requires both schemes to come forward together in a timely manner. This is to protect the visual integrity and coherence of the Burnt Oak Broadway street scene and vitality of the Burnt Oak Town Centre Primary Shopping Frontage. Subject to this legal agreement and conditions relating to external materials, it is considered that the proposed development would have on balance, an acceptable impact on the mixed character and appearance of the section of Burnt Oak Broadway immediately surrounding the application site. Indeed, along with no. 100, it would serve to unlock regenerative benefits which are considered to outweigh any potential harm resulting from the form and materiality of the proposed development.

Heritage

The application site does not reside within a conservation area and does not contain any statutory or locally listed buildings. However, the application site is adjacent to the Watling Estate Conservation Area to the rear along Gaskarth Road and is proximally located to Watling Avenue which also forms part of the highlighted heritage asset. The map shown below indicates where the conservation area is in relation to the application site. The red diagonal lines show the coverage of the conservation area, while the application site is marked by the red flag.



Given the two-storey scale proposed, the fact the application site does not immediately adjoin the conservation area to the north at the junction between Burnt Oak Broadway and Watling Avenue, and factoring in the established mixed character adjacent to the application site, it is not considered that the proposed development would cause harm to the setting of the Watling Estate Conservation Area.

Archaeology

Policy DM06 states:

Archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

While the application site does not reside within an Area of Special Archaeological Interest, the site is located close to a pre-Roman Road. Indeed, the Watling Estate Conservation Area Character Appraisal (2007) notes:

Watling Estate lies close to the line of Watling Street, a pre-Roman Road. In 1971 excavations on the estate revealed 3rd and 4th century pottery, animal bone, building material and a small bronze coin dated about AD 270-300. It has been suggested that the Roman settlement of Sullonicae, usually presumed to have been at Brockley Hill, was in fact further south on the Watling Estate.

As the proposed development relates to a replacement building of equal scale, the depth and breadth of piling and soil disturbance is limited. Furthermore, the existing basement level is to be retained, albeit marginally extended. However, to ensure appropriate safeguards are in place during demolition and construction works, archaeological mitigation measures will be secured. These include the presence of a suitably qualified professional to provide a watching-brief during soil stripping, excavation and piling activities, to document unexpected discoveries and report on all archaeological work

carried out during the course of the development. This is considered acceptable in view of the limited scale of works proposed. An appropriately worded condition will be attached to any planning permission securing these safeguards.

Trees

Policy DM01 promotes the retention and safeguarding of trees as part of any development. There are no trees located within or immediately adjacent to the application site. The nearest trees to the application site are adjacent to the rear gardens of properties on Gaskarth Road. These trees are not expected to be impacted by development works associated with this application. However, tree protection measures for these trees, in addition to new tree planting within Burnt Oak Town Centre and along Burnt Oak Broadway, are proposed as part of the parallel application at no. 100 (ref: 19/1049/FUL).

Ecology

Barnet Policy DM016 and Policy 7.19 (Biodiversity and Access to Nature) of the London Plan (2016) each seek to retain and enhance site biodiversity whilst ensuring protected species are safeguarded as part of any development.

A sedum roof is proposed as part of the building design. Whilst the exact detail of the sedum roof will be secured via condition, it is considered that this is a positive design intervention in respect of site biodiversity and represents an enhancement over and above the existing building.

As the application site is currently fully occupied and operational and given the ecology reports submitted as part of the parallel application at no. 100 (ref: 19/1049/FUL) reported that 'no bats [were] observed emerging from or re-entering a roost within the on-site building or the adjoining building', it is not considered that the demolition of the existing building at the application site will cause harm to any protected species. However, in conjunction with the parallel application at no. 100, appropriate safeguards will be secured via condition

Landscaping

The proposed development does not propose any soft landscaping. Details of hard standing will be secured via condition.

Sustainability

Appropriate conditions will be secured as part of any permission, ensuring the proposed development meets relevant energy efficiency and carbon reduction standards. Wider measures are proposed within the parallel application at no.100 (ref: 19/1049/FUL).

Amenity Impact on Neighbouring Properties

Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. It states:

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

In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to neighbouring residential occupiers.

Section 7 of the Council's Sustainable Design and Construction SPD (2016) states 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.

Bald-Faced Stag

The proposed development would have no flank wall windows facing the site of the Bald-Faced Stag. Therefore, there would be no opportunities for direct overlooking. However, the proposed first-floor rear terrace would extend beyond the rear building line of the approved scheme at the Bald-Faced Stag. Consequently, a condition will be attached to any permission securing details of privacy screening to prevent opportunities for overlooking back into rear windows serving habitable rooms.

No. 100 Burnt Oak Broadway

Given the schemes two-storey scale and its siting immediately adjacent to the proposed retail unit at no. 100, there would be no opportunities for overlooking into any windows serving a habitable room. Furthermore, the proposed first-floor terrace would be located beneath the proposed windows and balconies serving adjacent residential units. Therefore, given the resulting oblique angle, it is not expected that the occupation of the first-floor terrace would enable direct overlooking into adjacent proposed residential units.

Gaskarth Road

The proposed development would have no impact on the privacy of residential dwellings on Gaskarth Road.

Daylight / Sunlight

Policy DM01 and Section 2.4 of Barnet's Sustainable design and Construction SPD (2016) reinforce the importance of outlook and daylight / direct sunlight to habitable rooms. This importance is further outlined in Standard 32 of the Mayors Housing SPG (2016) which states:

All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

Bald-Faced Stag

The highlighted permission for the Bald-Faced Stag (ref: H/01765/14) is currently being implemented. All windows located on the flank wall would be secondary except for one serving a bedroom. This window would be served by a bay window and would face directly onto the pitched roof of the existing two-storey building at the application site. The proposed development has staggered its flank wall facing onto the Bald-Faced Stag to accommodate the bay window. The highlighted primary window will look directly onto the flank wall of the proposed development. Whilst daylight and direct sunlight will be

restricted to this window, it is considered that this is acceptable on balance, given the daylight and direct sunlight provision to the highlighted window is already restricted and the wider unit in which the bedroom forms a part, will receive acceptable levels of daylight and direct sunlight.

The rear of the proposed development will extend beyond the rear building line of the Bald-Faced Stag by 5.1m. The projection beyond the rear building line of the Bald-Faced Stag is where the first-floor terrace is located. A condition will be attached to any permission requiring full details of the size, siting and materiality of the privacy screening that extends beyond the rear building line of the Bald-Faced Stag, to ensure it protects neighbouring occupier amenity by way of privacy and overshadowing. The projection at ground floor level is acceptable given the neighbouring ground floor unit is retail.

No. 100 Burnt Oak Broadway

Given the two-storey building height and its location to the north of no. 100, it is not expected that overshadowing will occur. The proposed north-west facing balconies and windows at no. 100 (ref: 19/1049/FUL) would be located above the height of the two-storey building proposed. There are no flank wall windows within the existing building at no. 100.

Noise and Disturbance

Policy DM04 states:

Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Subject to further details relating to noise attenuation and transference and a condition restricting hours of use, it is considered that sufficient mitigation measures are available to protect neighbouring residential units from any internally generated noise resulting from the flexible Class A1 / A3 use. This assessment is supported by the Council's Environmental Health Officers who upon review of the application have recommended conditions to ensure these mitigation measures are in place.

There is some concern about potential externally generated noise from the first-floor terrace given its proximity to neighbouring residential units. Consequently, to fully assess the potential noise generated by the first-floor terrace and its impact on neighbouring residential amenity, a condition will be attached to any permission requiring the submission of full noise mitigation measures before the proposed development and first-floor terrace is brought into operation. These mitigation measures will also include hours of use restrictions. It is considered that this appropriately safeguards neighbouring occupier amenity by way of noise and disturbance resulting from internally and externally generated activities.

Therefore, subject to conditions relating to noise mitigation and hours of use, it is considered that the proposed development is acceptable on neighbouring occupier amenity grounds.

Transport / Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) seeks to ensure a more efficient and environmentally friendly use of the local road and transport networks, requiring development is matched to capacity and the delivery of appropriate transport infrastructure is promoted. This policy also requires development proposals to promote:

- the safety of all road users;
- the reduction of traffic congestion;
- suitable and safe access for all users of developments;
- roads within the borough are used appropriately;
- good facilities for pedestrians and cyclists.

Car Parking

The proposed development would provide no onsite parking. The existing use at the application site currently provides no onsite parking. The application site has a Public Transport Accessibility Level of 5 which is very good. The section of Burnt Oak in which the application site is located, is within a Controlled Parking Zone. Given the site's high level of accessibility and the fact the proposed development will not generate a significant increase in comings and goings over and above the existing use, which also provides no onsite parking, it is considered that the proposed development is acceptable on highways grounds.

Cycle parking

The proposed development is required to provide short and long-term cycle parking in line with standards outlined within Policy 6.9 (Cycling). It is considered that there is sufficient capacity onsite to provide the requisite number of short and long-stay parking spaces. Exact details of cycle parking and its location will be secured via condition.

Freight

It is proposed that deliveries and servicing take place from Stockwell Close. Whilst this is considered acceptable in-principle, a Delivery and Servicing Plan will be secured via condition. Furthermore, a full Demolition and Construction Method and Logistics Plan (DCMLP) will be secured via condition to ensure appropriate mitigation measures are in place to protect the safety of motorists and pedestrians and to enable the free flow of traffic during development works.

Refuse Collection

Refuse will be stored internally and then located on Stockwell Close on collection day. Exact details of the refuse storage and collection points will be secured via condition.

Public Comments

n/a

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.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. It is considered that the proposed development would be consistent with the strategic objectives for town centre uses, diversity and growth as outlined within the London Plan (2016) and Barnet Policy DM11. Alongside the parallel application at no. 100, it would support the delivery a more coherent retail frontage design and modern fit-for-purpose internal floorspace, provide an enhanced retail and commercial offering which is expected to generate additional footfall and end-users to the Burnt Oak Primary Shopping Frontage, and through design synergies and efficiencies would enable the optimisation of residential density at no. 100. Whilst the proposed development would result in a marginal loss of Class A1 floorspace, it is considered within the planning balance that this would be outweighed by the wider strategic benefits delivered. 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 and conditions as set out at the beginning of this report, APPROVAL is recommended.



LOCATION: Fosters Estate, London, NW4 2DL

REFERENCE: 19/2517/FUL

WARD: Hendon

AGENDA ITEM 9
Received: 2 May 2019
Accepted: 10 May 2019
Expiry: 9 August 2019

APPLICANT: London Borough of Barnet

PROPOSAL: Demolition of Cheshire Hall (D1 use class), Cheshire House (C3 use class) and assorted outbuildings; and erection of 217no. residential units including 75no. extra care units (C3 use class) across six blocks (A-F) comprising 15no. residential buildings, ranging from 1 to 7 storeys in height; the erection of bin stores and other outbuildings; associated access, parking and landscaping works; and alterations to the external appearance of the retained residential blocks

Application Background and Summary

The application involves an Estate infill development on Fosters Estate, a Council housing estate located in Hendon Ward in the London Borough of Barnet. The scheme was commissioned by the London Borough of Barnet to develop a scheme for delivering additional housing including a significant amount of affordable housing while protecting and enhancing the existing accommodation on the site.

The application submission follows an extensive two year programme of 'co design' in which residents have been extensively involved in the development of the plans. The proposals protect and enhance the landscape core at the heart of the development which also providing for 217 new residential dwellings including 111 affordable housing units of which 75 are 'affordable extra care units in order to meet Barnet's housing needs. The scale of the development is modest at between 2-7 storeys in height and would not significantly affect the amenities of neighbouring residential properties.

The quantity of car parking proposed is informed by a detailed assessment of existing usage by inhabitants of the estate and aims to solve existing problems of commuter and high street parking on the Estate.

The scheme is considered acceptable for the reasons set out below and is recommended for approval.

RECOMMENDATION

Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

Recommendation 2

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

(a) Legal Professional Costs Recovery

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

(b) Enforceability

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

(c) Affordable housing

50% affordable housing by units across the whole development (111 units) on the basis of the following detailed mix:

London Affordable Rent (20 Units)

2 x 1 Bed

12 x 2 Bed

6 x 3 Bed

Affordable Rent 65% of Market Rent (75 Units)

63 x 1 Bed

12 x 2 Bed

Shared Ownership (16 Units)

5 x 1 Bed

11 x 2 Bed

(d) Affordable Housing – Review Mechanism

Submission of an early review mechanism (if implementation is delayed) as well as a near end review (once 75% of the private market units are sold).

(e) Carbon Offset Payment

Payment of £133,200 Carbon Offset payment to meet mayoral zero carbon target.

(f) Local Employment Agreement

Shall include Forecasting of job opportunities; Notification of job vacancies; Local labour target; Jobs brokerage and skills training; Apprenticeships and work experience; Use of local suppliers and delivery of specific LEA targets in regards to providing an agreed number of apprenticeships or alternative cash sum.

(g) Travel Plan measures and monitoring:

Including Provision of Travel Plans covering the following:

Travel Plan – Residential -

Travel Plan – Extra Care Accommodation

Travel Plan – Incentives Fund £65,100 (£300 per unit);

An appropriate Travel Plan Monitoring Fee of £15,000 would also need to be paid in relation to the above plans.

A minimum of five car club spaces shall be provided.

(h) CPZ Review

Local Parking Measures Contribution for CPZ reviews in the vicinity of the site
£60,000;

Traffic Regulation Order amendments to exclude (new) residents from CPZ permits (outside of the redline boundary) £2,500 per phase/sub-phase.

(j) Section 278 Works

Necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development.

(k) Section 106 Monitoring contributions

(l) All financial contributions listed above to be subject to indexation.

Recommendation 3

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Service Director Planning & Building Control or Head of Strategic Planning to approve the planning application reference 19/2517/FUL under delegated powers, subject to the following conditions.

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

CONDITION(S):

Conditions and Informatives will be reported in full in the Addendum.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that

development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

National Planning Policy Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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

The Mayor's London Plan 2016 (Jan 2017 fix)

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

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.2 (London and the Wider Metropolitan Area)

2.7 (Outer London Economy)

2.8 (Outer London Transport)

2.13 (Opportunity Areas and Intensification Areas)

2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces)

London's People:

Policy 3.1 (Ensuring equal life chances for all)

Policy 3.6 (Children and young people's play and informal recreation facilities)
Policy 3.16 (Protection and Enhancement of social Infrastructure)

London's Response to Climate Change:

- 5.1 (Climate Change Mitigation)
- 5.2 (Minimising Carbon Dioxide Emissions)
- 5.7 (Renewable Energy)
- 5.10 (Urban Greening)
- 5.11 (Green Roofs and Development Site Environs)
- 5.12 (Flood Risk Management)
- 5.13 (Sustainable Drainage)
- 5.21 (Contaminated Land)

London's Transport:

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

London's Living Places and Spaces:

- 7.4 (Local Character)
- 7.6 (Architecture)
- 7.8 (Heritage assets and archaeology)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and Managing Noise)
- 7.18 (Protecting Open Space and addressing deficiency)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees and Woodlands)
- 7.7 (Location and design of tall and large buildings)

Draft Replacement London Plan 2017

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

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

Mayoral Supplementary Guidance

Sustainable Design and Construction (April 2014)

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

Accessible London: Achieving an Inclusive Environment (October 2014)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Planning for Equality and Diversity in London (October 2007)

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

The control of dust and emissions during construction and demolition (July 2014)

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM₁₀ and PM_{2.5} from construction and demolition activities in London.

Play and Informal Recreation (September 2012)

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

Housing (March 2016)

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

Affordable Housing and Viability (August 2017)

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

Better homes for local people, the Mayor's good practice guide to estate regeneration (February 2018)

Set's out the Mayor's vision and objectives for estate renewal.

Mayor's Transport Strategy (2018)

This Strategy outlines some of the key transport challenges in London such as poor quality public transport and high volumes of cars on some roads. 3.5.2 The Strategy places an emphasis on reducing car dependency and encouraging an increased use of walking, cycling and public transport use. To help encourage this modal shift, the Strategy has adopted the Healthy Streets Approach, which aims to improve and enhance the overall street environment. 3.5.3 In outer London, it is highlighted that streets are often dominated with cars and that significant transport improvements will be required to reduce this dependency. It encourages a more integrated

approach to planning transport and housing. Within Outer London, new or enhanced bus services will be introduced to reduce car dependency and support growth, particularly around Elizabeth line stations and in areas where housing growth is expected, including Colindale. 3.5.4 In addition, the strategy also focuses on delivering new homes and jobs on transport land and by 2020/21 aims to start on working on property development sites that will deliver 10,000 new homes.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)
CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)
CS5 (Protecting and enhancing Barnet's character to create high quality places)
CS7 (Enhancing and Protecting Barnet's Open Spaces)
CS8 (Promoting a strong and prosperous Barnet)
CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive integrated community facilities and uses+)
CS11 (Improving health and wellbeing in Barnet)
CS13 (Ensuring the efficient use of natural resources)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM14 (New and existing employment space)
DM13 (Community and education uses)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

Local Supplementary Planning Documents:

Affordable Housing (February 2008)
Sustainable Design and Construction (October 2016)
Planning Obligations (April 2013)
Delivering Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Sustainable Design and Construction (October 2016)
Residential Design Guidance (October 2016)
Green Infrastructure (October 2017)

1.2 Key Relevant Planning History

The Fosters Estate was constructed in the 1960's. There have been limited planning applications subsequent to this, non of which are relevant to the current planning application other than a screening request in connection with the current application submitted in 2017 under planning reference 17/7363/ESR, the outcome of which the LPA confirmed the applicants position that the application did not require the submission of an Environmental Impact Assessment.

1.3 Pre-application Consultation by the Applicant

A statement of community involvement has been submitted with the Planning Application which outlines the consultations which the applicant carried out prior to the submission of the application.

The applicant has carried out an extensive two year programme of 'Co Design' which has involved existing and adjoining residents and local stakeholders working as part of a Community Steering Group to develop the scheme. Other formal consultation and other activities have also taken place along with a monthly newsletter to inform residents on the scheme.

1.4 Public Consultations by the Council and Views Expressed

Public Consultation

1219 local residents were consulted on the planning application by letter on 10th May 2019. The application was advertised in the local press on 16th May 2019 and site notices were put up on site on 10th May 2019. The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

Public Representations

As a result of the consultation, a total of 316 responses have been received with 299 objections, 1 letter of representation and 11 letters of support.

The comments received from members of the public have been summarised as follows:

Summary of main points raised by members of the public in objecting to the scheme.

- Proposed Extra Care buildings (A1 & A2) is too close and too high to the existing residential homes on Brampton Grove.

- Scale, Mass, Bulk and Intensity of Development as a whole
- Proposed density too high for the site
- While acknowledging existing towers on site, new housing should be lower density
- Impact on Traffic and Access
- Noise and Disturbance Resulting from the additional Social Care accommodation
- Loss of existing social care accommodation, where will existing residents be moved to
- Overlooking/Loss of Privacy/Sense of Enclosure to Neighbouring Residents
- Safety risk to Synagogue from overlooking
- Proposal will destroy open nature of estate
- Loss of green areas and mature trees
- Loss of screening to ex servicemen club from removal of trees
- Loss of nesting area in mature trees proposed to be removed
- Increased risk of crime
- Proposal will reduce parking, which is just manageable at the moment.
- Access roads to estate narrow and not suitable for increased traffic
- Traffic surveys fail to take account of delivery vehicles and is out of date
- Visitors to site will increase including delivery vehicles as a result in increased number of units
- Loss of Community Centre
- Impact on services (doctor's and schools)
- Storage units (pram sheds) currently adjacent to blocks, will be moved further away.
- Internal estate roads not wide enough to become main thoroughfare

Summary of main points raised by members of the public neither supporting or opposing the scheme.

Having lived on the Foster Estate for 55 years, I welcome the forthcoming changes, if planning permission is granted for the changes I look forward to seeing the results of the estate looking Cleaner and brighter for all of us, not forgetting the provision of badly needed housing.

Summary of main points raised by members of the public in support of the scheme.

Building more homes for elderly people needed and welcomed Good that car park and under utilised part of estate being redeveloped. Good that existing housing being retained. Good that pram sheds are being retained albeit in different location. Good that car sharing is encouraged.

Concerned about three tall buildings in centre of the development. While not affected by parking understand why some car owners are.

Community consultation contact did good job of engaging residents and coming back quickly to queries.

Comment from Applicant

The applicant has sent in correspondence advising that some of the addresses listed by objectors do not exist. The applicant has sent in pro forma forms from some of the objectors stating that they wish for their objections to be removed. However as these matters have not been independently verified by Council officers, these objections are still included above.

Officer Comment

All of the above representations have been taken into account in the officer assessment, which form part of the officer assessment below.

Elected Representatives.

No representations received.

Consultation responses from neighbouring associations other non-statutory bodies.

None

Consultation Responses from Statutory Consultees

Greater London Authority GLA

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of Cheshir Hall (Class D1), Cheshir House (Class C3) and assorted outbuildings; and construction of 15 buildings ranging in height from 1-7 storeys, to provide 142 residential units and 75 extra care units (Class C3); erection of bin stores and other outbuildings; associated access, parking and landscaping works; and alterations to the external appearance of the retained residential blocks

The applicant

The applicant is **London Borough of Barnet (Barnet Homes)** and the architect is **Allies and Morrison.**

Strategic issues

Land use: Further justification is required regarding the loss of Cheshir community hall and the replacement of Cheshir House sheltered housing with extra care units before the proposed development can be supported in strategic planning terms. Detailed information regarding the relocation of existing Cheshir House tenants must be provided (paragraphs 16-24).

Estate regeneration and affordable housing: The proposal must re-provide the social rented floorspace at rent levels based on that which has been lost. The minimum re-provision (habitable room and floorspace) must be secured within a S106. The applicant's viability assessment will be robustly interrogated to ensure the maximum amount of additional affordable housing is provided. Review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG must be secured. (paragraphs 25-45)

Urban design: The overall approach to design, scale, massing and layout is supported. The plans demonstrate that a suitably high residential quality, amenity provision and public realm would be achieved. Robust conditions are required to secure detailed design, materials and other commitments made by the applicant. (paragraphs 52-58).

Transport: Car parking should be reduced in line with draft London Plan standards (paragraphs 66-72).

Further information is sought with respect to **energy** (paragraphs 60-62) and **sustainable drainage** (paragraphs 63-65).

Recommendation

That Barnet Council be advised that the application does not fully comply with the London Plan and draft London Plan for the reasons set out in paragraph 76 of this report, but possible remedies set out in that paragraph should address those deficiencies.

Thames Water (TW)

Waste Comments

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

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

The proposed development is located within 15m of a strategic sewer. Thames Water request that the following condition be added to any planning permission. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to 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. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email:

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

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will

aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Metropolitan Police Crime Prevention Design Advisor

There is a risk of crime within both the public and non-public areas of the proposed development, and the interaction between the two should be considered at from the outset.

Consideration of preventative security measures should be made to reduce crime and the fear of crime for any new development, which will aid sustainability and allow an area to thrive.

Crime prevention and community safety are material considerations. If the London Borough of Barnet are to consider granting consent, I would ask that the conditions and information detailed below be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies. I would also like to draw your attention to Section 17 Crime and Disorder Act 1988 and the NPPF, in supporting my recommendations. Please see Appendix A for relevant extracts from the NPPF and local planning policy.

(1) I request that prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full Secured by Design' Accreditation.

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

(2) Prior to the first occupation of each building or part of a building or use, a 'Secured By Design' accreditation shall be obtained for such building or part of such building or use.

The reason for this is to ensure that appropriate physical security products are used and access control systems within the blocks of flats are installed that will provide this site with the minimum level of resilience required to protect it from the burglary and anti-social behaviour threat that this application face, please see Appendix B for more details in relation to crime in this area.

I note that in the design and access statement it states that the proposals wishes to achieve Secure by Design accreditation but I request it be made a condition to ensure compliance is achieved.

In addition to this proposed condition I have the following observations in relation to this proposal.

1. The removal of some of negative aspects of the current estate will have a positive impact in relation to crime and the fear of crime. The removal of the existing playground, external garages and pram stores is a significant positive for this entire estate.
2. The use of a ring road for vehicles with main pedestrian pathways bisecting the estate will provide greater natural surveillance and activity around the entire estate.
3. At present the poorest areas of the estate are the fringes, a lot of the proposed new buildings are in these areas bringing activity and oversight to these areas, thus making them safer.
4. I am pleased to see that Short Street is gated as without the gates this area would be vulnerable.
5. The pram stores – ideally pram store should be removed entirely. Throughout London pram stores are misused and become areas where drug dealing and anti-social behaviour can thrive, leading to their criminal damage and then their dishevelled appearance can increase the fear of crime and in turn encourage crime as it makes the area appear uncared for. However I have been informed that these pram stores cannot be removed, with that in mind the proposal of placing them in a secure enclosure is the next best option.
6. The parking surrounding the ring road means that the parking spaces will experience informal surveillance from the properties around the estate, which is better than having larger parking yard areas as often seen in estate design.
7. The estate suffers from a security weakness of being highly permeable and a particular concern that I would have liked addressed with this application are the two footpaths on West View that link this estate with Heriot Road and Raleigh Close as these areas are undesirable alleyways at present. They experience little or no natural surveillance and are long enough that members of public would be susceptible to fearing crime when having to of commit to walking down them as they could come across other people within these areas.

This permeability also contributes to a higher crime rate for the whole estate as offenders are naturally attracted to areas that are highly permeable as it provides easy routes of escape for them if they require it. I am disappointed to see that this aspect of the estate is not being altered. I have been informed that they are outside of the jurisdiction of this application, however seeing as these are the main links for this estate they are intrinsically linked to these application, especially considering that more people are now going to be in this area. I would encourage their removal, gating or at the very least I would

encourage that work be carried out to open these areas visually, and the lighting improved.

8. The care home is orientated in a suitable manner for its purpose.

Internal Consultation responses

Drainage

No objections following the receipt of additional information.

Adults Joint Commissioning, Commissioning Group

We are in support of this application and the development of extra care services is directly aligned with the strategy of supporting people to remain in the community in accommodation based services with the appropriate care and support.

Urban Design

No objections raised detailed comments incorporated in officer report below.

Transport and Regeneration

No objections subject to appropriate conditions and heads of terms. Detailed comments incorporated in officer comments below.

Environmental Health

No Objections raised subject to the attachment of appropriate conditions regarding noise mitigation, contamination and air quality.

Trees and Landscape

No objections subject to conditions. Detailed comments provided regarding tree protection and proposed landscaping. Comments incorporated in officer comments below.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The Fosters Estate measures 3.19ha in area, and currently comprises 196no. residential properties, including 28no. 'Sheltered Housing' units in Cheshir House (C3 Use Class) across 11no. residential blocks. The existing residential blocks range between 2 and 11 storeys. In addition to the existing residential accommodation, the Site also comprises Cheshir Hall (D1 Use Class); public open space; and assorted outbuildings.

Located in Hendon, within the London Borough of Barnet, the Site is bound to the east by the rear of existing commercial / residential properties to the west of Brent

Street (A502). The northern boundary of the Site is formed by the rear of the existing residential properties to the south of Brampton Grove and the recently constructed Salvation Army Hall, while the rear of those existing residential properties to West View forms the western boundary of the Site. To the south, the Site is bound by Eaton Road, with the rear of the residential properties along Heriot Road to the south of Eaton Road. Many of the properties to the north of Heriot Road benefit from existing vehicular access from Eaton Road. The Old Hendon Ex-Service Men's Club is also located to the south of the Site at the junction of Heriot Road and North Street. The Site's boundaries are therefore typified by the rear of existing neighbouring properties.

Existing vehicular access to the Site is achieved from Brent Street via Foster Street and New Brent Street, and from Heriot Road via North Street. Pedestrian and cycle access can also be achieved from Brampton Grove via Brampton Lane, and from West View via New Brent Street and Eaton Road.

The Site is located approximately 350m north-east of Hendon Central Station, which provides regular London Underground (Northern Line – Edgware Branch) services to Euston (18 minutes); Bank (28 minutes); and Edgware (7 minutes). Hendon Central Station is located within TfL Fare Zones 3/4. There are a number of bus stops along Brent Street to the east of the Site providing regular services to Edgware and Golders Green (No. 240), Pinner and Golders Green (No. 183), and Queens Road to the south providing services to Alpertons and Golders Green (No. 83).

The Site currently benefits from moderate accessibility, with a Public Transport Accessibility Level (hereinafter 'PTAL') ranging between 2 and 3.

2.2 Description of the Proposed Development

The application proposals seek the partial demolition of Cheshir Hall and Cheshir House along with assorted outbuildings and the erection of 217 residential dwellings (including 75 extra care units) with six blocks comprising 15 buildings ranging from between two to seven storeys in height.

Along with the new residential properties, the proposals provide for enhancements to the existing communal landscaping including the provision of new play space and external amenity space for existing and future residents. The proposals also incorporate the provision of new bin stores and storage for residents of the retained blocks. Improvements to the external appearance of the existing retained blocks are also proposed.

The proposals also provide for a reorganisation of the vehicular routes through the estate, with a new perimeter road network with the roads being removed from the centre of the estate allowing for an improved pedestrian and cycling environment in the centre of the estate.

The proposed description of the development as stated on the application form for the development is as follows:

“Demolition of Cheshire Hall (D1 use class), Cheshire House (C3 use class) and

assorted outbuildings; and erection of 217no. residential units including 75no. extra care units (C3 use class) across six blocks (A-F) comprising 15no. residential buildings, ranging from 1 to 7 storeys in height; the erection of bin stores and other outbuildings; associated access, parking and landscaping works; and alterations to the external appearance of the retained residential blocks”

3. PLANNING CONSIDERATIONS

3.1 Principle of Development

Loss of existing community hall

The proposal involves the demolition of Cheshir Hall which is located to the north of the site providing approximately 171 sq.m of community floorspace. This hall was constructed as part of the original Fosters estate comprising of a multi purpose hall together with kitchen and toilets.

Policy DM13 of the Barnet Development Management Policies document makes it clear that the loss of community uses will only be acceptable in exceptional circumstances where either:

- New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location.

Or

There is no demand for continued community or education use and the site has been marketed effectively for such use.

In the case of the application proposals, the application submission advises that Cheshir Hall provides outdated community floorspace that is underutilised and does not meet modern standards of community facilities, with current regular users being limited to:

- Six hours per week - ESOL classes
- Two hours per week – book club
- Three hours per week – adult training
- Two hours per week – family group one
- One hour per week – family group two

The state of the facility and its limited use would not in itself justify the removal of the facility if there were no suitable replacement facilities in the vicinity of the site capable of being used by local community groups. However in the case of the Fosters Estate three other facilities including the Salvation Army site, the Hendon ex-services club and the Christchurch hall directly adjoin the site all of which provide better facilities than the existing community building on the site.

The merits of re-providing the community centre were discussed extensively with existing residents as part of the co-design process. The outcome of which the scheme decided against incorporating a new community centre as part of the redevelopment scheme as this would result in an over provision of such facilities in

the location and would potentially adversely affect the viability of all four facilities. While the comments from local residents are noted in relation to the loss of facility, it is considered by officers that the loss of the existing facility is accepted in this instance due to the provision of alternative provision in the immediate vicinity of the site.

Loss of existing social care units

The application proposes the demolition of Cheshir Hall which currently comprises sheltered residential accommodation for 28 units in the form of 17 one bedroom (including 12 studios) and 1 two bedroom units, all of which are let at 'social rent' levels. The application supporting documents advise that the building which was constructed in the 1960's no longer meets current housing needs or standards. The configuration of the property also does not lend itself to easy or economic adaptation to meet these standards.

Policy DM07 of the adopted Local Plan resists the loss of residential accommodation unless it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

In the case of the existing tenants, Barnet Homes intends to re-locate the eligible current residents in alternative suitable accommodation. This includes other Sheltered Housing schemes, independent homes or extra care depending on their needs and inside or outside the borough depending on their preferences.

There is also the opportunity of assisting them to relocate to another part of the Country or to the seaside (Specialist Scheme) if this is what they wish subject to accommodation being available.

The replacement accommodation which is proposed on this site comprise of 75 'extra care' units, which represents a significant uplift over the number of existing units on the site in accordance with policy DM07. The proposed 'extra care' units will also be let at 'affordable rent' levels and fulfil an identified housing need for this type of accommodation due to the increasing age of the population and a desire for greater independence (with support) amongst elderly persons as opposed to the more traditional institutional facilities provided in the past.

Housing

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that that accords with an up-to-date Local Plan should be approved.

Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and

quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Policy CS3 'Distribution of growth in meeting housing aspirations' identifies Colindale as one of the three main areas (the other two being Brent Cross and Mill Hill East) for providing the bulk of the housing requires for the borough, with Colindale providing an anticipated 8120 homes up to 2025/2026, as part of a borough wide requirement for 28000 additional homes over a 15 year time period.. It is noted that this housing target was subsequently revised upwards in the Further Alterations to the London Plan in 2014 to an annual target of 2349 over a ten year period.

The draft new London Plan (December 2017) will when adopted replace the existing London Plan 2016. The new London Plan sets out mayoral policies for the period 2019-2041, with housing targets set only for the first ten years of the Plan. The revised housing target for Barnet is to provide a revised "minimum" Borough Housing target of 31,340 homes, on an Annual Monitoring Target of 3,134 homes. The target date ends in 2029.

In relation to Fosters Estate the supporting text contained within the Core Strategy advises that achieve housing growth the Council will:

'to promote the development of the major regeneration and development areas, priority estates and town centres in order to provide in the range of 20,000 new homes (contributing to a borough total of 28,000 new homes) by 2026 to meet local and regional housing needs.'

The redevelopment accords with the abovementioned policies for an intensive, residential proposal within an existing housing estate, which is intended to positively transform the site and the area with its uses including residential and open space provision, as well as its design and the associated improved relationships to and connectivity with the surrounding area.

Specific aspects of the development principles of this proposal are discussed in more detail below.

Specific aspects of the development principles of this proposal are discussed in more detail below.

Housing Density

London Plan policy 3.4 seeks to optimise the housing potential of sites. This provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150–200 hr/ha	150–250 hr/ha	200–350 hr/ha
3.8–4.6 hr/unit	35–55 u/ha	35–65 u/ha	45–90 u/ha
3.1–3.7 hr/unit	40–65 u/ha	40–80 u/ha	55–115 u/ha
2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha
Urban	150–250 hr/ha	200–450 hr/ha	200–700 hr/ha
3.8 –4.6 hr/unit	35–65 u/ha	45–120 u/ha	45–185 u/ha
3.1–3.7 hr/unit	40–80 u/ha	55–145 u/ha	55–225 u/ha
2.7–3.0 hr/unit	50–95 u/ha	70–170 u/ha	70–260 u/ha
Central	150–300 hr/ha	300–650 hr/ha	650–1100 hr/ha
3.8–4.6 hr/unit	35–80 u/ha	65–170 u/ha	140–290 u/ha
3.1–3.7 hr/unit	40–100 u/ha	80–210 u/ha	175–355 u/ha
2.7–3.0 hr/unit	50–110 u/hr	100–240 u/ha	215–405 u/ha

The Site has an existing PTAL rating of Level 2 and 3. In accordance with Table 3.2 of the London Plan, the Site is located within a urban setting defined as an area “*areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes*”. Given the Site’s PTAL rating and urban locality, the London Plan seeks to provide residential densities of between 200-450 habitable rooms per hectare.

The Proposed Development results in an average density of 395 habitable rooms per hectare which is in the middle of the indicative range within the London Plan. The supporting text of London Plan Policy 3.4 confirms that the density matrix should not be applied mechanistically, and furthermore the Mayor’s Housing SPG notes that build to rent schemes can be particularly suited to higher density development within town centres or near to transport nodes.

The numerical application of the London Plan density matrix in any event needs to be balanced against design quality and the quality of residential environment created. Account also needs to be taken of the improved connectivity through the site and to the surrounding area including its public transport as well as the provision of social infrastructure on site. This reflects the approach of “*optimising*” housing according to London Plan Policy 3.4, it being noted that the density matrix is not intended to be applied mechanistically (London Plan para 3.28).

In addition the Mayors housing SPG sets out the exceptional circumstances where densities above the relevant density range may be justified (London Plan para 3.28A). Exceptional circumstances include the following and which are considered relevant in the case of this application:

- “Liveability” as described in section 2.2 – 2.4 of the SPG (E.g. Neighbourhood scale and provision of outdoor spaces, play space, designing out crime, social infrastructure, dwelling standards and facilities, and sustainability)
- Exemplary design and quality
- Access to services

- Management of communal areas
- Contribution to 'place shaping'

In relation to the current scheme, the proposed density is considered appropriate to the site, providing much needed additional housing including affordable housing while maintaining the green open nature of the estate. This is reflected in the GLA Stage 1 comments which raise no objections to the quantity of development proposed.

3.3 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', Ch 3 'London's People', and Ch 7 '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.

Unit mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan Policy 3.8, and Barnet Development Management Policies DPD policy DM08). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

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

Table 5: Proposed Housing Mix

Unit Size	Units	% of Units
1-Bed	117	54%
2-Bed	92	42%
3-Bed	8	4%
TOTAL	217	100%

In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2 bedroom 3 person units and as such under this definition the proposal would provide for 100 units capable of accommodation by families. It is also noted that the predominate reason for the large volume of one bed units is due to the 75 extra care units. The unit split is also broadly similar to the existing estate which contains 2 studio, 32 one bed, 136 two bed and 13 three bed units.

Overall it is considered that the proposal proposes an appropriate split in housing

type to address housing preference and need in accordance with the abovementioned policies.

Affordable Housing

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

The Mayor adopted in February 2018 'Better Homes for Local People: Good Practice Guide to Estate Regeneration (GPGER); key requirements are that estate regeneration proposals ensure no loss of affordable housing, with any affordable homes demolished being replaced on a like for like basis both in terms of floorspace and tenure. Additional affordable housing should be maximised, determined through the 'viability tested route' set out in the draft London Plan and the Mayor's Affordable Housing & Viability SPG.

The proposed development will provide 50% of new housing as on-site affordable housing (habitable room). A financial viability appraisal (FVA) has been submitted in support of this submission and is currently being scrutinised by the GLA viability team who will need to satisfy themselves at Stage 2 referral whether the scheme provides the maximum quantity of affordable housing. The GLA have also requested that the Council carry out it's own independent assessment which the Council intends to carry out prior to the Stage 2 referral.

The configuration of the units as proposed both by unit and by habitable room are as follows:

Table 6: Proposed Tenure Mix (Units)

Tenure	Units		% of Units	
Private	106	106	49%	49%
London Affordable Rent	20	111	9%	51%
65% of Market Rent	75		35%	
Shared Ownership	16		7%	
TOTAL	217		100%	

Table 7: Proposed Tenure Mix (Habitable Room)

Tenure	Units		% of Units	
Private	382	382	50%	50%
London Affordable Rent	88	384	11%	50%
65% of Market Rent	237		31%	
Shared Ownership	59		8%	
TOTAL	766		100%	

The proposal, providing 111 affordable housing units, is considered acceptable representing 51% by unit and 50% by habitable, which complies with Barnet and

GLA policy. Further clarification is being provided to the GLA by the applicant in relation to the existing social care units, which will be resolved at Stage 2 referral stage.

Floorspace standards

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD.

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

Table 3.3 Minimum Space standards for new dwellings (adapted from London Plan)

	Dwelling Type (bedroom/persons- bed spaces)	Gross Internal Area Standard (m ²)
Flats	1 bedroom 1 person	37
	1 bedroom 2 person	50
	2 bedroom 3 person	61
	2 bedroom 4 person	70
	3 bedroom 5 person	86
	3 bedroom 6 person	95
	4 bedroom 5 person	90
	4 bedroom 6 person	99
	2 storey house	2 bedroom 4 person
3 bedroom 4 person		87
3 bedroom 5 person		96
4 bedroom 5 person		100
4 bedroom 6 person		107
3 storey house		3 bedroom 5 person
	4 bedroom 5 person	106

	4 bedroom person	6	113
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All the dwellings meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit sizes and room sizes.

Lifetime Homes and wheelchair housing standards

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst policy DM02 sets out further specific considerations. All units should comply with Lifetime Homes Standards (LTHS) with 10% wheelchair home compliance, as per London Plan policy 3.8.

In respect of LTHS, while this legislation has been abolished the applicant advises in their application submission that the majority of units will meet the equivalent replacement building regulation standard M4 (2), with the exception of 24 units which do not provide step free access to the principle private entrance door but are otherwise compliant in relation to internal standards. This is considered acceptable and in any event is controlled by other legislation.

In respects of wheelchair housing, the applicant has advised that 10% of units will be built to M4 (3) wheelchair standards and as such is in accordance with Policy. A suitable condition is attached to this affect.

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.

Table 2.3:Outdoor Amenity Space Requirements	Development Scale
For Flats: •5 m ² of space per habitable room.	Minor, Major and Large scale
For Houses: •40 m ² of space for up to four habitable rooms •55 m ² of space for up to five habitable rooms •70 m ² of space for up to six habitable rooms •85 m ² of space for up to seven or more habitable rooms	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

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

The application proposes policy compliant levels of private amenity space with the exception of 1 bed flat which is provided with an increased level of internal floorspace to compensate. All residents have access to the extensive areas of open space being retained and enhance on the estate. Within the Extra Care block a variety of internal and external amenity spaces are proposed in the form of a public courtyard, private 'sensory' garden, café, communal lounge and seating areas. This is in addition to the private balconies provided to all apartments in the block.

Playspace

London Plan Policy 3.6 of the London Plan requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012.

London Borough of Barnet Core Strategy Policy CS7 requires improved access the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

The Mayoral Stage 1 response did not object to this approach to community consultation, the Stage 1 response required that details of the playspace strategy, including the expected child yield (using the GLA's 2019 child playspace calculator), quantum of playspace and types of play elements for each age group, must be made clear and secured by either condition or S106 agreement. A suitable condition is attached to this effect and subject to this officers have no objections to this aspect of the proposal..

3.4 Design

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

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area;

and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

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

The scheme proposes a total of 217no. residential units including 75no. extra care units (C3 use class) across six blocks (A-F) comprising 15no. residential buildings, ranging from 1 to 7 storeys in height; the erection of bin stores and other outbuildings; associated access, parking and landscaping works; and alterations to the external appearance of the retained residential blocks.

As previously mentioned the Proposed Development meets the Greater London Authority's requirement for 10% of new homes to be wheelchair accessible or easily adaptable for future residents who are wheelchair users.

Proposed Masterplan

The design and layout of the scheme was developed over a period of two years informed by both the co design process and pre application discussions with Council officers. Cost and viability considerations have also been fed into the location of buildings in order to utilise existing infrastructure and providing car parking and storage sheds in close proximity to existing residential dwellings. The design and access statement also advises that while the proposed buildings are a key component of the proposals, the landscape design needs to be given central precedent in order to maintain and enhance the character of the Estate. As such a large number of the existing stock of trees are retained including most of the high value trees as valued by residents. Additional tree planting is proposed around the edges of the open space in order to provide a sense of enclosure and to create a high quality landscape space in the centre of the development. The existing roads which previously ran through the middle of the development have been removed enhancing the usability of the space.

Scale, Massing and Design

The height of the existing buildings in the estate range from 2 storeys along the north western edge, 5 storeys to the south and 11 storeys in the centre of the estate. The additional dwellings proposed as part of the current application provide

for a similar range with the buildings along the edge of the development being limited to 2 storeys in locations where new dwellings back onto existing two storey properties and in places filling in gaps facing the green, up to 4 storeys where the development backs onto retail premises in Brent Street, 5-6 storey apartment blocks in the centre of the development and one taller 6-7 storey element in the extra care accommodation in the north east corner of the site, where the development adjoining the Salvation Army building.

The scale of the development is considered to be appropriate to its context with none of the buildings proposed being classified as a tall building. The buildings sit comfortably in scale with their surroundings and in accordance with Council policy.

Detailed design, including material finish

The predominate proposed building material is brick, with two brick colours being proposed with predominately a buff stock brick proposed in the central green area and a grey stock brick along the edge buildings. A slightly different material approach is proposed on the larger 4 to 7 storey buildings with a mixture of different brick types being used to create a striped approach, along with the use of the lighter brick amongst recesses and openings. Lighter coloured balconies and grey window frames are proposed to complement the proposed bricks. All ground level structures such as the reprovided storage sheds, refuse storage areas and substations will be clad in cedar cladding. The final material finish will be secured by condition, but the general material palette is considered acceptable and will result in a high-quality appearance while reducing future maintenance cost.

Improvements to Existing buildings

Along with the proposals for new residential dwellings, proposals are also proposed for the existing residential properties. Along with the more general improvements such as to the landscaping and parking arrangements, the proposals include improvements to the existing properties including new solid canopy entrance structures to the existing blocks helping to provide a more clear and secure entrance while also integrating the design of the existing blocks to the new dwellings proposed under this application. It is also proposed to paint existing balconies and panels in order to improve the visual appearance of the blocks and to provide more privacy to residents.

All of the properties also currently have external 'pram sheds' which provide storage for residents. These are currently run down and of poor visual appearance. The application proposes to remove these structures and to provide purpose built and robust replacement storage sheds provided in convenient locations throughout the estate. New refuse enclosures will also be provided to serve existing and proposed residents.

Safety, security and crime mitigation

Pursuant to London Plan policy 7.3 and Barnet Core Strategy Policy CS12, the scheme is considered to enhance safety and security and mitigate the potential of crime through the design of the scheme, providing active frontages and allowing for

passive surveillance of vehicular parking areas and the landscape open space.

The comments from the Crime Prevention Officer of the Metropolitan Police are noted regarding their conclusions that the proposed development would improve passive surveillance and reduce the potential for criminal and anti-social behaviour. While the comments from the Crime Prevention Officer regarding their preference for the removal of the storage units and the closing of existing pedestrian routes, these partly fall outside the remit of the application and would be contrary to the wishes of the existing residents of the estate as expressed during the co-design process. A condition is attached requiring that the scheme achieves secured by design accreditation.

3.5 Amenities of Neighbouring and Future Residents

Part of the 'Sustainable development' imperative of the NPPF 2012 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2011 policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, overlooking and outlook

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

Privacy and separation to surrounding sites

All of the proposed buildings (other than flank walled elevations) are located over 11m from site boundaries and more than 21m from the elevations of neighbouring properties. In those instances where privacy distances are lower, overlooking has been prevented by means of building design i.e. avoiding windows on upper floor facing neighbouring sites. As such it is not considered that the proposals would result in any demonstrable loss of privacy to neighbouring properties

Privacy and separation within the site

In relation to buildings within the site, the proposed buildings are well spaced throughout the estate, with both the linear housing and the apartment blocks located fronting the new estate road, and in the case of the apartment blocks angled to reduce the degree of overlooking between blocks both existing and proposed.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The proposed

residential uses are compatible with the existing and surrounding land uses and it is not considered that any intensification of the use would result in any undue disturbance to neighbouring residents.

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended the attachment of conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Air quality

In respect of air pollution, the applicant has submitted an air quality assessment in support of the application. The Council's environmental health team have examined this document, and while raising no objections to the proposal has requested the attachment of conditions requiring further details to be submitted to demonstrate the achievement of air quality neutral standards. Subject to these conditions it is considered that the proposals would not adversely affect air quality as a result of the development.

Daylight and Sunlight

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

Daylight has been assessed in terms of Vertical Sky Component (VSC), NO Sky Line (NSL) and Average Daylight Factor (ADF) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The BRE Guidelines provide numerical guidelines, however these are not mandatory and should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

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

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

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

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

The BRE guidelines explain that the BRE guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstance the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

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

In relation to the current scheme the Daylight and Sunlight assessment concludes that the proposal would not significantly affect levels of daylight and sunlight to both existing and surrounding residential properties as well as the proposed new residential units themselves. The proposal would also not result in any significant overshadowing of surrounding properties, and the proposed amenity areas surrounding the proposed new residential properties would also receive the required minimum two hours of sunlight as required by the guidance.

3.6 Transport, highways and parking

Introduction

This section of the report examines the transport elements to the application. It summarises the information provided by the Applicant in the Transport Assessment (TA) in terms of the likely impacts on the transport system, as well as the mitigation measures and controls that are recommended as a means of ensuring that the proposed development can be safely accommodated on the transport system without unacceptable impacts.

The highway and transport proposals have been taken through a pre-application process following the developer's submission and a review of the previous masterplan. A number of discussions included parking and highway layout options and it is understood that this is a co-design approach project. There were some issues with the highway layout in order to meet highway option and highway safety standards and design changes will be required under RIBA Stage 4 Detail Design and the requirements have been conditioned. Further mitigation is being provided by the developer in the form of S106 contributions and highway works under a S278 highway agreement.

In summary with the required changes and mitigation the development will be a positive improvement to the existing estate with improved public realm and parking controls to remove the existing car dominant nature of the site as well as promoting the use of sustainable modes of transport by reducing car ownership and car clubs, improvements to walking and cycling.

Existing Transport Conditions

The existing transport network is discussed in Section 3 of the TA.

Upper and Lower Fosters is a late 1960s housing estate built to a relatively low density despite its proximity to Brent Street, a local high street and with good transport accessibility. The Estate currently comprises 196 units with 28 of these located within Cheshir House which provides a sheltered accommodation facility.

In addition to the residential element of the estate it is important to note that the estate caters to several other uses and user groups. These include, but are not limited, to a community centre, on-street commuter parking and parking for local shops and businesses. A small number of properties achieve some form of access from within the estate via Brampton Lane, Short Street and Cowley Place, as these properties are outside of the site boundary, current access arrangements must be maintained.

The local highway network is focused around Brent Street (the A502), this is the primary north-south route through Hendon and acts as a typical high street as well as providing access to the wider highway network. The site is accessed from Brent Street via two access roads, Foster Street and New Brent Street. These, in turn, form part of the internal road highway network within the site.

Brent Street connects the North Circular approximately one kilometre south-east of the site this provides a direct link to the strategic highway network, particularly the M1 and A5, which pass within 1.5 kilometres of the site.

The sites internal road network is made of two-way single carriageway roads, between five and six metres in width and subject to significant level of on-street parking. Existing Car Parking Characteristics

Parking within the Fosters Estate has been uncontrolled for a number of years. Parking permit schemes have previously been implemented but are now not enforced. This has resulted in the estate being widely regarded as free local parking for all users.

Existing Parking

Parking in Upper and Lower Fosters is uncontrolled and is used by residents, commuters and shoppers in a hap-hazard fashion reducing road width and impacting on highway safety. Street surrounding the site are controlled and form part of a Controlled Parking Zone with restrictions between 11am and 12 noon Monday to Friday.

There is space for 125 cars to park on the site. Based on surveys carried out as detailed in Section 3 of the TA this does not include the existing garages. This would equate to a provision of 0.64 spaces per unit. The Census 2011 car ownership data for the site suggests a car ownership of 0.5 per dwelling.

Type of Parking	Parking spaces	Restrictions	No. of Permit Holders
Warner Close Car Park shared bays WHH (Resident), WHZ (Business) and Pay by Phone	71	Pay by Phone 9am-5pm Mon-Sat	
WHH (Resident)	194	10-11am Mon-Fri	137
WH2 (Resident)	162	10-11am Mon-Fri	44
TOTAL (Residents)	427		
WHZ (Business) on-street	14	10-11am Mon-Fri	
Short Stay Pay by Phone	37 + side roads	9am-5.30pm Max Stay 90 mins	
Long Stay Pay by Phone (Perryfield Way Car Park)	65	Pay by Phone 9am-5pm Mon-Sat	
WHZ (Business) (Perryfield Way Car Park)	20	Pay by Phone 9am-5pm Mon-Sat	10

Parking beat surveys were carried out on the estate and surrounding streets within walking distance of the site. This showed that around half of those parked were not residents of the estate. The site is close to Brent Street shopping area and within walking distance of Hendon Central tube station and the Hendon Synagogue is directly to the west of the site and with no parking controls is not restricting the use of the car in the area.

Pedestrians and Cyclists

Existing Pedestrian Links

There are good pedestrian connections into the site from surrounding streets from the east. Hendon Central tube station is within 800 metres of the site and provides an easily accessible means of access to this strategic public transport link. On the main streets of Brent Street and Queens Road there are footways on both sides of suitable width for a town centre location. Crossing points are provided at numerous locations and the area is well lit and overlooked. Side streets have footways with the majority having tactile crossing points and dropped kerbs.

PERS Audit

A Pedestrian Environment Review (PERS) was audited that identified that the majority of the pedestrian area received a Good rating however there is some level of improvement required and are highlighted below.

- Brent Street (west side) – Tactile paving required at crossing points.
- West View – Lack of surveillance and variable footway widths.
- Brampton Lane – no pedestrian footway.
- Heriot Road – restricted footway, poorly maintained and lack of dropped crossings and tactile paving at crossing points.
- Raleigh Close – Legibility.
- Wykenham Road – Legibility.

The required improvements will be identified and work carried out by the developer under a S278 highway agreement with the Highway Authority and this has been conditioned as part of the recommendation.

Existing Cycle Links

A number of roads surrounding the site are highlighted on TfL's Local Cycling Guide 4 as suitable for cyclists. West View is marked as an off-road cycle route which provides a traffic free environment and extends through Hendon Park to the south and Sunny Hill Park to the north. New Brent Street runs through the site and is a route for cycling and should be maintained

Road Safety

Accident data was collected from Crashmap for the last five years and shows that a total of 5 personal injuries occurred that equates to an average of 1 accident per annum. 3 of the accidents were slight and 2 were serious.. 2 accidents involved children 0-5, 1 accident involved a pedestrian and 2 accidents involved vehicle collisions.

Existing Bus Routes

Bus services are well provided for in the vicinity of the site, there are a total of five bus stops that are served by a nine principal bus routes which allow for easy connection to a wide number of key areas of retail and employment as well as

connecting to London Underground services. All bus stops have shelters and bus stop routing maps.

The five principal bus services operating in the area are summarised below:

Route No.	Destination	Key Connections	Max. Hourly Frequency		Operator
			Weekday	Saturday	
83	<i>Golders Green – Hendon Central – Hendon– Wembley Park – Wembley Stadium – Wembley Central - Alperton</i>	Queens Road	Every 6-10 minutes	Every 8-12 minutes	Every 10-12 minutes
143	<i>Archway – East Finchley – Finchley Central – Hendon Central - Brent Cross Shopping Centre</i>	Watford Way A41, The Burroughs, Church Road A504	Every 10-12 minutes	Every 11-12 minutes	Every 15-20 minutes

186	<p>St Mark's/North wick Park Hospital, Harrow – Harrow Bus Station – Harrow Town Centre – Harrow & Wealdstone – Belmont Health Centre – <i>Canons Park</i> – <i>Edgware</i> – <i>Edgware Bus Station</i> – Mill Hill Broadway - <i>Hendon Central</i> – Brent Cross Shopping Centre</p>	Brent Street A502, Church Road A504, The Burroughs	Every 8 minutes	Every 8 minutes	Every 10 minutes
240	<p><i>Golders Green</i> – North Circular Road – <i>Mill Hill East</i> – St Vincent's School - Mill Hill Broadway - <i>Edgware</i></p>	Brent Street A502	Every 11-14 minutes	Every 12 minutes	Every 20 minutes

324	<p><i>Stanmore – Stanmore College – Culver Grove Park High School – Kingsbury – St Joseph’s School - Hendon Central – Brent Cross Shopping Centre – TESCO Brent Cross</i></p>	Watford Way A41	Every 19-21 minutes	Every 17-30 minutes	Every 18-30 minutes
326	<p><i>The Spires – High Barnet – New Barnet – Totteridge & Whetstone – Finchley Central – Hendon Town Hall – Hendon Central - Brent Cross Shopping Centre</i></p>	Watford Way A41, The Burroughs, Church Road A504	Every 10-14 minutes	Every 11-14 minutes	Every 15 minutes

N5	Charing Cross – <i>Leicester Square – Tottenham Court Road - Goodge Street - Warren Street – Euston Square – Euston – Mornington Crescent – Camden Town – Chalk Farm – Belsize Park – Hampstead – Golders Green – Hendon Central – Hendon – Colindale – Burnt Oak - Edgware</i>	Queens Road	Every 30 minutes (23:40-05:10)	
N83	<i>Golders Green - North Circular Road - Hendon Central – Hendon – Wembley Park - Wembley Stadium – Wembley Central - Alperton</i>	Queens Road	Every 30 minutes (00:29-05:00)	Every 30 minutes (00:30-05:00)

N113	<i>Edgware Bus</i> – University of London Observatory – St Joseph’s School - <i>Hendon Central</i> – North Circular Road – <i>Finchley Road & Frognal</i> – Swiss Cottage – <i>St John’s Wood</i> – Baker Street – Oxford Circus – Piccadilly Circus – Trafalgar Square	Watford Way A41	Every 30–39 minutes (00:25 – 04:00)	Every 30-39 minutes (00:20 – 04:00)
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Existing Rail

Hendon Central underground station is located approximately 800 metres south-west of the Estate. There are regular Northern Line services from this station, which comprise journeys between Edgware and Morden, and Kennington and Edgware. The journey time to Central London (Leicester Square) via underground services takes approximately 25 minutes.

The station is accessible by wheelchair users without the need for additional assistance when using the designated level access boarding points as indicated at the station. There are also lifts at this station.

The Estate is also situated approximately 2 kilometres north-east of Hendon railway station (circa 20 minutes’ walk or 8-minute cycle ride). Destinations served from this station include London St Pancras International, City Thameslink, Wimbledon, St Alban’s City and Luton Airport. The journey time from Hendon railway station to Central London (City Thameslink) is approximately 22 minutes.

At Hendon railway station there are 6 cycle parking spaces at the booking office next to the entrance to Platform 1, and a car park operated by Indigo providing 41 spaces including 1 disabled parking bay, along with cycle parking. Car parking is charged daily on a 24-hour basis with reduced rates during off-peak periods. The car park has a height restriction and is accessible by disabled users. The station itself does not have step-free access. There is accessibility for taxi services.

Existing Public Transport Accessibility Levels (PTALs)

Public Transport Accessibility Levels (PTALS) is an accessibility index of rail, underground and bus services within given travel times from a particular location. PTAL scores range from 1 (poor) to 6 (excellent) and take into account walking distance, service reliability, number of services and average waiting time. The site has a moderate PTAL score of 3 which is an average figure in a London wide context, but above average for an outer London location and for Barnet.

Development Proposals and Phasing – Transport Impacts

The masterplan for the proposed development is based on a community co-design approach, involving the estate residents, neighbours and local community organisations from 2017 to inform the architectural approach and quantum of development. The proposals for which Full Planning Permission is sought comprises the retention of Foster Court, Upper Fosters and Lower Fosters, the demolition of Cheshir House including Cheshir Hall as well as assorted outbuildings such as storage enclosures and garages, and the construction of 217 residential homes including 75 extra care homes (C3 use class) within six residential blocks, each comprising between one and four buildings and ranging from one to 7 storeys. The proposals also provide for significant enhancements to landscaping and external amenity space, including the provision of play space, facilitated by the relocation of vehicular circulation and the rationalisation of pedestrian and cycle circulation, together with the provision of new refuse stores and the re-provision of storage enclosures for existing residents. In addition, the proposals incorporate improvements to the external appearance of the retained residential blocks of Foster Court, Upper Fosters and Lower Fosters.

These proposals will result in the addition of 142 dwellings and 47 extra care units to the existing provision amounting to a total of 310 dwellings and 75 extra care units.

Pedestrian links will be maintained ensuring connectivity between Raleigh Close, Brampton Grove and Heriot Road.

Whilst the internal layout of the Estate will change, no changes to the external road network are proposed. Access into the Estate will remain via;

- Fosters Street
- New Brent Street
- North Street

The primary vehicular route through the development forms a circular path around the central park area. The existing accesses from Brent Street and Heriot Road form junctions with this perimeter road, these take the form of simple priority junctions.

The revised highway layout will require stopping up of existing highway through Section 247 of the Town and Country Planning and this will be conditioned. New highway will be created and existing highway will be improved, the applicant will be required to enter into a combined S278/38 highway agreement with the council prior to works being carried out.

The submitted highway layout aim has is to reduce carriageway width and car dominance. However this will create some issues with highway safety. With a carriageway width of 4.8 metres this is suitable in some lightly trafficked situations but with long lengths of residential streets and bends this can cause some difficulty for passing vehicles if not designed correctly. This can be shown with the existing situation where there are increased radius at North Street and Fosters Walk. The existing carriageway dimensions on the estate vary between 4.8 metres Foster Walk and North Street around 65 metres in length, 5.3 metres on New Brent Street 220 metres in length, and 5.9 metres on Foster Street 170 metres in length. Car parking is available on street typically using 1.8 metres width of carriageway in bays to a maximum length of 50 metres allowing for passing spaces in between.

The proposed design includes perpendicular parking in order to increase the number of parking spaces on-street for the new units. The use of this type of parking is widely used on singular driveways on domestic crossovers where visibility is maintained with low level wall or fences below 0.6 metres to avoid any risks to pedestrians who may be walking on footways behind a reversing vehicle. In the case of long lines of parking visibility is blocked by cars parked either side. In off-street supermarket car parks this is often mitigated by providing footways at the front of the bays avoiding any pedestrian/vehicle conflicts. If bays are provided at right angles then 6 metres carriageway is required for turning vehicles. Carriageway widths can be reduced if parking bays are angled. The design would seem to increase the effective carriageway width from 4.8 metres to 10.8 metres with perpendicular parking on one side and 15.6 metres if on both sides.

The existing section of North Street between Eaton Road and New Brent Street has 13 spaces and will increase to 32 spaces with the proposals going against the aim of the scheme.

Following the submission of the planning application a Stage 1 Road Safety Audit was submitted following a request from Highways. A number of issues arise out of this road safety audit including: on local alignment, pedestrian and vehicle conflicts and road widths. These issues will require some changes to the highway and parking layout and are to be conditioned as part of the application proposals and will be approved by the highway authority through the discharge of condition process and S278/38 highway agreement.

Pedestrian and Cycle Proposals

The internal pedestrian network has been positioned in line with the existing natural desire lines within the estate. These include links to Raleigh Close and West View, providing traffic free routes to and from the site. Several pedestrian routes converge in the central park area, this provides a focal point for the development.

Frequent crossing points are provided where pedestrian routes meet the perimeter road. These feature carriageway narrowings to encourage low vehicle speeds and prevent the carriageway becoming a barrier to pedestrian movement throughout the estate.

Generous footway widths are to be provided, generally two metres in width adjacent to carriageways and three metres elsewhere. However there are issues with vehicle and pedestrian conflicts discussed in this report that require resolution.

There is little information in the TA regarding cycling and further work is required to identify cycling through the site and how this can be maintained and improved for the local community. Cycle parking will be required in accordance with London Plan standards some details have been submitted but further details are required and will need to be submitted via a condition.

Trip Generation

Predicted trip rates per unit have been derived from selected developments across London with similar characteristics such as number of units, unit type, car parking ratio and public transport accessibility.

The trip rates were applied to the number of unit , to give the total trip generation for the development in each peak, as summarised below.

Land Use	Period	Arrivals	Departure
Combined	AM Peak 08:00- 09:00	27	97
	PM Peak 17:00- 18:00	39	29

A comparison has been made between the existing vehicle counts from the site and the proposed trip numbers and these will reduce. This is mainly due to the parking controls being implemented on site removing the uncontrolled parking of shoppers and commuters.

Parking Provision

The proposed car parking provision takes into account the characteristics of the site and in has been eloped in consultation with LBB, who have agreed the principle.

Flat / House	Number Units	Car Parking	Car Parking
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Type		Ratio	Total
1 Bed Flat (1B2P)	54	0	0
2 Bed Flat (2B3P)	14	0	0
2 Bed Flat (2B4P)	15	0.5	7.5
2 Bed Maisonette (2B4P)	33	0.5	16.5
2 Bed House (2B4P)	18	1	18
3 Bed Maisonette (3B5P)	6	1	6
3 Bed Flat (3B5P)	2	1	2
Car Club	-	5	5
Total	142	-	55
Whole Site (inc existing 168)	310 (excluding extra care)	-	162

Under the London Plan and Barnet's Local Plan, the maximum residential car parking requirements are as shown below.

1	1 to less than 1 per unit
2 (LBB)	1 – 1.5 per unit
2 (GLA)	1 to less than 1 per unit
3	1 – 1.5 per unit
4+	1.5 – 2 per unit

Taking in to account the level of accessibility and the provision of a travel plan and car club bays a reduced level of parking is accepted, however the Council will condition that to control parking levels within the site that residents will be excluded from purchasing a parking permit within the CPZ. An overall Car Parking Management Plan for the whole site will be conditioned to be submitted and approved

The applicant will provide electric vehicle charging points for 20% of spaces at the site, with an additional 80% passive provision for electric vehicles in the future. Again, this is considered acceptable and will be conditioned.

Appropriate levels of disabled parking will be provided in accordance with best practice and statutory requirements. For the detailed application accessible parking bays will be allocated to wheelchair housing standard units that will be provided at 1:1 provision. A Car Parking Management Plan will be conditioned to monitor the future provision of additional accessible parking bays.

Controlled Parking Zone (CPZ) Review and Exclusions

A separate CPZ will be required to control parking on the site and will require consultation and implementation. There is potential for some overspill into other streets due to remove shoppers and commuters from the site. A contribution of £60,000 is required to carry out this work including changes to any Traffic Management Orders within or surrounding the site.

Travel Planning

A Framework Travel Plan has been submitted which is considered to be acceptable, subject to Condition. A Travel Plan is aimed at encouraging the use of non-car modes of travel.

In order to ensure the objectives of the individual Travel Plans are met a 'Monitoring Contribution' is required for the Council to undertake monitoring of the objectives and targets of the Travel Plans. This £15,000 contribution has been agreed and will be secured through the Section 106 Agreement, which will also include the requirement for a Travel Plan Champion for the whole site to be appointed.

To help deliver the targets of the Residential Travel Plan, the applicant has agreed to the provision of a Residential Travel Plan Incentives Fund to be secured via the Section 106 agreement. The fund will be aimed at incentivising the Residential Travel Plan by providing up to £300 per dwelling (£65,100 in total) for any two of the following: purchase of Oyster Cards, subsidised Car Club Membership or for Cycle Purchase vouchers.

As this development is to be constructed in phases over a number of years the initiatives set out in each of the Travel Plans should be updated and reviewed annually until at least five years after full occupation.

As part of the travel planning a Car Club is proposed to operate within the site, with five spaces. This is a scheme that provides its members with quick and easy access to a car for short term hire. Members can make use of car club vehicles as and when they need them. This scheme is aimed at reducing the need for individuals to own a car.

Construction Management Plan

A Construction Management Plan has been submitted with this application, however this does not give all the required information so this has been conditioned to be provided.

The CMP should also include limits on times of operation for the lorries and identify a designated safe route for lorries to ensure minimal impact on the public highway and to demonstrate how the operation and construction can be done safely.

Delivery and Servicing

Refuse/recycling vehicles will require regular access upon occupation of the dwellings and for other users that currently occupy this site and are planned to in the future. A plan of refuse collection points has been submitted however there are some issues with turning within the sites and this will be conditioned for resolution.

Section 106 Highways and Transport Contributions

To summarise from the above Highways and Transport section of this report the Section 106 Transport and Highways package that has been agreed is set out below:

- Residential Travel Plan Incentives Fund £65,100 (£300 per unit);
- Local Parking Measures Contribution for CPZ reviews £60,000;
- Traffic Regulation Order amendments to exclude (new) residents from CPZ permits outside of the redline boundary £2,500 per phase/sub-phase.
- Travel Plan Monitoring £15,000;

Total of £142,600

It should be noted that this does not include the costs of S278/38 highway improvements or stopping up under S247 as they are under separate agreements.

Conclusion and recommendation

Officers consider that the impacts of the development on the transport network have been robustly assessed, and that all appropriate mitigation measures and control mechanisms are provided for, should permission be granted. The planning conditions and obligations recommended in this report are considered to provide an effective framework of control and officers therefore recommend the scheme for approval on matters relating to highways and transport.

3.7 Waste and Recycling

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2011 Chapter 5 'London's Response to Climate Change' policy 5.17 seeks suitable waste and recycling storage provision in new developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

A suitable condition is attached to ensure the provision of adequate waste and recycling facilities in accordance with the above requirements.

3.8 Energy, Sustainability, and Resources

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

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

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

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Report has been support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions, including the use of Air Sourced Heat Pumps, Photovoltaics and fabric efficiency. The proposed measures achieve the following energy reductions:

Carbon dioxide emissions after each stage of the energy hierarchy

Table 5: Carbon emissions after each stage of energy hierarchy.

	Dwellings		Non-Dwellings	
	Regulated Tonnes CO ₂ /year	Unregulated Tonnes CO ₂ /year	Regulated Tonnes CO ₂ /year	Unregulated Tonnes CO ₂ /year
SAP 10 baseline	292	125	18	11
Be Lean.	255	125	17	11
Be Clean.	255	125	17	11
Be Green.	74	125	6	11

Regulated carbon dioxide savings from each stage of the energy hierarchy

Table 6: Regulated carbon emissions savings from each stage of the energy hierarchy.

	Dwellings		Non-Dwellings	
	Tonnes CO ₂ /year	Percentage	Tonnes CO ₂ /year	Percentage
Savings from Be Lean.	37	12.6%	2	17.7%
Savings from Be Clean.	0	0.0%	0	0.0%
Savings from Be Green.	181	62.2%	11	60.7%
Total reduction:	218	74.7%	13	69.3%
Target reduction:	292	100.0%	6	35.0%
Annual shortfall	74	25.3%	-6	n/a
Carbon offset payment Rate (£/tCO₂)	£1,800		£1,800	
Offset payment	£133,200		£0	
Total offset payment	£133,200			

In order to achieve zero carbon, the developer will need to make a carbon offset contribution. As the energy strategy of £133,200 (based on £60 a tonne over 30 years). The GLA have confirmed in their stage 1 response that the energy strategy is considered broadly acceptable subject some clarifications.

3.9 Landscaping, Trees and biodiversity

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2016 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Upper and Lower Fosters Estate is a housing estate built in the 1960's and is typified by the large blocks of houses/flats surrounded by expanses of green spaces/soft landscape.

The proposal to increase the number of housing units within the estate by 217. Residents of the estate were actively involved with the design of the estate.

The arboricultural survey found 39 individual trees, 7 groups and 2 hedges recorded on site. 2 of these are category A; 16 are category B; 24 are category C and 6 are category U.

To achieve the proposal, 9 individual Category B, 12 individual Category C trees and 8 Category C trees in two groups would be removed. The loss of these trees will have an impact on the visual tree amenity in the local area of Upper and Lower Fosters Estate. A review of the design and access statement indicates that trees have been a key consideration in the design evolution of the scheme.

A summary of the impacts provided within the arboricultural is shown below:

Arboricultural Impact	Category A	Category B	Category C
Trees requiring removal to facilitate development resulting in a small loss of amenity. Can be mitigated by replacement planting	-	T11, T12, T13, T14, T18, T19, T27, T31, T40	T4, T6, T7, T20, T21, T25, T28, T33, T34, T35, T38, T39, G4, G5
Trees potentially affected by ground disturbance resulting in premature decline and death. Can be prevented by tree protection fencing.	T24	-	T5, T26
Trees with RPA incursion that is considered tolerable and majority of the RPA will be protected	-	T2 G1, G6, G7	T29, T30
Trees with RPA incursion therefore requiring specialist construction methods	T1	T8, T37	T3, T10, T17 G2

Subject to a significant level of replacement tree planting, as detailed on the landscape plan, in the longer term the loss of these trees would be offset.

Within the arboricultural impact assessment a proposed set of 'heads of terms' for the method statement have been proposed. An arboricultural method statement and tree protection plan are secured as a pre-commencement condition.

To ensure the retention of remaining trees on the site a tree preservation order has been proposed and is likely to be in place of this item being reported to Planning Committee.

Tree works

The application proposes the following tree works which are recommended for good tree husbandry and should be undertaken regardless of any approval. These works are supported by the Council's arboricultural officer.

Tree / Group No	Recommended works	Work Priority	Tree Officer comments
T1	Crown lift above pavement to statutory clearance	4	No impact
T2	Crown lift to facilitate mowing operations	5	No impact
T5	Crown clean	4	No impact
T6	Crown lift to statutory clearance	4	No impact
T8	Crown reduce back from building to achieve approx. 2-3m clearance	4	No impact
T11	Crown reduce back from building to achieve approx. 2-3m clearance	4	No impact
T12	Crown reduce back from streetlamp No:2	4	No impact
Tree / Group No	Recommended works	Work Priority	Tree Officer comments
T13	Crown reduce back from building to achieve approx. 2-3m clearance; strip ivy	4	No impact
T15	Fell & treat stump to prevent re-gen	4	No impact
T18	Re-pollard to secondary pollard points (approx. 8m in height)	3	No impact
G2	Works only for cherry: crown reduce back from streetlamp and from path; crown lift to statutory clearance; crown clean; remove cable	4	No impact
G3	Fell	4	Tree in poor condition
T22	Fell	3	Tree in poor condition
T23	Retain in short-term; fell in mid to long-term	4	Tree in poor condition

Landscaping

The landscape plans proposes 92 new trees to mitigate the loss of trees and help soften the new buildings into the landscape. The proposed trees are as follows;

No	Species	Size	Comments
3	Acer platanoides	18/20cm	Poor species; consider Tilia cordata or similar.
6	Betula utilis 'Jaquemontii'	18/20cm	Acceptable but consider other species of birch.
33	Carpinus betulus	18/20cm	Having 1 primary species is contrary to current guidance. Reduce Carpinus by 75% and introduce 2 other species
1	Liquidambar styraciflua	18/20cm	Acceptable
1	Liriodendron tulipifera	18/20cm	Acceptable, needs to be planted more widely.
14	Prunus 'accolade'	18/20cm	Acceptable, if soil conditions correct, species sensitive to compacted heavy soils that will be present at Fosters Estate.
12	Pyrus calleryana 'Chanticleer'	18/20cm	Acceptable
5	Sorbus aucuparia 'Cardinal Royal'	18/20cm	Acceptable
15	Amelanchier x grandiflora 'Robin Hill'	3 to 3.5m high	Acceptable

The proposed landscape scheme is considered broadly acceptable resulting in an appropriate landscape design.

Conclusion

There will be a significant loss of / impact on visual tree amenity to facilitate this development. This impact will be primarily limited to the Upper and Lower Fosters Estate and its residents and visitors.

The proposed landscape plan provides 92 replacement trees which will in the longer term will offset the loss of the 29 trees removed to facilitate this development. Details of ecological enhancement measures are secured by condition.

3.10 Other matters

Utilities

In support of the application a Utilities report has been submitted in support of the application. The utility report maps the existing connections in the site and advises that the new dwellings will connect to the existing infrastructure and that care will be taken to ensure that existing connections to existing dwellings are not affected. It is not considered that there are any significant constraints on the development of the site.

Ground conditions and Contamination

In regards to potential contamination, a contaminated land assessment in support of the application. The content of this report has been examined by the Council's Scientific services team who raise no objections in this regards subject to the

attachment of appropriate conditions requiring appropriate remediation is carried out.

Impact upon Services

Comments have been received from numerous neighbouring residents concerning the impact of the development on local services in particular doctors and schools. It is noted that these concerns have not been raised by any statutory bodies such as the Primary Care Trust or Education Officers and any impact of infrastructure is expected to be mitigated by Cil and S106 requirements under the planning process.

3.11 Viability, Planning Obligations & CIL

S106 obligations & viability

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

The full list of planning obligations is set out in the heads of terms to this report.

In summary the scheme includes **50%** affordable housing by unit which will be secured by legal agreement, along with other contributions such as the proposed travel plan, cpz contributions and funding for apprenticeships.

LB Barnet CIL

As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

Pursuant to the LB Barnet Planning Obligations SPD, the CIL charging rate is £135 per sq.m. In the case of Barnet's CIL, ancillary car parking space is not chargeable (SPD Para 2.2.14).

Mayoral CIL

Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application.

In total approximately the applicant's supporting documents indicate that £2,656,590 (subject to indexation and before any social housing relief has been taken into account) will be payable under both Barnet and Mayoral Cil before affordable housing relief is taken into account.

4. EQUALITY AND DIVERSITY ISSUES

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

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

For the purposes of this obligation the term “protected characteristic” includes:

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under 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 minimum of 10% of units will be wheelchair adaptable.

Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

7. CONCLUSION

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the redevelopment of Foster's Estate is considered acceptable and accords with national, regional and local plan policy guidance

The proposed detailed design is considered to be high quality with appropriate levels of amenity space, public open space and residential standards achieved for future occupiers reflecting a development of which successfully balances the need

to provide additional housing, particularly affordable housing while maintained the open landscape nature of the estate.

The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and it is considered that the proposal is providing an appropriate level of car parking in the context of the site constraints.

The scheme deals with its waste and recycling requirements and in terms of energy and sustainability, a range of measures are proposed including a carbon offset payment to achieve mayoral standards for a reduction in CO2 emissions.

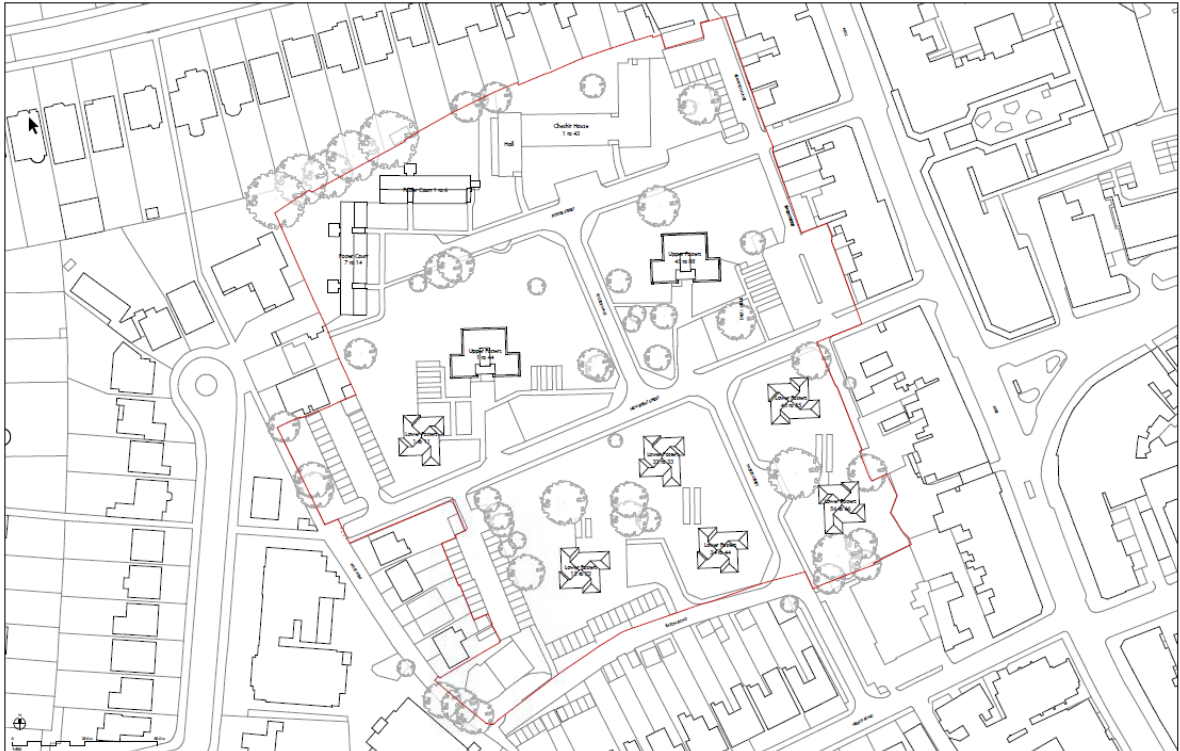
A suitable approach is taken to landscaping and biodiversity with retention of trees where possible as well as enhancement of the biodiversity values within the site with appropriate planting.

The scheme has also considered utilities provision and contamination and appropriately worded conditions are recommended. The scheme is considered to be appropriate and acceptable having regard to the full range of considerations in this report including the stated policies and guidance.

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 referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

SITE LOCATION PLAN: Fosters Estate

REFERENCE: 19/2517/FUL



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LOCATION: 1 - 13 Cricklewood Lane,
London,
NW2 2DQ

AGENDA ITEM 10

REFERENCE: 18/6353/FUL Validated: 07.11.2018

WARD: Childs Hill Expiry: 06.02.2019

APPLICANT: Centre East Properties Ltd

PROPOSAL: Residential-led redevelopment of the site to include demolition of existing buildings and erection of three blocks ranging from 6 to 9 storeys with flexible retail (Class A1-A4 & D1) at ground and basement level and 145 residential units (Class C3) on upper floors, with associated parking, servicing arrangements, amenity space, public realm improvements and all necessary ancillary and enabling works (AMENDED DESCRIPTION - AMENDMENTS COMPRISE REDUCTION IN HEIGHT FROM 15 TO 9 STOREYS AND REDUCTION IN UNITS FROM 187 TO 145).

RECOMMENDATION

Recommendation 1

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 of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

(a) Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant.

(b) Enforceability

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

(c) Affordable Housing

15 shared ownership units to be provided with an affordable housing schedule to be agreed with the LPA

(d) Affordable Housing –Review Mechanism

At an agreed point in the development cycle, the viability of the development shall be re-appraised and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.

(e) Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council to secure a minimum of the following:

- Progression into employment, less than 6 months – 8
- Progression into employment, more than 6 months – 5
- Apprenticeships – 14
- Work experience – 17
- School / College / University site visits – 96
- School / College workshops – 90

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 and subject to agreement with the LPA.

(f) Traffic Management Order

A contribution of £2,000 towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs.

(g) Travel Plans

The proposed development would require provision of 2 separate Travel Plans as follows

- A Strategic Level Residential Travel Plan requiring a monitoring contribution of £10,000;

Residential Travel Plan incentives to be secured with each 1st household to be offered to select 2 of the 3 following incentives to the value of £300 (up to a maximum of £43,500):

- Oyster card with £150 credit
- Cycle shop voucher to the values of £150
- Car club credit/membership to the value of £150

(h) Carbon Offset Contribution

A carbon offset contribution would be secured in order to mitigate the shortfall below the zero-carbon target. The final contribution would be commensurate with the total shortfall below the zero-carbon target and would be calculated using the published GLA formula for such contributions.

(i) Highway Works / Public Realm

All necessary works to the public highway under section 278 of the Highways Act (or such other mechanism as may be appropriate) to facilitate the implementation of the development in agreement with the Local Highways Authority. The scope of the highway works shall be agreed with the LPA and informed by revised traffic figures as necessary.

(j) NHS Walk-In Centre Reprovision

The applicant shall provide an equivalent extent of commercial floorspace for the use of the NHS for the reprovision of the walk-in centre. The applicant shall submit for the approval of the LPA an engagement strategy for engaging with the NHS in this respect. A cascade clause would be included to allow for the relevant floorspace to revert to flexible use commercial floorspace after an agreed period of time (and following the necessary engagement with the NHS).

(k) Monitoring Fee

A S106 monitoring fee at a rate of 2% of the total value of the financial contributions.

(l) Indexation

All financial contributions listed above to be subject to indexation.

Recommendation 2

That upon completion of the agreement specified in Recommendation 1, the Service Director Planning & Building Control or Head of Strategic Planning approve the planning application reference 18/6353/FUL under delegated powers, subject to the conditions listed in this report.

Recommendation 3

The Committee also grants delegated authority to the Service Director Planning & 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 their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies

of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

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

London's People:

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

London's Economy:

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

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water

Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport

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

London's Living Places and Spaces

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

Implementation, Monitoring and Review:

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

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 Promoting Barnet's Town Centres

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well-being in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM06 (Barnet's Heritage and Conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (October 2016)
Residential Design Guidance (October 2016)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

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

Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Affordable Housing and Viability (2017)

National Planning Guidance:

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

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

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Where permission is granted, obligations would be attached to mitigate the impact of development.

PLANNING ASSESSMENT

1.0 Site Description

- 1.1 The site is located to the north of Cricklewood Lane, adjacent to the junction with Cricklewood Broadway and 150 metres to the west of Cricklewood Railway Station. The site comprises of two elements, the frontage buildings 1-13 Cricklewood Lane and the Britannia Business Centre which is located to the rear of the parade within a backland location. The three storey parade of 1-13 Cricklewood Lane comprises of two floors of residential accommodation (Use Class C3) above commercial premises on the ground floor (Use Class A1 and A4). The Britannia Business Centre is a three storey building with the ground floor occupied by a NHS medical centre (Use Class D1) and the upper floors currently comprising vacant office floorspace (Use Class B1)

- 1.2 The site lies immediately behind a mixed use parade which fronts onto Cricklewood Broadway to the west; whilst to the east of the site is a large B&Q retail warehouse. The B&Q store has a large footprint stands at approximately two and a half storeys high and stands on land elevated from street level and set back behind an area of greenspace. The greenspace to the front of the B&Q retail store is listed as an Asset of Community Value (Cricklewood Greenspace, Broadway Retail Park, Cricklewood Lane, London, NW2 1ES – Listed 22/11/2017).
- 1.3 To the north of the site is a vacant site for which planning permission was recently granted for a 6 storey building comprising a 3,457sqm food retail unit (Use Class A1) along with 96 self-contained residential flats (Use Class C3) (application ref: 17/0233/FUL). A three storey parade comprising ground floor commercial and upper floor residential stands opposite the site to the south on Cricklewood Lane.
- 1.4 The site is located within the Cricklewood District Centre and the frontage buildings form part of the Primary Retail Frontage. The site is also located within an Area of Special Archaeological Significance. There are no listed buildings or Conservation Areas within the immediate context of the site however the Cricklewood Railway Terraces Conservation Area is located approximately 200 metres to the north and no's 1-15 Cricklewood Broadway (Grade II listed) are located approximately 100 metres to the south. Adjacent to the site is the boundary of the Brent Cross/Cricklewood Regeneration Area. Highway land adjacent to the junction of Cricklewood Lane and Cricklewood Broadway is included in land within Compulsory Purchase Order (CPO1) associated with the Brent Cross/Cricklewood Regeneration (see Appendix).

2.0 Proposed Development

- 2.1 Permission is sought for a residential-led redevelopment of the site to include demolition of existing buildings and erection of three blocks ranging from 6 to 9 storeys with flexible retail (Class A1-A4 & D1) at ground and basement level and 145 residential units (Class C3) on upper floors, with associated parking, servicing arrangements, amenity space, public realm improvements and all necessary ancillary and enabling works.
- 2.2 The development would range in height from 3 up to 6 storeys and would comprise of three distinct blocks. To the street frontage of the site on Cricklewood Broadway, the development would incorporate a 6-storey building with **262 sqm of flexible use commercial floorspace** at ground floor level and residential accommodation above. Behind the frontage element, the development would be situated on a podium deck with parking provided at ground and basement level. Atop the podium deck would

be three distinct residential elements of 3, 6 and 9 storeys with shared amenity space comprising hard and soft landscaping provided centrally between the buildings.

- 2.3 Vehicular access to the site would be from Cricklewood Broadway adjacent to the eastern boundary of the site which would allow access to a ground floor and basement car park providing 80 spaces. Refuse storage, cycle parking, plant equipment and servicing provision for the retail unit would all also be accommodated within the ground floor car park area.

3.0 Relevant Planning History

- 3.1 An application for the Change of use of first floor from offices(B1) to a snooker club (D2), second floor from offices (B1) to night club with new entrance and storage area at 11 Cricklewood Lane was approved in September 1998 (application ref: C02437).
- 3.2 An application for a change of use of ground floor from vacant Offices (B1) to Doctor's Surgery (D1) incorporating disabled ramp to serve new access to rear was approved in February 2010 (application ref: F/04438/09).
- 3.3 An application for a change of use from B1 office (first & second floor) to C3 residential (18 Units) was approved in January 2013. The application was never implemented (application ref: F/05093/13).

4.0 Consultations

- 4.1 Initial consultation was undertaken in October 2018 with letters being sent to 780 addresses. Following revisions to the scheme, an additional consultation was undertaken in June 2019. In total 480 objections were received, although it is important to note that only 81 of these objections were received in relation to the revised scheme.

Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the objections received from neighbouring residents can be summarised as follows:

Objection	Officer Response
The height of the development is excessive within its context.	The original application proposed a development rising to a maximum of 14 storeys which has subsequently been

	<p>revised down to 9 storeys. The application site is located within the original Brent Cross/Cricklewood Regeneration Area which is identified as an area that may be suitable for tall buildings (i.e. those of 8 storeys and above). Whilst the development rises appreciably over and above the existing prevailing heights in the vicinity, it is considered that the height is appropriate in both the existing and emerging contexts. The height of the development is assessed fully within the relevant section of this report.</p>
<p>The development would result in additional strain on local services and infrastructure.</p>	<p>The application would be subject to the payment of the Community Infrastructure Levy which is used to fund infrastructure improvements within the borough.</p>
<p>The development would result in excessive additional traffic on the local highway network.</p>	<p>The impact of the development on the highway network has been fully assessed within the TA. Based on this assessment, and subject to the suggested conditions and obligations it is considered that the level of impact on the local highway network would be acceptable. This is set out in more detail in the relevant section of this report.</p>
<p>The development would result in the loss of the existing NHS drop-in centre.</p>	<p>The development makes provision for the retention of the NHS walk-in centre and appropriate clauses would be included within the S106 to secure this.</p>
<p>The development provides inadequate levels of affordable housing.</p>	<p>The application proposes 10% on-site affordable housing which is below the borough target of 40%. However, the 40% target is subject to viability. A viability statement has been submitted with the application demonstrating that the development as proposed does not produce any surplus above zero. The NPPF outlines that a minimum of 10% affordable should be provided on all sites. Therefore, notwithstanding the</p>

	<p>viability position, the applicant has made an offer of 10% affordable housing which is in line with the NPPF and is therefore acceptable.</p>
<p>The development provides insufficient car parking</p>	<p>The development makes provision for 80 parking spaces at a ratio of 0.55 spaces per unit. The site has a PTAL of 5/6 which is considered very good. Given the proximity of the site to Cricklewood Station, officers consider that the number of parking spaces is more than adequate.</p>
<p>The architectural quality of the development is inadequate and would not fit in with the predominantly Victorian character of the surrounding area.</p>	<p>It is considered that new development should not attempt to mechanistically replicate or pastiche the historic character and appearance of an area. The proposed development would represent a high-quality development from a reputable architecture firm.</p>
<p>The level and quality of communal green space is inadequate.</p>	<p>The development would comply with the Council's standards on amenity space. This is discussed fully within the relevant section of this report.</p>
<p>The width of the road and footway to the front of the development is insufficient.</p>	<p>The development would retain the same width of footway as the existing situation.</p>
<p>The development would result in the loss of a heavily used retail store.</p>	<p>The development proposes to provide a flexible use commercial space which would allow for the retention of an active frontage retail use.</p>
<p>The affordable and market units have separate entrances which is harmful to social cohesion.</p>	<p>It is often necessary to provide such separate entrances in order to reduce service charges for affordable units and in order to ensure that all affordable units are located together for management purposes. In this case it should also be noted that there is no separation in the communal amenity</p>

	areas in line with London Plan policy.
The sustainability credentials of the development are substandard.	The development would achieve a carbon reduction of over 35% in line with London Plan policy. A carbon offset contribution would also be secured. The sustainability of the scheme is discussed fully in the relevant section of this report.
The development would result in the loss of a pub which is used by the local community.	Whilst the development makes provision for a flexible use commercial space including A4, there is no specific policy which protects individual public houses.
The development would not support or enhance the function of the town centre.	The development would reprovide an active frontage to the town centre location whilst also significantly improving the aesthetic quality of the streetscene, supporting its vitality and vibrancy.

Responses from Consultees

4.3 The responses received from external consultees can be summarised as follows:

Consultee	Response
District Valuer Services (DVS)	Due to the high benchmark land value (BLV), any provision of affordable housing on the site results in a deficit below the viability benchmark. The removal of the basement car park does not fundamentally change the viability position. The offer of 10% Shared Ownership should therefore be accepted.
LBB Environmental Health	No objection subject to conditions relating to air quality, noise and contaminated land.

PLANNING ASSESSMENT

5.0 Principle of Development

Retail Use

- 5.1 The application site is located within the designated Cricklewood District Centre and forms part of the primary retail frontage. Policy DM11 is therefore relevant which seeks to protect retail uses on the primary retail frontages of designated centres. In this regard, the application proposes to retain a flexible use retail unit at ground and basement floor level which would satisfy the requirements of Policy DM11.

Employment Use

- 5.2 With regards to the loss of the employment floorspace, Policy DM14 states that outside of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map; the loss of a B Class use will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken.
- 5.3 In this case the Britannia Business Centre is occupied by two floors of vacant office space (Use Class B1) on the upper floors. No provision is made within the development proposals for any retention of any office floorspace and as such the loss of the employment floorspace should be fully justified in line with the requirements of Policy DM14.
- 5.4 Officers note that the application is not supported by marketing evidence, however the applicant has set out substantial alternative justification within the Planning Statement, which is addressed in turn below.
- 5.5 Firstly, the existing office accommodation is vacant and in a very poor state of disrepair. The building does not benefit from a frontage onto Cricklewood Lane, and the office floorplates are inflexible and not suitable for a range of businesses. It is outlined within the Planning Statement that the costs associated with refurbishing the offices to a lettable standard which meet the needs of modern businesses would be commercially unviable. Officers consider that this justification is reasonable.
- 5.6 Secondly, it is noted that the application site was historically located within the Brent Cross Cricklewood Regeneration Area, however was omitted from the red line area of the final planning application. Nevertheless, its inclusion within the original regeneration area demonstrates its proximity to the regeneration scheme and the

functional interrelationship between the site and the emerging development. The Brent Cross Cricklewood development will deliver 370,000 sqm of high-quality office floorspace with capacity for around 17,000 employees. The area will become the focus for employment within the Borough, with the London Plan recognising that Brent Cross will become a strategic office location.

- 5.7 Lastly, it is important to note that the office accommodation benefits from an extant consent under Class O of the Town and Country Planning (General Permitted Development) Order 2015 for a change of use from office to residential (ref: 17/0121/PNO). The fact that there is an established fall-back position to change the use of the offices to residential adds substantial weight to the justification for the loss of the employment floorspace comprised within the current application.
- 5.8 Having regard to all of the above, officers consider that there is adequate justification for the loss of the employment floorspace and the application is therefore in accordance with Policy DM14.

Community Use

- 5.9 The existing Site provides a total of 1,605 sqm of retail floorspace (Class A1 and A4) and a 286 sqm NHS Health Clinic (Class D1). The proposed scheme includes the provision of 2,115 sqm of flexible retail and community floorspace (Class A1-A4 & D1), resulting in an increase of 224 sqm of floorspace.
- 5.10 The floorspace has been designed to ensure the space can be subdivided as required to attract a wider range of tenants, whilst providing an opportunity to deliver an enhanced retail and community offer. The ground floor will benefit from a glazed frontage on Cricklewood Lane, ensuring the existing street frontage is maintained and enhanced. The provision of a flexible use presents the opportunity for the existing tenants (including NHS health clinic) to relocate back to the Site once the development is completed.
- 5.11 The NHS were consulted on the application to ascertain the plans for the existing Cricklewood facility however at the time of writing this report no response had been received. In the absence of any confirmed relocation plans for the facility, officers consider that it is necessary to include a S106 clause that would ensure that the NHS are given first refusal on a commensurate level of the flexible use floorspace.

Residential Use

- 5.12 London Plan Policy 2.15 promotes housing in town centres, as residential developments can address housing need and generate footfall to support town centre vitality and viability. The Mayor's Town Centre Supplementary Planning Guidance (SPG) requires strategies for town centres to be aligned closely with London-wide and borough housing strategies to ensure that future developments within and on the edges of town centres respond to the needs of diverse range of existing and new communities.
- 5.13 Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.
- 5.14 The redevelopment to provide a residential led mixed-use development would accord with the aforementioned policies by providing high density housing in an accessible, town centre location.

6.0 Residential Density

- 6.1 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 6.2 It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 6.3 The site is within an urban setting with a PTAL of 5, where the London Plan density matrix suggests a residential density of between 200-700 habitable rooms/ha. The

scheme proposes a total of 302 habitable rooms on a site with a site area of 0.37ha, resulting in a residential density of 816 habitable rooms per hectare.

- 6.4 The London Plan Housing SPG sets out that development which exceeds the density ranges will not necessarily be considered unacceptable, but will require particularly clear demonstration of exceptional circumstances and a sensitive balance must be struck. The document goes on to state inter alia that where proposals are made for developments above the relevant density range they must be tested rigorously, taking particular account of not just factors such as dwelling mix, design and quality, physical access to services and the contribution of the scheme towards ‘place shaping’.
- 6.5 In this case, the application site has been subject to a design-led approach to optimise the potential of the site with cognisance of the factors outlined above. In all respects, officers consider that the scheme delivers a high-quality development which fully justifies an increased density. The London Plan also outlines that the density matrix should not be applied mechanistically and in this case it is considered that, notwithstanding the proposed density being in excess of the optimum range, it is appropriate for the site and in accordance with Policy 3.4 of the London Plan.

7.0 Housing Quality

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

Dwelling Mix

- 7.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings. The development proposes 145 residential with the following mix of units:

Unit Size	Number of Units	% of Units
Studio	37	25
1 bedroom	63	43

2 bedroom	43	30
3 bedroom	2	1
Total	145	100%

- 7.3 It is considered that the scheme comprises a good mix of housing types and sizes, including a good level of larger family sized units. Whilst there is a large proportion of studio and 1 bedroom units, this is considered to be appropriate given the site's characteristics and location within the town centre. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan.

Residential Space Standards

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

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
Houses	3 bed (5 persons)	85

- 7.5 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.

Wheelchair Housing

- 7.6 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan policy 3.8.
- 7.7 The applicant's Planning Statement sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units.

Amenity Space

7.8 Barnet’s Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in the table below:

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

7.9 The development proposes a mix of private and communal amenity areas. A central communal landscaped courtyard would be provided whilst the majority of units would benefit from private external amenity space in the form of a balcony or garden. Overall, the scheme will provide 5 sqm of amenity space per habitable room as per the aforementioned requirements.

Children’s Play Space

7.10 Based on the GLA Shaping Neighbourhoods Play and Informal Recreation SPG, Child Yield Calculator (updated June 2019), the development would be likely to generate 15 children. Where developments would generate over 10 children, the Mayor’s SPG advises that on-site provision should be made for playspace. In this case, 150 sq. m play space is provided within the landscape area which is accordant with the requirements. A condition would be attached requiring the submission of further details of the playspace equipment for approval by the LPA.

Privacy

7.11 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.

- 7.12 There would be a separation distance of approximately 15 metres from the rear of Block 3 to the south elevation of Block 2. In this case, the respective windows would serve habitable rooms. Whilst this is below the recommended minimum of 21 metres, it is considered the 15 metre separation distance is good in such an urban location with a tight urban grain. The separation distance must also be considered in the context of the overarching policy context which seeks to ensure that the development potential of such sites within highly accessible, sustainable locations is maximised.
- 7.13 There would be a separation distance of approximately 9 metres between the east elevation of Block 1 and the west elevation of Block 2. In terms of privacy, potential for overlooking is reduced by the fact that the position of the facing windows are offset. The relevant windows of Block 1 also serve either a bedroom or a secondary window of an open plan living area, further lessening the likelihood of potential harm. Again, the separation distance must also be considered in the context of the overarching policy context which seeks to ensure that the development potential of such sites within highly accessible, sustainable locations is maximised.
- 7.14 All of the other habitable windows within the development would enjoy a separation distance in excess of the recommended minimum of 21 metres as set out in the SPD. Appropriate conditions would be attached to ensure that windows in the flank elevations of Blocks 1 and 3 would be obscurely glazed where appropriate.

Outlook

- 7.15 With regards to the outlook from the proposed residential units, the relationships between the north elevation of Block 3 to the south of Block 2; and the facing elevations of Blocks 1 and 2 would fall below the recommended SPD minimum with separation distances of 15 and 9 metres respectively. In both cases, the relationships are internally within the development where there is a lesser expectation of the 21 metre separation distances being achieved. Again, the separation distances must also be considered in the context of the overarching policy context which seeks to ensure that the development potential of such sites within highly accessible, sustainable locations is maximised.

Daylight

- 7.16 A daylight/sunlight report assessing the daylight and sunlight levels of the proposed residential units, undertaken by Point 2 surveyors, was submitted in support of the application.
- 7.17 The daylight amenity within all of the 204 habitable rooms on the lowest 4 floors of the proposed scheme (ground floor to fourth floor) has been assessed. Of this total, 147 rooms (72%) assessed are fully compliant in that they achieve at least the minimum ADF levels recommended for their specific room usage. This level of compliance is considered to be good in light of the urban setting of the scheme.

Noise

- 7.18 The application is supported by an acoustic assessment from Hann Tucker Associates which has been fully assessed by the Council's Environmental Health officer.
- 7.19 In terms of the baseline conditions, the noise climate is currently dominated by road traffic noise and there is no significant commercial noise from surrounding commercial units. It is set out within the noise assessment that there are no significant sources of commercial noise from night-time deliveries, late night opening, loud music or hot food outlets.
- 7.20 The Council's EHO noted that there are several commercial/retail uses north east of the site which may have mechanical plant and loading bays with A3/A5 uses west of the site, with potential hot food outlets and mechanical plant.
- 7.21 Mitigation measures are suggested within the noise report however the EHO has advised that a scheme of mitigation measures should be agreed through condition, cognisant above the above factors.
- 7.22 The response from the EHO also suggests that winter gardens should be considered to replace the balconies in noise sensitive locations adjacent to the road network. Notwithstanding the view of the EHO, it is considered that the incorporation of winter gardens would compromise the architectural integrity and aesthetic value of the development, to a degree that would outweigh the noise mitigation benefits.

Conclusion

- 7.23 Having regard to the above, it is considered that the development would provide an acceptable quality of residential accommodation in accordance with Policies 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.

8.0 Affordable Housing

- 8.1 London Plan 2016 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.
- 8.2 Within the application submission, it is set out that the provision of any affordable housing on the site is unviable. A Financial Viability Assessment (FVA) from Quod was also submitted with the application which DVS (the property valuation arm of the VOA) to undertake an independent review of the FVA.
- 8.4 Within the submitted FVA, a 100% private sale scheme was modelled which indicates that the residual land value of the proposed development would result in a substantial overall deficit when compared against the Benchmark Land Value. It was therefore concluded that the scheme is unable to provide any affordable housing.
- 8.5 In their review of the FVA, the DVS challenged numerous assumptions made within the document and adopted consequently different input figures which resulted in their conclusion that the scheme as proposed would produce a surplus and would be able to viably provide an element of affordable housing.
- 8.6 The DVS was also asked specifically considered what impact the removal of the basement car park and the associated construction cost would have upon the viability position. In their review, it is concluded that whilst the removal of the basement car parking would remove a substantial abnormal construction cost from the viability calculations, it would also result in reduced sales values on the other side of the viability calculation. Notwithstanding whether or not the basement car park was removed from the scheme, the overall viability position of the development would be unchanged in that there would be a substantial deficit below the viability benchmark.
- 8.7 Following the initial review of the FVA, the Council entered into further discussions with the applicant and the applicant has agreed to provide 10% affordable housing on site, with all of the units being shared ownership. DVS carried out a further review of the amended FVA comprising the 10% offer and concluded that the offer of 15 shared ownership units is over and above what the scheme can viably support and offered clear advice to the Council that this offer should be accepted. This 10%

offer is in accordance with Paragraph 64 of the NPPF which states that “where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership”.

9.0 Visual Impact / Tall Building Assessment

9.1 The National Planning Policy Framework (NPPF) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Height, Scale and Massing

- 9.2 The application was originally submitted with a maximum height of 14 storeys which was reduced to a maximum of 9 storeys, partly due address concerns about the height of the development. At 9 storeys in height, the development constitutes a tall building for the purpose of assessment.
- 9.3 London Plan Policy 7.7 sets out the approach to tall buildings in London requiring that appropriate locations are identified in Local Plan’s. The policy sets out design criteria that tall buildings should comply with. Further to this, London Plan paragraph 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline.
- 9.4 Core Strategy Policy CS5 of the Barnet Core Strategy identifies those areas of the borough where tall buildings will be suitable. Policy CS5 goes on to identify the Brent Cross / Cricklewood Regeneration Area as being a suitable location for tall buildings. As can be seen in the map extract below (Brent Cross, Cricklewood and West Hendon Framework SPG 2005 – regeneration area outlined in blue), the application site is located within the original boundary of the Brent Cross / Cricklewood Regeneration Area and thus the application site is considered to be a suitable location for tall buildings, in principle.



Figure 1: Regeneration area boundary

9.5 Having established the acceptability of the principle of tall buildings in this location, it is also necessary to carry out further assessment in respect of Policy DM05 of the Local Plan which identifies 5 criteria which tall buildings would adhere to. These criteria are set out below with an assessment of the application against each criterion.

i) An active street frontage

9.6 The tall building is located to the rear of the application site, on a podium deck and set back from the street frontage. The streetscene on Cricklewood Lane and Cricklewood Broadway is characterised by buildings which rise to a maximum of 4 storeys and the scheme has been designed to respond to this context with Block 3 of the development fronting Cricklewood Lane with a height of 6 storeys.

9.7 In this case if the tall building were to be located on the street frontage, officers consider that it would be incongruous in its surroundings and as such it would be

inappropriate for the tall building to have a street frontage. The positioning of the tall building to the rear of the site would reduce its visual impact (discussed in more detail below) and as such officers consider that strict compliance with criterion (i) would not be desirable in this instance.

ii) Successful integration into the urban fabric

9.8 As set out above, the tall element of the development at 9 storeys (Block 2) is located to the rear of the application site set behind the 5 storeys of Block 3 fronting onto Cricklewood Lane. The proposed height strategy has sought to respond to the both the existing and the potential emerging context with the set back of the tall building ensuring that it would not have an overly dominant relationship with the lower rise buildings fronting the street.

9.9 Within the submission the applicant has sought to demonstrate what may come forward through the redevelopment of the adjacent B&Q site. Whilst it must be set out that the details set out are purely indicative, officers consider in respect of building heights that the 9 storey height of the development would represent an appropriate height barometer for future development of the neighbouring site.

iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline

9.10 There are no local viewing corridors or locally important views which would be adversely impacted by the development. In a wider context, there are no protected views as designated by the London Views Management Framework (LVMF) which would be affected by the proposed development.

9.11 The application is accompanied by a Townscape and Visual Impact Assessment, prepared by Peter Stewart Consultancy which identifies viewpoints around the application site and assesses the impact of the development from each viewpoint. All of the viewpoints were agreed with officers prior to the submission of the TVIA.

9.12 View 1 (below) is taken from the west side of Cricklewood Broadway, looking south east towards the site. The proposed view shows that the proposed development would not be visible from this location (with the massing of the development outlined in red for illustrative purposes).



9.13 View 2 (below) is taken from the south side of Cricklewood Lane, on the western side of the railway bridge looking south-west towards the site. The development clearly presents in this view, and officers consider that the visual scale of the development responds well to its context in this view with the clear step down towards the street frontage. The design quality of the scheme is also considered to be fully evident in this view.



- 9.14 View 3 (below) is taken from Chichele Road, looking north east towards the site. Block 2 of the development clearly presents in the gap between the parades to the north south of the junction with Cricklewood Lane. The form and design of Block 2 is such that only 4 storeys clearly read in this view with the additional storey set back. The scale of Block 2 responds well to the scale of the existing streetscene and would integrate well into its context. Again, it is considered that the design quality of the scheme is fully evident in this view.



- 9.15 View 4 (below) is taken from Depot Approach car park, directly north of the Site and looking southwards in its direction. The proposed view shows that the 9 storey Block 2 would clearly present in views and would represent a step change over and above the height of the B&Q building. Officers consider that the magnitude of the change is not significant, especially when the massing of the consented ASDA development is considered. Furthermore, it should be noted that the proposed view includes the B&Q site in its existing condition. Any development of the neighbouring site would result in the proposed development being obscured from view in this viewpoint.



iv) Not cause harm to heritage assets and their setting

9.16 View 5 (below) is taken from within the Railway Terraces Conservation Area looking south towards the site in order to allow for consideration of the impact of the development on the setting of the heritage asset. As can be seen from the image, the development would not be visible in long range views from the CA and as such would have negligible impact on its setting.



9.16 The site is also located to the north-east of the Grade II listed Crown Hotel and its impact on the setting of the listed building must also be considered. The scale of the development and its positioning relative to the heritage asset would ensure that it would not present in any views of the listed building and as such would have negligible impact on its setting,

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

9.17 A condition is attached requiring the submission of a microclimate assessment for approval by the Council, including a mitigation strategy if shown to be necessary. Subject to the condition, officers consider that the application is acceptable in respect of this criterion,

CABE/English Heritage Advice on Tall Buildings

9.18 As well as the Barnet DMP – DPD outlined above, the London Plan and CABE set out criteria which tall buildings should adhere to. Most of these criteria are consistent those of Policy DMO5 and in this case officers also consider that the scheme is compliant.

Conclusion

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

10.0 Amenity Impact on Neighbouring Properties

Daylight

10.1 The applicant has submitted a Daylight/Sunlight report from Point 2 Surveyors which is inclusive of a full daylight assessment in respect of neighbouring properties. The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.

10.2 In line with BRE guidelines, it is only necessary to carry out the VSC assessment on a neighbouring window if a 25-degree line drawn from the centre of the window would subtend the facing elevation of the subject development. In this case, the Point 2 report identifies the following neighbouring properties as necessitating the additional assessment (in blue):



- (1) 2-20 Cricklewood Lane (even)
- (2) 170-192 Cricklewood Broadway (even)
- (3) 194 Cricklewood Broadway

10.3 In light of the above, officers consider that both the scope and the methodology of the daylight assessment was appropriate.

10.4 The results of the daylight assessment shows that there would be failures in a number of windows within 2-20 Cricklewood Lane (even), 170-192 Cricklewood Broadway (even) and some minor failures within 194 Cricklewood Broadway.

10.5 In the case of 2-20 Cricklewood Lane (even), where there are failures most of these are only marginal failures with only 29% of windows assessed experiencing greater than a marginal failure.

10.6 In the case of 170-192 Cricklewood Broadway (even), the windows which experience the greatest failures are those that are recessed from the rear elevation of the

terrace. The daylight assessment from Point 2 sets out that the daylight impact should be considered acceptable for the following reasons:

- i) the narrowness of the separation distance,
- ii) the fact that all apartments are understood to be dual aspect in nature, with the majority of primary living-rooms facing out towards Cricklewood Broadway and therefore being completely unaffected by the redevelopment proposals,
- iii) the fact that good / reasonable ADF levels will be retained by all but one of the non-recessed rooms and
- iv) the fact that larger changes are almost exclusively limited to recessed bedrooms, which arguably have a lower expectation of daylight, and where the architectural design of the building inherently excludes sky visibility in both existing and proposed scenarios.

10.7 194 Cricklewood Broadway would achieve 91% VSC compliance which is considered to be a good level of compliance for a development of this nature.

10.8 In light of the above, officers consider that the daylight impact of the development would be acceptable. Whilst there are numerous failures below the VSC target levels, it is considered that there are mitigating circumstances in each instance. Furthermore, in considering the impact of the development in this respect, offices must also be cognisant of the overarching policy context which seeks to maximise the development potential of brownfield sites in accessible locations. It is inexorable that the redevelopment of such sites will not achieve 100% compliance in terms of daylight.

Sunlight

10.9 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

10.10 The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”. In accordance with the BRE Guidelines the following properties were therefore assessed:

- (3) 194 Cricklewood Broadway

10.11 Of the windows assessed, all but one achieved full compliance with the APSH target values indicating a good level of sunlight will be retained for the neighbouring properties.

Outlook

10.8 In terms of outlook, the most sensitive relationship would be between rear elevation of the properties at 170-192 Cricklewood Broadway (even). In considering this impact, it is important to consider the baseline conditions and the proximity of the existing buildings to the adjacent terrace. Whilst the proposed development would have a separation distance of less than 21 metres to the neighbouring windows, the same is similarly true of the existing situation and it is considered that any additional impact would not be so significant as to resist the application on this basis.

10.9 To the north of the site, the flank elevation windows of the east wing of the consented ASDA development are secondary windows with the primary outlook to the east and west and as such it is considered that the impact of Block 2 on the outlook from these windows would be acceptable.

Privacy

10.10 Again, the most sensitive adjacency is to the east of the site in the relationship between the development and 170-192 Cricklewood Broadway (even). A condition would be attached to ensure that the flank elevation windows facing the neighbouring windows would be obscurely glazed where appropriate to ensure that privacy levels are protected.

10.11 To the north of the terrace of houses, the flank elevation windows of the east wing of the consented ASDA development are secondary windows which would ensure that there would be no significant risk of mutual overlooking.

Conclusion

10.12 In respect of the above, it is considered that the development is compliant with Policy DM01 and is acceptable from an amenity perspective.

10.13 It should be noted, that representations have been received from the adjoining landowner relating to the layout of the development and the impact that the development may have on any development which may come forward on the B&Q

site. At the time of writing this report, in the absence of any plans for the redevelopment of the neighbouring site in the public domain, officers are unable to consider the impact of the development on what may come forward.

11.0 Sustainability

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

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

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

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

11.4 With regards to the energy hierarchy set out within London Plan Policy 5.2, it is considered that the application is broadly in accordance. The application is accompanied by an Energy Statement from Mecserve which sets out that the energy efficiency measures and sustainable energy measures that would be incorporated within the scheme which are set out below in accordance with the hierarchy.

11.5 The submitted Energy Statement sets out that the scheme will incorporate a number of sustainability measures to reduce demand, ensure energy is supplied efficiently and to ensure that energy is from renewable sources in line with the ‘Be Lean, Be Clean, Be Green’ approach.

11.17 Based on the energy assessment submitted, subsequently submitted details and inclusive of the all the measure outlined above, the scheme would deliver the following overall carbon dioxide reductions:

	Total residual regulated CO ₂ emissions	Regulated CO ₂ emissions reductions		Total unregulated emissions
	(tonnes per annum)	(tonnes per annum)	(per cent)	

Baseline: Part L 2013 of the Building Regulations Compliant Development	387			392
BE LEAN After energy demand reduction	322	64	17%	353
BE CLEAN After heat network / CHP	278	44	11%	353
BE GREEN After renewable energy	242	36	9%	353
Total Cumulative Savings		145	37%	39
CO2 savings off-set (30 years)		3575		

11.18 In line with the Mayors guidance, a carbon offset contribution would be sought through the S106 predicated on the shortfall demonstrated above.

Other Sustainability Issues

11.19 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.

11.20 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. The Energy Statement sets out that the non-residential floorspace would achieve a BREEAM level of 'Very Good' and a condition would be attached to secure this.

12.0 Flood Risk / SUDS / Drainage

12.1 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage

Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels”.

- 12.2 The application is supported by a Drainage / SUDS statement from Elliot Wood which sets out the drainage strategy of the development, in line with the appropriate hierarchy. A condition ensuring that the drainage strategy be fully implemented prior to first occupation would be attached to any permission.
- 12.3 In terms of foul water sewage, a response from Thames Water confirms that there is sufficient capacity to accept both foul and surface water flows from the development. Whilst this was based on the previous scheme of 175 units, it is clearly still applicable to the reduced scheme.

13.0 Air Quality

- 13.1 The application site is located adjacent to the A5 and a Borough-wide Air Quality Management Area (AQMA) declared by LBB. The site is also located near to an air quality Focus Area in West Hendon; these are locations identified by the Greater London Authority that not only exceed the EU annual mean limit value for nitrogen dioxide, but also have high levels of human exposure.
- 13.2 The application has been assessed by the Council’s Environmental Health officers who note that the proposed development site meets the air quality neutral requirements for buildings and for transport. The EHO commented that there is an uncertainty of the model output and therefore it is recommended that mitigation in the form of mechanical ventilation or NOX/NO2 filters are installed, in all the residential and ground floor units. If mechanical ventilation is used, it is recommended that air is extracted from as high and as far back from the A5 / Cricklewood junction as possible where the air will be cleanest. Appropriate conditions are attached in line with the EHO comments.

14.0 Transport / Highways

- 14.1 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.]

Access

- 14.2 The development would accommodate a vehicular access on Cricklewood Lane providing access to a basement parking level. The Council's Transport and Highways officers have raised some concern at the width of the proposed access and whether a refuse vehicle and passenger car could safely pass each other. In order to address this, conditions would be attached to ensure that the access and servicing/delivery arrangements are reviewed with further details to be approved by the LPA. The condition would also require details of the access gate and revised swept path analysis where necessary.

Parking

- 14.3 Development Management Policy DM17 sets out the parking standards that the Council will apply when assessing new developments. The standards require 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms), 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms), and 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).
- 14.4 In terms of parking, the development would provide 80 residential car parking spaces (6 at ground floor level, 74 at basement level), representing 0.55 spaces per residential unit. The site is in a highly accessible location with a PTAL of 5/6, within a short walk of Cricklewood Station and adjacent to numerous bus routes. The provision of residential parking at a ratio of 0.55 is therefore towards the higher end of the range considered acceptable under Policy DM17 however it should be noted that the parking ratio is within the acceptable range.
- 14.5 The development would provide 8 disabled parking spaces (10%) in accordance with London Plan policy. A S106 obligation would also be included to preclude future occupiers from applying for a parking permit for the surrounding CPZs.
- 14.6 The development proposes 259 secure cycle spaces for the residential element and 16 spaces (with lockers and showers) for the retail employees, in accordance with the London Plan. A condition would be attached to ensure that further details of the cycle storage racks be provided for approval.

Trip Generation / Modal Split

- 14.7 The supporting Transport Assessment, prepared by Caneparo Associates sets out that there would be a marginal increase in trips by non-car modes and that in light of the accessibility of the site, the frequency of public transport services and the sustainable mitigation measures proposed, there would not be a detrimental impact on the highway or public transport network.

14.8 In assessing the trip generation assessment from the applicant, the Council's Transport and Highways officers have raised some issue at the methodology used in the Transport Assessment. Whilst the methodology used to inform the TA, differs from that suggested by the Council's Transport and Highways officers it is considered that the conclusions drawn would not be fundamentally altered. Nevertheless, in order to ensure that the highway works mitigation secured through the S106 is fit for purpose, an obligation requiring revised assessments to inform the highway works is included.

19.0 Conclusion

19.1 In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable.

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

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LOCATION: Brake Shear House
164 High Street
Barnet
EN5 5XP

AGENDA ITEM 11

REFERENCE: 18/4700/FUL Validated: 06.08.2018

WARD: High Barnet Expiry: 05.11.2018

APPLICANT: Shanly Homes

PROPOSAL: Demolition of existing buildings (Use Class B1(c), Sui Generis, A3 and C3) and erection of 8 semi-detached houses, 50 apartments and 754 sq.m of flexible B1 floorspace with associated car parking, landscaping and infrastructure (AMENDED DESCRIPTION).

RECOMMENDATION

Recommendation 1

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 of seeking to secure the obligations listed below, subject to any changes as considered necessary by the Head of Development Management:

(a) Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant.

(b) Enforceability

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

(c) Affordable Housing

9 shared ownership units to be provided comprising of 7 x one bedroom and 2 x two bedroom shared ownership flats

(d) Affordable Housing – Early Stage Review Mechanism

The undertaking of an affordable housing viability review mechanism which would be triggered if development were not commenced within an agreed timescale.

(e) Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council to secure a minimum of the following:

- Progression into employment, less than 6 months – 4
- Progression into employment, more than 6 months – 2
- Apprenticeships – 5
- Work experience – 9
- School / College / University site visits – 54
- School / College workshops – 43

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 and subject to agreement with the LPA.

(f) Traffic Management Order

A contribution of £2,000 towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs.

(g) Travel Plans

The proposed development would require provision of a Travel Plan as follows

- A Local Level Residential Travel Plan requiring a monitoring contribution of £5,000;

Residential Travel Plan incentives to be secured with each 1st household to be offered to select 2 of the 3 following incentives to the value of £300 (up to a maximum of £17,400):

- Oyster card with £150 credit
- Cycle shop voucher to the values of £150
- Car club credit/membership to the value of £150

(h) Carbon Offset Contribution

A carbon offset contribution of £90,223 would be secured in order to mitigate the shortfall below the zero-carbon target.

(i) Highway Works

All necessary works to the public highway under section 278 of the Highways Act (or such other mechanism as may be appropriate) to facilitate the implementation of the development in agreement with the Local Highways Authority. The scope of the highway works shall be agreed with the LPA to include the following:

- Pedestrian safety improvements at the proposed site access including adjacent footways in the immediate vicinity of the site
- Relocation of bus cage if deemed necessary and deliverable

(j) Affordable Workspace

Affordable commercial floor space is to be provided within the scheme of development. This shall be subject to a management agreement relating to the provision of affordable rented commercial accommodation, to be agreed in writing with the Council, and provided and retained within the development thereafter.

(k) Air Quality Abatement Contribution

A financial contribution towards an identified item of air quality mitigation strategy within the Air Quality Action Plan 2017-2022.

(l) Indexation

All financial contributions listed above to be subject to indexation.

Recommendation 2

That upon completion of the agreement specified in Recommendation 1, the Service Director Planning & Building Control or Head of Strategic Planning approve the planning application reference 18/4700/FUL under delegated powers, subject to the conditions listed in this report.

Recommendation 3

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

CONDITIONS

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

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

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

- Location Plan - 1331/PLN/100 Rev A
- Site Plan - 1331.PLN.101 Rev B
- Information Plan - 1331.PLN.102 Rev B
- Housetypes Plots 1 – 8 Elevations and Floor Plans - 1331.PLN.103 Rev A
- Apartment Elevations front and rear - 1331.PLN.104 Rev
- Apartment Elevations side - 1331.PLN.105 Rev C
- Basement and Ground floor - 1331.PLN.106 Rev A
- First and Second Floor - 1331.PLN.107 *
- Third and Fourth Floor - 1331.PLN.108 Rev A
- Employment space elevations - 1331.PLN.109 *
- Employment Space floor plans - 1331.PLN.110 *
- Sections AA & BB - 1331.PLN.111 Rev B
- Sections CC, DD & EE - 1331.PLN.112 Rev B
- View from High Street - 1331.PLN.113 *
- View from No.14 Hyde Close - 1331.PLN.114 *
- View from St George's Field - 1331.PLN.115 *
- Existing Building floor plans - 1331.PLN.EB01 *
- Commercial cycle store - 1331.PLN.116 *
- Storey Heights Plan - 1331.PLN.118 *
- Conservation Area Views - 1331.PLN.119 *
- Proposed Drainage Layout - P17-106:SK01 Rev H
- Drainage Details Sheet 1 of 2 - P17-106:SK02
- Drainage Details Sheet 2 of 2 - P17-106:SK03

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

- 3) Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Demolition to slab level) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces (external elevations and roofs) of the proposed building at the site shall have been submitted to and approved in writing by the Local Planning Authority.

The Development shall thereafter be implemented in full accordance with such details and samples as so approved before the Development is first occupied or brought into use.

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

- 4) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for demolition to slab level) unless and until details of the levels of the proposed buildings, roads and landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved before the dwellings otherwise hereby approved are first occupied or brought into use.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

- 5) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Demolition, Ground works and Site Preparation Works) unless and until details of the following features

and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick and stone detailing (annotated plans at a scale of not less than 1:20)
- External windows, balconies, doors, metal screens and balustrading (annotated plans at a scale of not less than 1:10).
- Depth of window reveals (annotated plans at a scale of not less than 1:20).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Privacy screens (annotated plans at a scale of not less than 1:10).
- All means of enclosure proposed for the sites pedestrian and vehicular access points (annotated plans at a scale of not less than 1:10).

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

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

6) Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied the following information shall be submitted to and approved in writing by the Local Planning Authority:

- 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.
- iii. Plans showing satisfactory points of collection for refuse and recycling.

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 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 refuse and recycling facilities are provided at the

development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

- 7) No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

- 8) All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

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

- 9) Any trees, hedges and 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, shrubs or other planting of appropriate size and species in the next planting season.

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

- 10) Prior to the first occupation of the development, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
- details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

- existing site contours and details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.
- details of all tree, hedge, shrub and other planting proposed as part of the scheme and all planting proposed for green and brown roofs, green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities;
- means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use; details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other
- means of enclosure to be erected at the site

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

- 11) Before the residential dwellings (Use Class C3) hereby permitted are first occupied details of the water efficiency measures to be installed in them to ensure that they achieve a water usage standard of not more than 110 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient particulars to demonstrate how the water usage standard of not more than 110 litres per head per day for the new dwellings would be achieved. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the residential dwellings.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

- 12) The development shall be implemented in accordance with the details identified in the approved Energy Strategy in full prior to the first occupation of the relevant part of development.

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

- 13) Prior to occupation, details of the design, location and extent of the proposed photovoltaic panels to be installed on the roof area of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

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

- 14) Prior to the first occupation of the development hereby approved a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. The location and layout of car parking spaces
- ii. The allocation of car parking spaces;
- iii. The location and layout of cycle parking spaces
- iv. On-site parking controls
- v. The enforcement of unauthorised parking
- vi. The location of disabled parking spaces
- vii. Turning spaces

The approved details shall be implemented in full prior to the first occupation of the development hereby approved and the approved car parking and cycle parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development thereafter.

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

- 15) No development (other than demolition to slab level) shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- i) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To protect any archaeological remains present on the site in accordance with Policy DM06 of the Barnet Local Plan.

- 16) Prior to the first occupation of the development, details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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).

- 17) The level of noise emitted from the proposed 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.

- 18) No development shall take place (other than demolition and site clearance) until a scheme of proposed noise mitigation measures against externally generated noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

- 19) No development shall take place (other than demolition and site clearance) until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. The recommendations listed in the Acoustic Technical Report shall be applied.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the

Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 20) Before development commences (other than for demolition and site clearance), 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.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction.

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).

- 21) Before development commences other than for demolition to slab level and investigative work:
- a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual

Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

- 22) The development hereby approved shall not be occupied until details of the proposed highway works have been submitted to and approved in writing by the local Highway authority. The applicant will be required to enter into a s278/184 agreement with the council for these works.

Reason: To improve safety and 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.

23) Each element of the development shall not be occupied until the parking space(s) connected with that element have been laid out within the site in accordance with the approved plans and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

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

24) Prior to the first 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.

25) Prior to the 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 occupied, 106 (long stay) and 4 (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.

26) 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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 27) Before the permitted development is occupied a full Delivery and Servicing and Parking Management Plan (DSPMP) 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.

28) The applicant shall carry out a “before” and “after” condition survey of the site access vehicular crossover. 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 site access 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.

29) Prior to the commencement of development (other than demolition to slab level) a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E, F, G and H in Part 1 of Schedule 2 to that Order shall be carried out in relation to the dwellinghouses hereby permitted without the prior written permission of the local planning authority.

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

31) The flexible use class B floorspace shall be used for this use class only and shall not be amalgamated or subdivided without the prior written agreement of the Local Planning Authority.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers or adversely affect highway safety in accordance with policy DM01 of the Barnet Local Plan.

32) Prior to the commencement of development (other than demolition to slab level) a detailed piling or other penetrative foundation design method statement shall be submitted to and approved by the London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To protect the water environment from contamination as piling has the potential to create new pathways for contamination to reach ground water, in accordance with the provisions of the NPPF and Policy DM04 of the Barnet Local Plan.

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

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

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

The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

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

London's People:

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

London's Economy:

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

London's Response to Climate Change

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

London's Transport

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

London's Living Places and Spaces

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

Implementation, Monitoring and Review:

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

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

- CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

- CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)
- CS3 (Distribution of growth in meeting housing aspirations)
- CS4 (Providing quality homes and housing choice in Barnet)
- CS5 (Protecting and enhancing Barnet's character to create high quality places)
- CS6 Promoting Barnet's Town Centres
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS8 (Promoting a strong and prosperous Barnet)
- CS9 (Providing safe, effective and efficient travel)
- CS10 (Enabling inclusive and integrated community facilities and uses)
- CS11 (Improving health and well-being in Barnet)
- CS12 (Making Barnet a safer place)
- CS13 (Ensuring the efficient use of natural resources)
- CS14 (Dealing with our waste)
- CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)
- DM03 (Accessibility and inclusive design)
- DM04 (Environmental considerations for development)
- DM06 (Barnet's Heritage and Conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM11 (Development principles for Barnet's town centres)
- DM13 (Community and education uses)
- DM14 (New and existing employment space)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

- Sustainable Design and Construction (October 2016)
- Residential Design Guidance (October 2016)
- Planning Obligations (April 2013)
- Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

- Barnet Housing Strategy 2015-2025
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (April 2014)
- Health Issues in Planning (June 2007)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Affordable Housing and Viability (2017)

National Planning Guidance:

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

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

The Community Infrastructure Levy Regulations 2010:

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

PLANNING ASSESSMENT

1.0 Site Description

- 1.1 The application site covers 0.48 hectares in area and lies within the High Barnet ward in the northern part of the borough. The majority of the site falls within

Chipping Barnet Town Centre. The site does not lie in a Conservation Area though the northern boundary of the site is close to the Monken Hadley Conservation Area. There are no listed buildings on site.

- 1.2 The site consists of several small buildings, all built within a tight, compact grain consisting of service yards and alleyways between buildings. The service yards are predominantly used for off-street parking for existing users of the site. This urban form developed organically. The buildings on site vary in size and design, though the majority are one or two storeys with the exception of Brake Shear House which has three storeys. The site is not identified as a locally significant employment site. The site is identified as being within Flood Zone 1 of the Environment Agency's Flood Risk Map.
- 1.3 The site currently features several commercial uses and some residential premises in 'the Forge', Gate House Cottage and Brake Shear House. There is a mix of properties within the B use classes providing a range of employment including vehicle testing and servicing garages, coffee machine repairs, framing and printing shops and theatre props storage. There are approximately 20 businesses. The total existing B use floorspace amounts to approx. 4,000 sqm.
- 1.4 The site is adjoined by a nursery which currently uses the Bath Place entrance as an access. This part of Bath Place adjoins the site boundary. On the northern side of Bath Place away from the application site lies the Monken Hadley Conservation Area.
- 1.5 The site is adjoined by low density two storey residential housing to the north and east; Hyde Close and Belgravia Close. Both these residential areas are predominantly characterised by dwellinghouses, in pairs of semis or short terraces.
- 1.6 Hyde Close also has a two-storey block of flats which adjoins the north east boundary of the site (No. 12 Hyde Close). This provides residential accommodation for people with physical and learning disabilities.
- 1.7 The land directly adjoining the southern boundary consists of rear yards serving the high street retail units. The southern side backs onto Novia House, a 3/4 storey block of flats which was approved in August 2008. This consists of 16 residential units and has a building footprint of 444sqm.

2.0 Proposed Development

- 2.1 Permission is sought for the demolition of existing buildings (Use Class B1(c), Sui Generis, A3 and C3) and erection of 8 semi-detached houses, 50 apartments and 754 sqm of flexible B1 floorspace with associated car parking, landscaping and infrastructure.
- 2.2 The development would propose the following mix:
- 29 x 1-bedroom apartments
 - 21 x 2-bedroom apartments
 - 8 x 3/4 bedroom house
- 2.3 The development would be laid out in three main elements, with the main flatted block, a row of 4 pairs of semi-detached houses and a separate building accommodating the employment floorspace. The main flatted block of the development would vary between 3 and 5 storeys with the fourth floor set back and recessed behind a parapet and the fifth floor, comprising a light-weight structure set back even further. The houses would be of a 3-storey height with the second floor forming a mansard roof, set behind a parapet. The building accommodating the employment floorspace would be of a part 2, part 3 storey height with a flat roof.
- 2.4 Parking would be largely provided at basement level (29 spaces accessed from a ramp to the east elevation of the main block) with total parking provision equating to 54 spaces, including 7 disabled spaces.

3.0 Relevant Planning History

- 3.1 A Planning Brief for this site was adopted on 22nd March 2016 by the Policy and Resources Committee and the document underwent the appropriate consultation and adoption procedures.
- 3.2 The Brief provides the vision for the future transformation of the Brake Shear House site and identifies there being significant opportunity to deliver a mixed-use development on a complex and constrained site in Chipping Barnet. The Brief explores the current constraints on the site including level changes, limited site permeability, the adjoining High Street and Monken Hadley Conservation Area and the Chipping Barnet Area of Special Archaeological Significance. The Brief goes on to assess the approach to redevelopment including analysis of appropriate land use and urban form.
- 3.3 The Brief is informed by the consultation responses received. During the consultation procedure, it became apparent that at a key issue for Councillors, Local

Groups and residents was the provision of affordable workspace. The Brief was amended to state “The Council is keen to promote the provision of affordable workspace on the site, if this isn’t possible, rates will need to be comparable with other similar uses within Chipping Barnet town centre”.

- 3.4 Subsequent to the adoption of the planning brief, planning permission was granted on 02.02.2017 for the demolition of existing buildings (Use Class B1(c), Sui Generis, A3 and C3). Erection of new three storey building to provide flexible Use Class B floorspace. Erection of new four storey residential apartment building providing 32 self-contained units and construction of 8 semi-detached houses. Associated car and cycle parking, landscaping and associated works (application ref: 16/2466/FUL).

4.0 Consultations

- 4.1 An initial consultation exercise was undertaken in August 2018 with 644 letters being distributed to neighbouring occupiers – 19 objections were received as a result of the consultation. Following detailed design meetings with Council officers, a complete redesign of the development took place. An additional consultation exercise was undertaken in June 2019 with 11 objections being received and 1 letter of support.

Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the objections received from neighbouring residents can be summarised as follows:

Objection	Officer Response
The height of the development is excessive within its context.	Whilst the height of the proposed apartment block at the front elevation would be comparable to that of the frontage buildings on the high street, the set back and the land level changes would ensure that the overall height would not be overly dominant in the context of the 3 storey properties to the front. Furthermore, with regards to the baseline consideration of the extant consent, it is considered that the additional height of the proposed development in views from the high street would not be readily perceptible.
The development would result in	The development has been fully

<p>additional traffic stress to the A1000, increasing waiting times and increasing likelihood of accidents.</p>	<p>assessed by the Council’s Transport and Highways officers who are satisfied that the trip generation of the development would not result in any undue harm to the surrounding highway network. The development would entail a net decrease in vehicle movements compared to the lawful previous use. This is set out in more detail in Section 15 of this report.</p>
<p>The proposed materials are not from sustainable sources.</p>	<p>All materials would be required to be submitted for approval by condition where officers would be able to ensure that materials were from sustainable sources, as considered necessary.</p>
<p>The development would result in additional noise pollution.</p>	<p>The development entails residential and business uses which in themselves are not considered to be excessive noise generating uses. It is considered that any noise generated from the development would not be over and above that of the lawful previous use and would not be uncommon in such a town centre location.</p>
<p>The development would increase existing levels of air pollution.</p>	<p>The application is supported by an Air Quality Assessment which has been fully assessed by the Council’s EHO. It is considered that subject to a condition and a planning obligation, the impact of the development on air quality would be acceptable. This is discussed further in Section 14 of this report.</p>
<p>Insufficient levels of parking are provided within the development.</p>	<p>The development proposes 47 residential car parking spaces. Based on the lower and high standards, Policy DM17 would allow for a parking provision for the residential units ranging between 33 and 77 spaces. The proposals are to provide 47 car parking spaces for the residential element is therefore within the acceptable standards. The commercial parking for 7 spaces meets the requirement of the</p>

	draft London Plan.
The proposed houses would result in a loss of daylight/sunlight, privacy and outlook to neighbouring homes on Belgravia Close.	The application is supported by a daylight/assessment which demonstrates that the development would not have an unacceptably adverse impact on the daylight/sunlight of the neighbouring properties. The application has also been fully assessed in terms of the impact on neighbouring privacy and outlook and is considered to be acceptable. This is set out fully in Section 10 of this report.
The development proposes insufficient soft landscaping and green space.	The development proposes a mix of private and communal amenity areas. The residential flats would mostly be provided with a private balcony whilst the residential houses would be provided with private rear garden areas. The scheme has been amended from the extant consent to move the car parking to basement level which allows for additional landscaping to be incorporated into the scheme. It is considered that the development proposes a substantially higher quality landscaping scheme than the extant consent.
The development would put additional strain on local services.	The development would attract the payment of a large Community Infrastructure Levy (CIL) payment which could be used to contribute to local infrastructure improvements.

Responses from External Consultees

4.3 The responses received from external consultees can be summarised as follows:

Consultee	Response
Thames Water	No objection subject to conditions.
London Fire Brigade	No objection.

Natural England	No objection.
Historic England (Archaeology)	No objection subject to condition.
Transport for London	In principle, TfL does not object to the regeneration of this site. However, the proposed car parking must be confirmed to ensure it does not exceed draft London Plan maximum standards. Therefore, in its current form, TfL has raised a holding objection to this application.

Responses from Internal Consultees

4.4 The responses received from internal consultees can be summarised as follows:

Consultee	Response
Environmental Health	No objection subject to conditions.
Transport and Highways	No objection subject to conditions.
SUDS/Drainage	No objection subject to conditions.
Flood Risk / SUDS	No objection subject to conditions.
Conservation and Design	Objection to the application, based on perceived harm to views from the adjacent CA, views from King George Playing Fields and uncharacteristic nature of mews houses.

PLANNING ASSESSMENT

5.0 Principle of Development

5.1 The existing site is occupied by mix of properties within the B use classes providing a range of employment including vehicle testing and servicing garages, coffee machine repairs, framing and printing shops and theatre props storage. The total existing B use floorspace amounts to approximately 4000 sqm.

5.2 The site is subject to a planning brief which states the following:

“Due to the presence of residential properties on site and in the surrounding area, the principle of residential development is acceptable, subject to compliance with other relevant policies and standards and subject to satisfactorily re-providing B employment space on site.” (para 7.3)

5.3 The application site also benefits from an extant planning permission (16/2466/FUL) which entailed a significant reduction in the quantum of employment floorspace alongside the provision of 40 residential units. The extant permission comprises the provision of 779 sqm of B use class floorspace which would be aimed at facilitating Small and Medium Enterprises (SMEs) as well as larger businesses.

5.4 The proposed development seeks permission for the same mix of land uses, comprising a very similar 754 sqm quantum of B1 floorspace. Given that the current application retains the same mix of uses with a similar level of employment floorspace, it is considered that the acceptability of the proposed land uses is established and the principle of development is acceptable. The proposed development also accords with the aims of the adopted Planning Brief.

5.5 Throughout the formal process of adopting the Planning Brief and in the determination of the previous application, it was evident that there was a dearth of affordable work space within Barnet town centre and thus the provision of 130 sqm of affordable workspace within the extant consent is a significant benefit to the development. The current application seeks to retain the same level of affordable workspace as the extant consent which is accordingly considered to be a significant benefit of the scheme.

5.6 In summary, the principle of development comprising a mixed-use development of residential and employment uses is fully accordant with the adopted planning brief, is consistent with the extant consent and is therefore considered to be acceptable.

6.0 Residential Density

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

- 6.2 It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 6.3 The application site covers an area, which has a Public Transport Accessibility Level (PTAL) of 3. In terms of its 'setting' the site is considered to fall within an area of transition using the features identified in the London Plan. The High Road has some urban characteristics, while surrounding residential roads have strongly suburban characteristics.
- 6.4 Taking these factors into consideration the London Plan density matrix would suggest a range of between 45 and 120 units per hectare.
- 6.5 The density of the proposed development would equate to 139 dwellings per hectare (387 hr/ha). The proposed density is clearly therefore marginally in excess of this optimum range, however it is considered that there are mitigating circumstances which provide justification for the slight exceedance over and above the optimum range. Officers consider that the density of the scheme is expressed through development of a height and scale that is appropriate for its context and town centre location.
- 6.6 Furthermore, the London Plan also outlines that the density matrix should not be applied mechanistically and in this case it is considered that, notwithstanding the proposed density being in excess of the optimum range, it is appropriate for the site and in accordance with Policy 3.4 of the London Plan and the emerging Draft London Plan.

7.0 Housing Quality

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

Barnet Sustainable Design and Construction SPD and Residential Design Guidance SPD.

Dwelling Mix

7.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.

7.3 The development proposes 58 residential units across all phases with the following mix of units:

Unit Size	Number of Units	% of Units
1 bedroom	29	50%
2 bedroom	21	36%
3/4 bedroom	8	14%
Total	58	100%

7.4 It is considered that the scheme comprises a good mix of housing types and sizes, including a good level of larger family sized units. Whilst there is a large proportion of 1 and 2 bedroom units, this is considered to be appropriate given the site’s characteristics and location within the town centre. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan.

Residential Space Standards

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

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
Houses	3 bed (5 persons)	85

7.6 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.

Wheelchair Housing

- 7.7 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan policy 3.8.
- 7.8 The applicant's Planning Statement sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units.

Amenity Space

- 7.9 Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in the table below:

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

- 7.10 The development proposes a mix of private and communal amenity areas. The residential flats would mostly be provided with a private balcony whilst the residential houses would be provided with private rear garden areas – all of which would comply with the minimum standards outlined above.

Children's Play Space

- 7.11 Based on the GLA Shaping Neighbourhoods Play and Informal Recreation SPG, Child Yield Calculator (updated June 2019), the development would be likely to generate 11 children. Where developments would generate over 10 children, the Mayor's SPG advises that on-site provision should be made for playspace. In this case, no on-site playspace is provided. Nevertheless, it is considered that the site is constrained in terms of available land and as such a commensurate financial contribution should be made to local off-site playspace to be secured through the S106.

Privacy

- 7.12 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.
- 7.13 There would be a separation distance of approximately 17 metres between the main residential block and the terrace of houses. Whilst this is below the recommended minimum of 21 metres, given the location of the site and the tight urban grain, it is considered that the separation distance would not result in any undue loss of privacy for the occupiers in the facing residential units. This separation distance was also considered acceptable under the extant permission.
- 7.14 To the west of the main residential block, the separation distance to the facing windows to the rear of the adjacent commercial units would be less than 5 metres. The windows to the west elevation of the block have therefore been designed to be secondary windows and would be obscurely glazed.
- 7.15 To the east of the main residential block, the separation distance from the east elevation windows to the nearest facing window would be 25 metres, in excess of the recommended minimum ensuring that there would be no undue loss of privacy to future residents of the development. Following submission of the application the applicant and agent met with a number of local residents. In response, notwithstanding the reduction in flank windows in the revised scheme, compared with the extant approved scheme, to further mitigate any loss of privacy / overlooking the scheme has been amended to provide obscure glazed privacy screens to secondary flank windows. This was a welcomed enhancement of the scheme by the neighbouring residents.

- 7.16 To the north of the terrace of houses, the rear windows would enjoy a separation distance of over 21 metres to the facing windows of Bath Place ensuring acceptable levels of privacy for future occupiers.

Outlook

- 7.17 With regards to the outlook from the proposed residential units, as outlined in the Privacy section of this report above, there would be a separation distance of 17 metres between the facing windows of the main residential block and the terrace of houses. This is considered to be adequate to ensure an acceptable level of outlook from the front windows of the houses and the north elevation windows of the main block
- 7.18 As outlined in the preceding section of this report, the relationship between all other windows of the proposed development and surrounding development either enjoy a minimum 21 metre separation distance or represent secondary, obscurely glazed windows. The outlook from all habitable windows would therefore be acceptable.

Daylight/Sunlight/Overshadowing

- 7.19 A daylight/sunlight report assessing the daylight and sunlight levels of the proposed residential units, undertaken by Avison Young, was submitted in support of the application.
- 7.20 In terms of daylight, the report sets out that 87.6% of all habitable rooms pass the BRE requirements in relation to the Average Daylight Factor (ADF) test whilst in relation to the No Sky Line (NSL), 94.7% meet the target criteria. This level of compliance is considered to be good in light of the urban setting of the scheme.
- 7.21 In terms of sunlight, the report sets out that most of a large proportion of the windows within the development would achieve the 25% APSH target value within BRE guidance. Upon further analysis of the results set out within the report appendices shows that of the few windows that do not achieve the target values, those that serve the main living room areas are served by multiple windows which would go some way to mitigate against any reduced sunlight from individual windows.
- 7.22 In terms of overshadowing of amenity areas, some of the amenity areas to the north of the buildings would inexorably receive less than the target values. However, when considered in the whole over 50% of the amenity space would receive at least 2 hours sun on 21st March. Given the urban location of the site and the tight urban

grain, this is considered to be acceptable. Similar levels were considered acceptable under the extant permission.

Noise

- 7.23 The application is supported by an acoustic assessment (MLM Technical Report – Acoustic Assessment revision 01, status I, dated 02/05/2019). The document is a comprehensive noise report and concludes that for the majority of the site noise is not a constraint and the Council's standard noise level requirements can be met with no mitigation.
- 7.24 However, to the south of the site is the Misty Moon Public House which is a noise generating use and would have potential to result in noise disturbance to the residential properties to the south of the proposed development. The report concludes that balconies on the south façade closer to the pub location will generally experience levels in excess of 55 and 60 dBA during live music events. In assessing the application, the Council's Environmental Health officers outlined that this potential noise disturbance would require a scheme of mitigation to ensure appropriate internal and external ambient noise levels. A condition is therefore attached requiring that a scheme of mitigation is submitted for approval.

Conclusion

- 7.25 Having regard to the above, it is considered that the development would provide an acceptable quality of residential accommodation in accordance with Policies 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.

8.0 Affordable Housing

- 8.1 London Plan 2015 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. The Council will also seek to ensure that affordable housing is provided with a 60/40 ratio of social/affordable rented products to intermediate housing.
- 8.2 Within the application submission, it is set out that the provision of any affordable housing on the site is unviable and thus zero affordable housing was initially proposed. A Financial Viability Assessment (FVA) from Turner Morum (TM) was also

submitted with the application which the Council instructed Carter Jonas (CJ) to undertake an independent review of the FVA.

- 8.4 Within the submitted FVA, two scenarios were modelled on the basis of a policy compliant 40% affordable housing provision and a 0% provision. TM indicates that the residual land value of the proposed scheme in both cases produces an overall deficit when compared against the Benchmark Land Value and therefore concludes that the scheme is unable to provide any affordable housing.
- 8.5 In their review of the FVA, CJ challenged numerous assumptions made within the document and adopted consequently different input figures which resulted in their conclusion that the scheme as proposed would produce a surplus and would be able to viably provide an element of affordable housing.
- 8.6 Following the initial review of the FVA, the applicant accepted most of the adjusted assumptions made by CJ and made a revised affordable housing offer of 10% shared ownership (by habitable room) or 16% (by dwelling) which equates to 9 units (7 x 1 bedroom and 2 x 2 bedroom). Such affordable housing provision would result in a marginal deficit below the viable position however the applicant is prepared to go forward on this basis.
- 8.7 CJ carried out a further review of the amended FVA comprising the 10% offer and concluded that the offer of 9 shared ownership units is the maximum that the scheme can viably support. This 10% offer is in accordance with Paragraph 64 of the NPPF which states that “where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership”.
- 8.8 Whilst officers note that the extent consent on the site secured 20% affordable housing provision, this position must be considered in the context of the consented scheme not ever being delivered. It is also noted that the affordable housing offer comprises of 100% shared ownership with no provision for social/affordable rented products, however in this case the viability position is such that the scheme cannot viably support the provision of a policy compliant mix and the proposed mix is the maximum that can be provided by the scheme. Officers are satisfied that the maximum affordable housing provision will be secured through the s106 and that there are significant material benefits of the proposed scheme when assessed against the extant permission that further support the recommendation for approval.

9.0 Visual Impact

- 9.1 The National Planning Policy Framework (NPPF) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- 9.2 The application site also benefits from an adopted planning brief which highlights the importance of the scale, bulk and mass of the development and the relationship to its context.

Height, Scale and Massing

- 9.3 The extant consent at the site comprised of a main residential building rising to a maximum of 4 storeys at the front and 3 storeys to the rear. The current application seeks permission for a development rising to a maximum of 4 storeys at the front with a set-back fifth floor and 3 storeys at the rear with a set-back fourth floor. The heights of the proposed terrace houses have been reduced from the extant consent, working with the topography of the site towards the east, to reduce the appearance and scale on the properties to the north. Similarly, the height of the commercial building has also been reduced when assessed against the extant consent. The image below shows a side / front main elevation of the proposed apartment block with the extant consent outlined in blue for comparative purposes.



- 9.4 The majority of the buildings in the surrounding area are of a 2 and 3 storey height with some limited 4 storey buildings. The key issue is therefore whether the additional height and the scale of the development over and above the approved scheme would be congruent within its surrounding context.

9.5 Whilst the height of the apartment block at the front elevation would be comparable, and no higher than the frontage buildings on the high street, the set back and the land level changes would ensure that the modest additional height over the extant permission would not be overly dominant in the context of the 3 storey properties to the front. Furthermore, with regards to the baseline consideration of the extant consent, it is considered that the additional height of the proposed development in views from the high street would not be readily perceptible. The image below shows a CGI of the proposed development in the context of the frontage buildings.



9.6 The adopted planning brief states at paragraph 8.6 that “the existing building heights on the site and adjoining the site do not exceed 2/3 storeys... therefore proposed buildings will be expected to reflect these parameters”. It is clear that the proposed development would exceed these parameters in terms of the number of storeys, however it is important to note that this is similarly true of the extant consent and this needs to be balanced against the increasing demand for housing and NPPF objectives for sustainable development and making best use of previously developed urban land. Furthermore, the proposed enhancement to the design utilises the existing fall in site levels to an advantage whereby the lower floors of the flat block are comparably significantly lower than those of the extant permission. It is considered that the additional height would not substantially alter the consented relationship between the proposed development and the frontage development and as such it is similarly considered that the deviation from the planning brief is once again considered to be acceptable. One major change and benefit of the revised

scheme is a significant reduction in the width of the flats when viewed from Hyde Close when compared to the extant permission.

Layout

- 9.7 The proposed layout retains the same overarching layout as the extant consent with a main residential apartment block, a terrace of mews houses and a commercial building in largely the same locations as approved and thus is considered acceptable.

Design and Appearance

- 9.8 The design of the scheme proposes an industrial warehouse style aesthetic, highlighting the historic use of the site. The aesthetic would be achieved using a simple but quality mix of materials including yellow stock bricks with brick detailing coupled with grey windows and black metal railings and balconies. Grey painted timber panels would articulate the facades and provide interest in the elevations. It is considered that the proposed design is a substantial enhancement on the approved scheme, reflecting an industrial vernacular of the existing buildings and Barnet's commercial past, with a contemporary styling, such that the revised scheme is more appropriate to the surrounding and existing context.

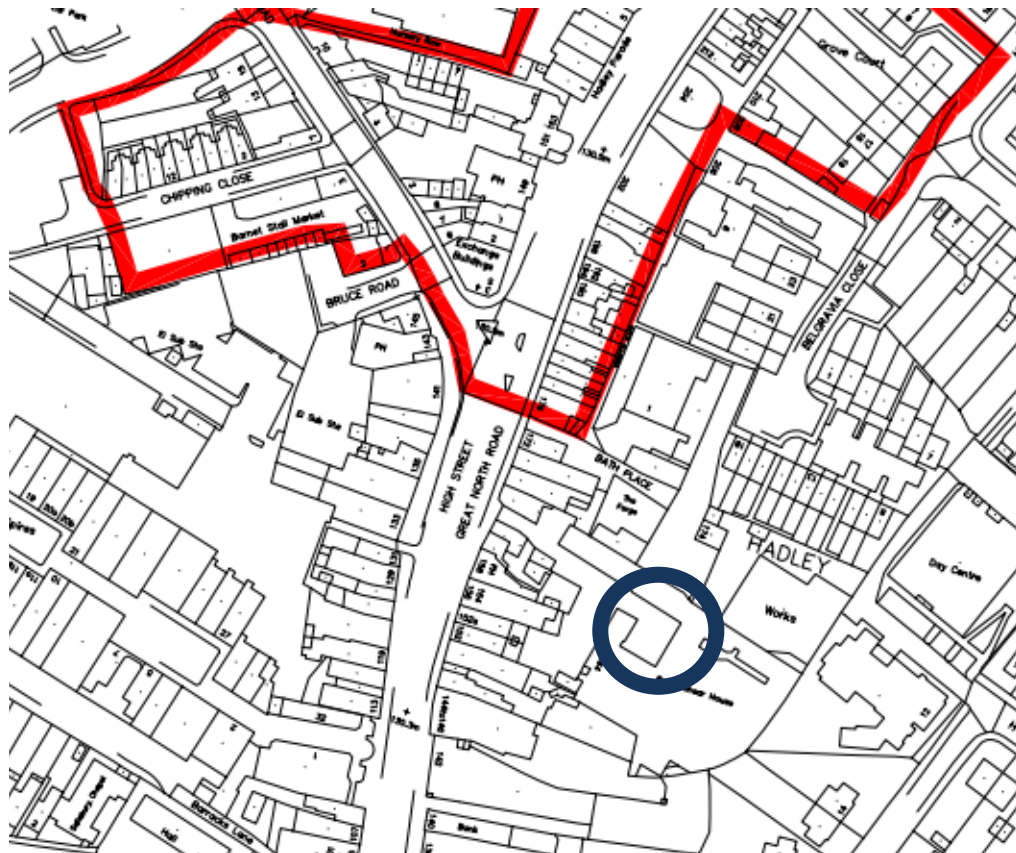
Conclusion

- 9.9 Having regard to all of the above, officers consider that the height and layout of the proposed building in this location is acceptable, in consideration of the other design enhancements and benefits of the scheme. Officers also consider that the scheme is of a high design quality and would integrate well with its surrounding context in accordance with London Plan Policy 7.7 and Local Policies CS5 and DM01.

10.0 Heritage and Conservation

- 10.1 The application site is not located within a conservation area, nor does it contain any listed buildings. The northern boundary of the site is however located close to the Monken Hadley Conservation Area whilst the site is also located within the locally protected view of Chipping Barnet from King George V Playing Fields.
- 10.2 Policy DM06 of the Local Plan is therefore relevant and in relation to the current application it is necessary to consider the impact of the proposal on the setting of the heritage asset (the adjacent conservation area in this case).

- 10.3 The map extract below shows the location of the application site (blue) in the context of the adjacent conservation area (outlined in red).



- 10.4 The application site is set back from the street frontage with a narrow road access which provides the only view of the development from the high street. The buildings on the high street are a mix of two and three storeys in height and it is clear that the part 4, part 5 storey height of the development would be of a comparable height to the frontage buildings. Nevertheless, as set out in the preceding section of this report, officers consider that the height of the development over and above the extant consent would not be readily perceptible in views from the street. Given the location of the conservation area to the north and the backland location of the application site, it is considered that the development itself would not be viewed in the setting of the conservation area. This is illustrated in the CGI visual below, which is taken from the closest point within the conservation area to the application site, and demonstrates that that proposed development is only marginally visible in a glimpse oblique view. The development will cause **no harm** to the setting and significance of the Monken Hadley Conservation Area and to the townscape context of the site on Barnet High Street. The revised design minimises the visual impact of the development enabling it to sit more comfortably within its local context through the use of a visually simplified and good quality architectural language which uses more

appropriate materials, light-weight appearance to the top floor set back and articulated elevational treatments. The amended design would therefore have less of a visual impact and is more appropriate to its local context than the approved scheme.



10.5 It is noted that the Council's Conservation officer has objected to the application, partly on the basis of the impact of the development on the setting of the conservation area in glimpsed views from the high street. In considering this objection, it is important to consider the reduced visibility of the development from the high street directly opposite the site. Much of the character of the adjacent CA, and where one experiences the CA is derived from the character of the high street and in this case, the development would be even less visible as one moves away from the narrow visual gap in the buildings and towards the CA.

10.6 Both the CA and the wider Chipping Barnet present in the locally protected view from King George Playing Fields. Again, the starting point for the consideration of the impact of the development on this view is the extant consent and officers must consider the additional impact of the current proposal over and above the baseline

consent. The image below shows the outline of the proposal (green) along with the outline of the consented scheme (blue).



- 10.7 Again, the objection from conservation officers is noted however it is considered that the proposed development would not significantly exceed the visibility of the consented scheme and would not result in any perceptible harm to the protected view. Given the land level changes, the massing of both the consented scheme and the proposed scheme would be subsumed within the massing of development located further to the west. On the basis that proposed scheme would not project above the established skyline and would not present an obtrusive element within this view, officers consider that the impact of the development on the view would be acceptable.

11.0 Amenity Impact on Neighbouring Properties

Daylight

- 11.1 The applicant has submitted a Daylight/Sunlight report from Avison Young which is inclusive of a full daylight assessment in respect of neighbouring properties. The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.
- 11.2 In line with BRE guidelines, it is only necessary to carry out the VSC assessment on a neighbouring window if a 25-degree line drawn from the centre of the window would subtend the facing elevation of the subject development. In this case, the GL Hearn report identifies the following neighbouring properties as necessitating the additional assessment:

- 8-18 Belgravia Close
- 12 Day Centre, Hyde Close
- 14-18 Hyde Close
- 166-172 High Street

11.3 In light of the above, officers consider that both the scope and the methodology of the daylight assessment was appropriate. Having undertaken the assessment, the report demonstrates the following results:

Property	Daylight (VSC)
8-18 Belgravia Close	100% Pass
12 Day Centre, Hyde Close	100% Pass
14-18 Hyde Close	100% Pass
166-172 High Street	100% Pass

11.4 It is therefore clear that all of the neighbouring properties assessed would achieve full BRE compliance in respect of daylight.

Sunlight

11.5 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

11.6 The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”. In accordance with the BRE Guidelines the following properties were therefore assessed:

- 18 Hyde Close
- 166-172 High Street

- 11.7 Of the properties assessed, all achieved full compliance with the APSH target values indicating a good level of sunlight will be retained for the neighbouring properties.

Outlook

- 11.8 In terms of outlook, the most sensitive relationship would be between the rear of the residential properties on Hyde Close and the eastern elevation of the proposed apartment block. Hyde Close sits at a lower land level and given the 3 storey height (with set back additional floor) of the proposed development, it is inexorable that the development would be clearly visible in views from the rear of the Hyde Close. Nevertheless, both the existing and consented massing on the site must also be considered when assessing the relative impact on the outlook from the Hyde Close properties. The image below shows a rendered view of the proposed development with the building line of the existing massing (red), the consented massing (green) and the originally proposed massing (blue).



- 11.9 It is clear from the image above that the massing of the proposed development in this particular view would be marginally greater than the consented scheme, albeit with the additional massing comprising of a set-back storey clad in a lightweight material. It is considered that the additional massing over and above the consented scheme would not be so significant as to result in unacceptable harm to the outlook from the rear windows of Hyde Close. Even if one was to disregard the fall-back

position of the consented scheme, the existing massing in situ is broadly the same as that which is proposed with the current application. The existing buildings are also on the shared boundary, whereas the proposed scheme is significantly set back from the shared boundary.

- 11.10 To the north of the site, the row of semi-detached houses are considered to be adequately separated from the residential properties on Belgravia Close to ensure that there would be no material loss on the outlook from the neighbouring properties.

Privacy

- 11.11 Again, the most sensitive adjacency is to the east of the site in the relationship between the main apartment block and the Hyde Close properties. Nevertheless in this location - the separation distance from the east elevation windows to the nearest facing window would be 36.5 metres, in excess of the recommended SPD minimum. Those closest windows are proposed to be obscurely glazed. The closest non-obscure glazed window is 39m away.

- 11.12 Following submission of the revised design scheme, the applicant and agent met with residents of Hyde Close in July 2019. Discussions highlighted that the revised scheme proposes a significant reduction in balconies/windows overlooking towards Hyde Close in the extant permission. Previously there were 10 large balconies directly facing the residents of Hyde Close. The revised scheme increases the separation distance and reduced the width of the amended block with only 7 obscure glazed secondary windows now proposed. To further respond to the residents, the applicant agreed and subsequently submitted revised drawings with the addition of obscure glazed screens to the balconies to achieve a further enhancement compared with the extant permission and a significant improvement to privacy and reduction in overlooking for the Hyde Close residents.

- 11.13 To the north of the terrace of houses, the rear windows would enjoy a separation distance of over 21 metres to the facing windows of Bath Place ensuring acceptable levels of privacy are retained for the neighbouring occupiers.

12.0 Sustainability

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

- Be lean: use less energy

- Be clean: supply energy efficiently
 - Be green: use renewable energy
- 12.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.
- 12.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor’s energy hierarchy.
- 12.4 With regards to the energy hierarchy set out within London Plan Policy 5.2, it is considered that the application is broadly in accordance. The application is accompanied by an Energy Statement from Blue Sky Unlimited which sets out that the energy efficiency measures and sustainable energy measures that would be incorporated within the scheme which are set out below in accordance with the hierarchy.
- 12.5 The submitted Energy Statement sets out that the scheme will incorporate a number of sustainability measures to reduce demand, ensure energy is supplied efficiently and to ensure that energy is from renewable sources in line with the ‘Be Lean, Be Clean, Be Green’ approach.
- 12.6 It is proposed to enhance the fabric insulation standards of the buildings above the minimum required by the Building Regulations. The proposal is of insufficient scale to efficiently provide a communal space heating and hot water system either with CHP or not and therefore the apartments will be provided with individual combination gas boilers and space heating and cooling to the non-residential units will be provided by air source heat pumps. In addition it is proposed to install a total of 136 x 327W photovoltaic panels on the flat roof of the apartment building and the commercial building.
- 12.7 Based on the energy assessment submitted, subsequently submitted details and inclusive of the all the measure outlined above, the scheme would deliver the following overall carbon dioxide reductions:

	Total residual regulated CO ₂ emissions (tonnes per annum)	Regulated CO ₂ emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013	232		

Building regulations			
Energy Efficiency	192	40	17%
CHP	174	18	9%
Renewable energy	149	25	14%
Total		83	36%

Other Sustainability Issues

- 12.8 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.
- 12.9 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. The Energy Statement sets out that the non-residential floorspace would achieve a BREEAM level of 'good', which falls below the Council's requirements. If permission were to be granted, a condition would be attached to ensure that the development achieved a BREEAM level of Very Good.

13.0 Flood Risk / SUDS

- 13.1 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".
- 13.2 The application has been fully reviewed by the Council's appointed drainage consultants who had no objection to the application subject to conditions. Such conditions would be attached accordingly if permission were granted.

14.0 Contaminated Land

- 14.1 A Phase I Environmental Site Assessment document dated April 2016 has been undertaken in support of the application which recommends further intrusive ground investigations should take place given the historical commercial/industrial land use of the site.

14.2 Given the above, the Council's Environmental Health officers have requested a condition requiring site investigation works to be carried out prior to the commencement of development and subsequent mitigation should it be required. Such a condition would be attached if permission were granted.

15.0 Air Quality

15.1 London Plan Policy 7.14 Improving Air Quality states that developments should be at least air quality neutral and not lead to further deterioration of existing poor air quality. In this regard, it is considered that mitigation is required and it should be noted that none have been proposed in the application documents.

15.3 The application is supported by an Air Quality Assessment (MLM) which dates from 2016 and is mainly predicated on the previous application for this site. In reviewing the document, the Council's EHO noted that the new development will likely result in additional vehicle movements and that the development site is adjacent to an air quality Focus Area, Barnet High Street (as designated by the GLA). The designation of the area as a Focus Area indicates that it is an area with particularly bad air quality and that the Council should seek to improve the air quality of the area where possible.

15.4 Given the time elapsed since the submitted 2016 AQA, the Council's EHO has requested that a revised AQA be secured through condition. In addition, a S106 contribution is sought towards funding measures within the Council's Air Quality Action Plan. Subject to the condition and S106 obligation, it is considered that the application would be acceptable from an air quality perspective.

16.0 Transport / Highways

16.1 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Access

16.2 The site is in a town centre location and a busy shopping street with retail frontages and commercial buildings fronting the High Street (A1000). To the east, the site is adjacent to the rear boundary of the detached properties facing Hyde onto Hyde

Close, a public car park served by an access road between Nos. 140 and 142 High Street to the south, residential properties at the southern end of Belgravia Close to the north and the rear boundary buildings occupying Nos 146 -172 to the west.

- 16.3 The High Street (A1000) becomes Great North Road to the north and to the south the road continues as Barnet Hill. Together, these form a key north-south arterial route linking High Barnet to Finchley and central London. In the vicinity of the site, the A1000 is a single carriageway with three northbound lanes, two ahead lanes and a left-turn lane as it approaches the signal controlled junction of High Road with St Albans Road.
- 16.4 The site is in a CPZ which operates from Mon-Sat, 9am-6.30pm and there are double yellow lines and parking areas in the form of designated disabled bays and “pay by phone” parking bays on both sides in the section of the High Road fronting the site. 9 bus routes can be accessed from stops within 7 minutes walking distance from the site. The nearest bus stops served by bus routes 383, 384, 234 & 326 are located directly outside and opposite the site providing direct connections to destinations in Harrow, Wembley, Finchley, Central London and further afield.
- 16.5 The site has a PTAL score of 3 (average) on a scale of 0-6, where 0 equals no access to public transport and 6 equals excellent access to public transport.

Parking

- 16.6 The development proposes 47 residential car parking spaces. Based on the lower and high standards, Policy DM17 would allow for a parking provision for the residential units ranging between 33 and 77 spaces. The proposals are to provide 47 car parking spaces for the residential element is therefore within the acceptable standards.
- 16.7 With regard to the proposed B1 commercial use on the site, the emerging London Plan sets a maximum parking provision of up to 1 space per 100m² gross internal area (GIA). The combined GIA of the proposed commercial units would be 754m² and thus the proposed provision of 7 parking spaces is in accordance with the standards.
- 16.8 For both the residential and commercial elements, the development makes provision for a minimum of 10% disabled parking in line with policy requirements. In accordance with London Plan standards for residential use 20% active and 20% passive vehicle charging points would be required; the development proposes to accord with this requirement and condition would be attached to secure their provision.
- 16.9 In terms of cycle parking, for the residential element 100 long stay spaces will be provided within the basement. In addition, 2 short stay spaces are to be installed outside Block E (100 long stay + 2 short stay). For the B1 office use element, 8 cycle spaces are to be installed outside Block B opposite the office (6 long stay and 2 short

stay). The quantum and the location of the proposed cycle stores and stands are considered to be acceptable. Details of internal dimensions of the cycle store, gaps between stands, aisle width and the type of stands would be secured by condition.

Road Safety

- 16.10 An analysis of the personal injury accidents on roads surrounding the site has been carried out for the four-year period 2013 to 2016. The results showed that there were 9 accidents personal injury comprising 1 fatal, 1 serious and 7 slight accidents. 2 (22%) of the 9 accidents involved pedestrians. The accident that resulted in a serious injury was a shunt accident and it occurred just north of the St Albans Road/Hadley junction. The fatal accident occurred when which a car turning right from Salisbury Road hit the pedestrian crossing then Street.
- 16.11 Notwithstanding the road safety audit undertaken, it should be noted that the development would result in a net decrease in vehicle trips. In these circumstances, it is reasonable to conclude that the development would not result in an increased risk to road safety.

Trip Generation

- 16.12 Surveys were carried out at the three access points to the site to ascertain existing trip generation from the site. The results were then compared with trip generation forecasted using the industry standard database called TRICS. In summary, the site currently generated 29 two-way trips during the morning peak hour (8-9am) and 33 two-way trips during the evening peak hour (5-6pm). This compares with 13 two-way trips during the morning peak and 10 two-way trips during the evening peak for the proposed development. The proposed development will therefore generate less trips compared to the current use. Trip generation from the site will not have a significant impact on the local highway network, and therefore the development should be supported in accordance with paragraph 109 of the NPPF.

Access, Internal Layout and Servicing

- 16.13 The site is currently served by three existing egress points along the High Street frontage. The northernmost access is Bath Place, followed by a second access that serves Break Shear House roughly in the middle of the High Street frontage and a third access point at the southern end of the site.
- 16.14 It is proposed to access the site solely via an improved 5.5m wide access located at the same position as the Break Shear House access. This access will provide a 2 metre wide footway on the northern side to provide safe pedestrian access and visibility when exiting the site. Given that a footway will only be provided on one side, dropped kerbs, tactile paving and road markings would be secured to improve pedestrian safety.

- 16.15 There is a bus cage adjacent to the access and the applicant has indicated that should TfL consider it desirable to move the cage southwards then the necessary funding will be made available.
- 16.16 The internal layout of the site is considered acceptable as it allows vehicles to freely enter and exit the site in forward gear. A turning head is provided adjacent to Block E for service and emergency vehicles. Swept path analysis has been carried out using a refuse and fire appliance vehicle and the results are satisfactory. Block entrances are prominently located and are directly accessible from the street which is welcomed.

Highway Works

- 16.17 As part of the development, the following works have been identified as highway improvements:
- Pedestrian safety improvements at the proposed site access including the footway immediately adjacent to the site
 - Relocation of the bus cage adjacent to the site if considered necessary and deliverable
- 16.18 Highways officers are satisfied that these improvements would represent an acceptable scope of works to mitigate the impact of the development and the works would be secured through condition or S106/S278 as appropriate.

17.0 Conclusion

- 17.1 In consideration of the simplified and contextual industrial warehouse architecture, the improved relationship, with a reduction in the number of balconies/windows and obscure glazed screens to the residents in Hyde Close, the removal of surface for basement parking, thereby creating enhanced areas for landscaping and amenity space, officers consider that, on balance, the development, notwithstanding the modest increase in height is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable and established with the extant permission.
- 17.2 Overall the enhanced scheme now proposed, will cause no harm to the setting and significance of the Monken Hadley Conservation Area, strategic view from King George Playing Fields nor to the townscape context of the site on Barnet High Street. The revised design minimises the visual impact of the development enabling it to sit more comfortably within its local context, in relation to neighbouring residents, and will contribute to the objectives of increased housing delivery and sustainable development in accordance with the objectives and principles of the NPPF and emerging draft new London Plan.
- 17.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained

within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is therefore 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 in Appendix 2 of this report.

Site Location Plan

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Location 2 - 10 Hermitage Lane And 1 - 4 The Graftons London NW2 2ET

Reference: 18/4674/FUL

Received: 26th July 2018

Accepted: 30th July 2018

Ward: Childs Hill

Expiry 29th October 2018

Applicant: See below

Proposal: Demolition of all existing structures and the erection of ground floor plus part 3, part 4 storey building providing 52no residential units (Use Class C3) with associated access, servicing, car parking, cycle parking and landscaping (AMENDED PLANS AND DESCRIPTION)

AGENDA ITEM 12

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. RECOMMENDATION I:

The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

Affordable Housing - To secure 40% on-site provision (21no units) according to the proposed breakdown of tenure:

- 15no affordable rent
- 6no intermediate (shared ownership) units

Carbon Off-Set Payment - collected according to the methodology outlined in the Mayor's Sustainable Design and Construction SPG @ £60/tonne CO2

CPZ Permit Restriction - £2,022 to amend the existing Traffic Management Order

CPZ Monitoring & Consultation/Amendment Contribution - (Under consideration by the LHA) to include a contribution of £30,000 towards proposed CPZ works as follows:

- To undertake post-occupation review of the existing CPZs in the proximity of the site;
- (As required) To undertake consultation on extending the operative hours of the CPZ
- (As required) To implement the outcome of the CPZ consultation

Highway Safety Improvements - (Under consideration by the LHA) to include a contribution of £20,000 towards works to improve pedestrian safety at the Hermitage Lane/Finchley Road junction as follows:

- Upgrading existing tactile paving
- Re-instating and widening pedestrian refuge islands
- Waiting Restrictions
- Footway Reinstatement Renewal
- Kerb Realignment

Car Club - To secure a provider for the proposed 2no spaces and provide free car club membership for all occupants of the development for a minimum period of three years

Travel Plan - inc travel plan targets, incentives for future occupiers (car club/oyster cards/bike loans), action plan/monitoring regime

Travel Plan Monitoring - £5,000

The requirement to enter into a s278/s38 to facilitate provision of the following off-site highway works:

- o Reinstatement of redundant crossover back to footway standards
- o Creation of new access and associated highway works including any lowering of services
- o Creation of Parking layby to accommodate car club cars. Minimum width of parking bay to be 2.4 metres
- o Reinstatement of Development frontage on Hermitage Lane
- o Relocation of affected services; street furniture's; lighting columns necessitated by development proposals
- o Amendments to Traffic Regulation Orders associated with changes to waiting restrictions
- o Adoption of footway following realignment resulting from the introduction of layby. Minimum width of footway to be 2.5metres
- o Over sailing Licences for the balconies from 1st; 2nd and 3rd Floors over public highway under s177 of The Highways Act

Local Employment Agreement - In accordance with the Delivering Skills Employment Enterprise and Training from Development SPD (2014)

Contribution for Monitoring of Legal Agreement

The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.

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 and documents:

- Site Location Plan - Dwg No: 17027 P0-100 Rev P1
- (Proposed) Site Plan - Dwg No: 17027 P0-101 Rev P3
- Demolition Plan - Dwg No: 17027 P0-102 Rev P1
- (Proposed) Ground Floor Plan - Dwg No: 17027 P1-100 Rev P3
- (Proposed) 1st Floor Plan - Dwg No: 17027 P1-101 Rev P3
- (Proposed) 2nd Floor Plan - Dwg No: 17027 P1-102 Rev P3
- (Proposed) 3rd Floor Plan - Dwg No: 17027 P1-103 Rev P3
- (Proposed) 4th Floor Plan - Dwg No: 17027 P1-104 Rev P3
- (Proposed) Roof Plan - Dwg No: 17027 P1-105 Rev P3
- Accessible Wheelchair Unit - Dwg No: 17027 P1-200 Rev P1
- (Proposed) Section A - Dwg No: 17027 P2-100 Rev P3
- (Proposed) Section B - Dwg No: 17027 P2-101 Rev P3
- (Proposed) Section C - Dwg No: 17027 P2-102 Rev P3
- (Proposed) NW Elevation - Dwg No: 17027 P3-100 Rev P3
- (Proposed) NE Elevation - Dwg No: 17027 P3-101 Rev P3
- (Proposed) SE Elevation - Dwg No: 17027 P3-102 Rev P3
- (Proposed) SW Elevation - Dwg No: 17027 P3-103 Rev P3
- Amenity Space Schedule: 17027 Rev P3 (dated 22/08/2019)
- Area Schedule: 17027 Rev P2 (dated 10/04/2018)
- Design and Access Statement: (produced by Collado Collins Architects; dated April 2019)
- Planning Statement: 29005/A5 Rev 01 (dated April 2019)
- Flood Risk Assessment and Drainage Statement: 3107- HERM-ICS-XX-RP-C-001- Rev C
- (Revised) Drainage Strategy - Dwg No: 3107-HERM-ICS-01-XX-DR-C-001-S2 Rev P7
- (Revised) Catchment Areas - Dwg No: HERM-ICS-01-XX-DR-C-006 Rev P2
- (Revised) Construction Details - Dwg No: HERM-ICS-01-XX-DR-C-010 Rev P1
- Arboricultural Impact Assessment and Method Statement: UTC-0290-03-AIA Rev A (dated 8 April 2019)
- Tree Protection Plan - Dwg No: UTC-0290-P04-TPP Rev C
- Tree Constraints Plan - Dwg No: UTC-0290-P02-TCP
- Landscape General Arrangement - Dwg No: 1329-HED-SW-00-GA-L-001 Rev P03
- Illustrative Landscape Masterplan - Dwg No: 1329-HED-SW-00-GA-L-002 Rev P02
- Preliminary Ecological Appraisal Rev V2 (dated 25th June 2018)
- Air Quality Assessment: J3346A/1/F4 (dated 11 April 2019)
- Daylight and Sunlight Report: (produced by eb7; dated 1st March 2019)
- Fire Strategy Overview - Issue 3: Job No 1188 (dated April 2019)

Noise Impact Assessment: SIX-HLA-SS002S-RPT-001-02 Rev 02 (dated 05/04/19)

Sustainability Statement Rev 1.4 (produced by Darren Evans; dated 02/04/2019)

Transport Statement: 1805-23/TS/02A Rev A (dated 8th April 2019)

Travel Plan Statement: 1805-23/TP/01 (dated July 2018)

Utilities Statement (received 07 May 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, 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 The materials to be used in the external surfaces of the building shall match those detailed in the approved Design and Access Statement (April 2019) and the following approved elevations:

NW Elevation Dwg No: 17027 P3-100 Rev P2

NE Elevation Dwg No: 17027 P3-101 Rev P2

SE Elevation Dwg No: 17027 P3-102 Rev P2

SW Elevation Dwg No: 17027 P3-103 Rev P2

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).

5 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).

6 a) Before development commences, an air quality and air quality neutral 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) 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.

d) The approved mitigation scheme and offset measures shall be implemented in their 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).

7 Before development commences, an Air Quality and Dust Management Plan - whose purpose shall be to control and minimise emissions attributable to the demolition and/or construction of the development - shall be submitted to, and approved by, the Local Planning Authority. 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

8 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.

9 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).

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

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

11 Before the development hereby permitted is first occupied, facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, shall be implemented in full accordance with the details as shown on Dwg No: Ground Floor Plan (17027 P1-100 Rev P2) 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).

12 a) Notwithstanding the approved plans, 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) 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.

14 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

15 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 approved Tree Protection Plan - Dwg No: UTC-0290-P04-TPP Rev C 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 set out in the Arboricultural Impact Assessment and Method Statement: UTC-0290-03-AIA Rev A (dated 8 April 2019)

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 a) No development, other than demolition, 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).

17 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Dwg No: Ground Floor Plan 17027 P1-100 Rev P2 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 2015.

18 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 3no of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional

4no 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.

19 Prior to the occupation of the development, details of any permanent works proposed to the public highway to facilitate the provision of the 2no car club spaces identified on Dwg No: Ground Floor Plan (17027 P1-100 Rev P2) shall be agreed with the Highway Authority and those highway works shall be carried out in accordance with the approved plans

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

20 Prior to the occupation of the development hereby approved, details of any highways required to be permanently stopped-up to facilitate the development shall be agreed with the Highway Authority and statutory orders made to the Secretary of State for Transport under Section 247 of the Town and Country Planning Act 1990. A copy of the published Order shall be submitted to the Local Planning Authority.

Reason: To ensure that the resultant public access is satisfactory and in accordance with London Borough of Barnet Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

22 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 4no units (identified as A001, A002, A004 and A006 on Dwg No: Ground Floor Plan 17027 P1-100 Rev P2) shall be 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.

23 Prior to the first occupation of the development hereby approved it shall be constructed incorporating on-site 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 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

24 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.

25 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NO_x 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.

26 a) Prior to the first occupation of the development, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014.

The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

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

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

27 a) No above ground 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.

28 The level of noise emitted from any external 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.

29 a) No above ground development shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

30 a) Notwithstanding the arrangement as shown on Dwg No: Ground Floor Plan (17027 P1-100 Rev P2), 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 prior to the occupation of the development and provide for 88no (long stay) and 4no (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards

b) Prior to the occupation of the development 88no long-stay and 4no short-stay cycle parking spaces and cycle storage facilities shall be provided in accordance with the details as approved and permanently retained as such 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.

31 Before the building hereby permitted is first occupied the following windows shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with no more than a fanlight opening a minimum of 1.7m in height above the corresponding internal floor level:

Windows in the SW elevation of the units identified as P202, P203, P302, P303 on the approved plans

Windows in the NE elevation of the units identified as P110, P208, P308 on the approved plans

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).

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

SW elevation of the balconies associated with units identified as P103, P104, P202, P203, P302, P303, P402, P403 on the approved plans

SW elevation of the balconies associated with units identified as P402, P403 on the approved plans

NE elevation of the balconies associated with units identified as P110, P208, P308 on the approved plans

b) The screens shall be obscured/opaque and reach a minimum of 1.7m in height above the floor level of the corresponding balcony and 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).

33 a) Prior to the first occupation of the hereby approved development, details of a strategy for implementing a brown roof shall have been submitted to and approved in writing by the Local Planning Authority.

b) The brown 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 brown 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 2015.

34 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings

hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

35 a) No development, other than demolition, shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- Evidence of Thames Water agreed rate of discharge to their system
- Detailed drainage design for construction

b) The development shall thereafter be implemented in accordance with the approved Drainage Strategy 3107-HERM-ICS-01-XX-DR-C-001-S2 REV P7 and details as approved under this condition and retained as such thereafter.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753)

36 Prior to the occupation of the development hereby approved, details of the proposed off-site highway works shown on Drawing No P1-100 Rev P3 shall be submitted to and approved by the Local Planning Authority and constructed in accordance with the approved details by the Highway Authority at the applicant's expense. The applicant will be required to enter into a s278/38 agreement with the council for these works and also obtain a s177 licence.

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

37 Prior to the occupation of the development hereby approved, 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

38 a) No development shall take place until a "before" condition survey of the agreed route to be utilised by all construction traffic has been submitted to and approved in writing by the Local Planning Authority

b) Within three months of the date of first occupation a further "after" condition survey of the agreed route to be utilised by all construction traffic has been submitted to and approved in writing by the Local Planning Authority

c) Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented within three months of the details under b) above being approved by the Local Planning Authority

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:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 04 December 2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to provide affordable housing, a car club provider, Local Employment Agreement and Travel Plan, or to meet the costs of carbon off-setting, amending the traffic order to restrict access to on-street parking permits, monitoring, consultation and amendment of the traffic order to extend the operating hours of the CPZ and works to improve pedestrian safety at the Hermitage Lane/Finchley Road junction. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 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.

The Mayor of London adopted a CIL charge on 1st April 2019 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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of

development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

- 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 or by telephoning 0208 359 4500.

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

- 6 The proposed development is located within 15m of Thames Water's 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. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 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 noninfection 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.

- 9 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / 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.

- 10 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.

- 11 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.

- 12 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.

- 13 Details of overland flood flow routes in the event of system exceedance show overland flow direction around the building. Consideration should be given to raise the FFL above surrounding area

- 14 Thames water would envisage no capacity concerns with regard to surface water for the site as long as the SuDs hierarchy has been followed. However, the limited discharge into their system has not been agreed
- 15 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.
- 16 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.
- 17 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.
- 18 Development and construction activities are 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 or 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.

- 19 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

Officer's Assessment

1. Site Description

1.1 The application site sits on the south side of Hermitage Lane over a split-level forming two terraces behind the carriageway, which itself slopes down from east to west. The site is currently home to a two-storey flat-roof building at the lower level (known as 2-8 Hermitage Lane) which formerly comprised a convenience store at ground floor level and 2no flats above. To the rear, is a separate commercial premises comprising a series of single storey lock-up units and a two story structure arranged around the south-western perimeter of the site.

1.2 A service road follows the north and east elevations of the building - affording access to Hermitage Lane. To the east side, the land rises up a grassed slope, atop which are sat 4no single-storey dwellings (known as The Graftons) in a prosaic brick built terrace surmounted by a prominent white fascia. These sit in tended lawn leading to an area of green space at the rear (south), enclosed by mature trees.

1.3 To the east the land rises again slightly to Hermitage Court, a four-storey residential block comprising flats. This building is similar in materials and detailing to those buildings within the site boundary. The western elevation - overlooking the site - incorporates a similar over-sized fascia, horizontal banding, rendered balconies and 3no prominent projecting stairwells.

1.4 To the west of the site are the rear of properties facing onto Finchley Road. These properties are collectively part of the designated Childs Hill Local Shopping Frontage (together with the retail premises within the site) and display a deal of variety in architectural detail - though are principally three storey (with the exception of what appears to be a remnant of a coaching inn at No 440).

1.5 More recent, taller residential blocks have been built to the north side of the junction of Hermitage Lane with Finchley Road however, directly opposite the site to the north side, Elm Park - guarded by the three storey No 15 - gives way to two-storey terraced dwellings leading east up the hill.

1.6 The site is not Listed - and there are no Listed Buildings in proximity - nor does it fall within a Conservation Area. It falls within Flood Zone 1, with a very low risk of fluvial flooding. Even along the channel formed by the central access road, the flood risk from surface water is assessed as being 0.1-1% per annum.

1.7 The site has a split PTAL rating of 3-4. However - as a result of the way in which the rating is calculated for each of the 100m vectors - it is considered likely to be closer to 4 (out of 6). A total of 6no bus routes operate from within 50m of the site, with Golders Green Underground Station (Northern Line) being just under 1m to the north. The site is within a Controlled Parking Zone (CPZ).

2. Relevant Planning History

2.1 The site itself has no relevant planning history. Two recent redevelopments - at Nos 452 & 713 Finchley Road - flank the nearby junction. As such, the following decisions and are therefore considered to material be to this application:

Reference: 16/1974/FUL

Address: The Castle, 452 Finchley Road, LONDON, NW11 8DG

Decision: Approved following Legal Agreement

Decision Date: 3rd February 2017

Description: Redevelopment of the site comprising five storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof

Reference: F/03607/14

Address: The Castle, 452 Finchley Road, LONDON, NW11 8DG

Decision: Approved following Legal Agreement

Decision Date: 31st October 2014

Description: Demolition of the existing building and erection of a four storey building plus basement comprising of 9no. self-contained flats with B1(a) (Office space) at ground floor level. 13 car parking spaces, secure cycle parking and refuse stores at basement level. Alterations to increase width of access road.

Reference: F/03415/12

Address: 713 Finchley Road, LONDON, NW11 8DH

Decision: Approved following Legal Agreement

Decision Date: 21st March 2013

Description: Erection of a part four, part five, part seven storey building comprising 370sqm of Class A1 retail floorspace at ground floor and 31 residential units above with associated car parking at ground and basement level with access from Finchley Road.

Reference: F/00629/09

Address: 713 Finchley Road, LONDON, NW11 8DH

Decision: Approved following Legal Agreement

Decision Date: 28th May 2009

Description: Demolition of former petrol filling station forecourt shop building, and erection of a seven storey mixed use building, comprising 370sqm of class A1 retail floorspace at ground floor and 31 residential units above with associated car parking at ground floor and basement levels.

3. Proposal

3.1 This application seeks amendments to the initial proposal in the form of:

- Demolition of the existing buildings
- A part four-storey, part five-storey building in a roughly L-shaped footprint
- 52no flats, comprising: 33no 1-bed (63%); 15no 2-bed (29%); 4no 3-bed (8%) units
- 40% affordable housing provision (21no units), comprising: 15no affordable rent and 6no intermediate units.
- 15no affordable rent units comprising: 8no 1-bed; 4no 2-bed; 3no 3-bed units
- 6no intermediate units comprising: 4no 1-bed; 1no 2-bed; 1no 3-bed units
- 4no M4(3) wheelchair compliant accessible units
- 422sqm of private amenity space comprised of terraces and balconies
- 700sqm of communal amenity space
- Gated vehicular access leading to rear parking courtyard, comprising: 7no parking spaces (4no disabled spaces to serve the 4no accessible units and 3no EV charging equipped)

- 2no car-club spaces provided to the front of the site
- 88no secure cycle storage spaces + 2no stands (comprising 4no spaces) for visitors
- Secure refuse and recycling storage, comprising: 18no 1100L Eurobins

4. Consultations

4.1 Initial consultation letters were sent to 824 neighbouring properties on the 3rd August 2018.

4.2 31 objections were received, together with a petition containing 43 names - 32 of which had not submitted another objection

4.3 The objections can be summarised as follows:

Communal area used by residents/in the curtilage of Hermitage Court
 Reduction in security for children using communal green space
 Drug use in Elm Park affecting displacement of users of current green space
 Lack of parking
 Elimination of on-street parking bays used by existing residents
 Highway safety - junction
 Emergency vehicle access
 Loss of light/overshadowing of Hermitage Court
 Loss of outlook/overbearing to Hermitage Court
 Loss of privacy to residents of buildings opposite on Hermitage Lane
 Loss of privacy to residents of Hermitage Court
 Loss of trees (reduction in habitat for bird life)
 Bats reside in the trees to be felled
 Misleading consultation by the Applicant prior to submission
 Loss of existing businesses and amenities (cumulative)
 Eviction of existing residents
 Site should be developed as a community hall
 Development is too dense - previous Council report identified 42 flats (inc commercial space)
 Too high - overdevelopment - should be a maximum of 3no floors
 Out of character with Childs Hill
 Cumulative effect of development around the junction
 Overcrowding of bus stops/buses
 Lack of 3-bed units for private sale
 Transport survey minimises the number of accidents
 Lack of Daylight/Sunlight Assessment demonstrating BRE compliance
 Impact from construction
 Lack of an 'Existing Elevation'
 Increased noise and disturbance
 Lack of services (doctor, community, school places)
 Affordable provision not in line with policy - should be 70% rent

4.4 Following the receipt of amended plans, letters regarding a further re-consultation were sent to 852 neighbouring on the 8th May 2019

4.5 3 objections were received

4.6 The objections can be summarised as follows:

Too High
Loss of light to Hermitage Court
Loss of outlook/overbearing to Hermitage Court
Communal area used by residents/in the curtilage of Hermitage Court
Lack of parking
Out of character with Childs Hill

4.4 As part of the application, the following bodies have also been consulted:

Local Highway Authority
Transport for London
Environmental Health
Waste & Recycling Team
Urban Design Officer
Trees & Landscape Officer
Affordable Housing Co-ordinator
Infrastructure Projects - Environment
Lead Local Flood Authority
Affinity Water Ltd
Thames Water
London Fire Brigade
Metropolitan Police

4.5 The responses from those consultations can be summarised as follows:

Affordable Housing Co-ordinator:

Requested 40% Affordable Housing with a 60/40 split for affordable rented/intermediate - in line with Policy DM10 and London Plan Policy 3.11

Thames Water:

Waste Comments - No objection based on the information provided subject to the developer following the sequential approach with regard to surface water drainage

Water Comments - No objection with regard to water network and water treatment infrastructure capacity on the basis of information provided

Local Highway Authority:

The Local Highway Authority (LHA) have concerns that the limited hours of control may not discourage car ownership across the development - therefore potentially giving rise to additional on-street demand which could not be satisfactorily accommodated. In that respect, parking surveys have been undertaken by both the Applicant and the LHA. However, whilst the result of surveys conducted by the Applicant indicate that there are several spaces available at night (when demand amongst residents is nominally at its highest), those undertaken by the LHA conclude that few of these spaces (approximately 9no) were available 'resident permit holder only' bays. As a result, residents may be forced to park on yellow lines or in 'pay by phone' spaces - and as a result, be required to move their cars at some point during the day

On that basis, the LHA sustain no objection, subject to a restriction of access to permits for future residents and additional contributions to undertake future monitoring of the impact on the CPZ (and - if required - consultation on increasing the controlled hours and to amend the traffic order correspondingly).

The uplift in residents using the junction where collisions have occurred is also a safety concern for the LHA. As such, the LHA have proposed additional measures within the Heads of Terms for the proposed Section 106 for safety improvements at Finchley Road/Hermitage Lane junction.

Additional conditions/obligations are proposed regarding cycle parking, a revised Travel Plan, Demolition and Construction Management and Logistics Plan and Delivery and Servicing Management Plan for future operation of the site.

Transport for London:

Whilst preferring the development to remain car-free, TfL note that it remains compliant with the draft London Plan standards - subject to at least 20% of parking spaces being electric vehicle charging and all other spaces having passive provision.

Cycle parking is compliant with draft London Plan standards and therefore welcomed by TfL - though at least 5% of cycle stands should be able to accommodate larger cycles to be in accordance with the London Cycle Design Standards (LCDS).

No objection subject to conditions with regard to the Travel Plan, Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP).

Trees & Landscape Officer:

Four trees and a row of cypress trees are to be removed to accommodate this proposal. It is likely that these trees would have been removed regardless of the development in the near future as part of general maintenance. The loss of these trees on this site is unlikely to have a significant long-term impact on visual tree amenity or impact on wildlife if replacement planting is undertaken.

The retained trees are slightly away from the main development zones. The long-term management of the cypress hedge around the amenity area must be considered. Failure to incorporate this feature into grounds maintenance schedules will have significant long-term implications. Ideally the hedge should be reduced in height by around 2m and the sides trimmed, that new growth is removed on an annual basis to maintain same height and width.

An objector has stated that bats are present. However, an ecology report and survey has been submitted that confirms no bats were recorded on the site and that the buildings had no suitable roosting locations.

An outline landscaping scheme has been proposed. Broadly the general design provides open space for recreation in a more accessible format than the existing. Any landscape provision must include measures to maintain the height and spread of the cypress hedgerow. Trees planted within or close to hard surfacing must be provided with ample rooting space. This can be achieved with the use of strata cells. Tree species should provide year-round visual interest, food sources for wildlife.

A green roof would also assist in improving bio-diversity on the new building.

No details of services have been provided.

No objection, subject to conditions

Environmental Health:

No objection subject to the following conditions:

- Contaminated Land (The site was historically located near a garage c.1954-1988)

- Air Quality Neutral Assessment (as recommended in the updated assessment of 11th April 2019)
- Bespoke Condition for an Air Quality and Dust Management Plan
- Construction Method Statement (+ NRMM Emissions)
- Bespoke condition for Individual and Communal Gas Boilers
- Biomass boiler or CHP plant
- Mitigation of Traffic Noise
- Mitigation of Noise from External Plant
- Mitigation of Noise from Extraction/Ventilation Equipment

London Fire Brigade:
No objection

Waste and Recycling Team:
No comments received

Lead Local Flood Authority:
No comments received

Affinity Water Ltd:
No comments received

Metropolitan Police:
No comments received

Infrastructure Projects - Environment:

Following the provision of further information with regard to the pipe network and manhole volumes, attenuation storage calculations, drain down time and evidence that there would be no flooding of any part of the site during a 30-year rainfall event based on freely discharging outfall, no objection was sustained - subject to condition

Urban Design Officer:

As a result of amendments during the lifetime of the application, some of the concerns raised previously have been addressed successfully, including:

- A better manipulation of the building mass has been achieved
- Reduction in height by one floor and recessing of upper floor
- Less impact on views from Finchley Road
- Relocation of residential entrances directly onto Hermitage Lane
- Outdoor amenity space (balconies, private and communal space) is sufficient and likely to be used positively, resulting in a safe, active and pleasant environment.
- The proposed palette of materials is complementary across the development and provide enough variation on site to relate to the architecture of building and landscape. The brick detailing adds texture and variation whilst reinforcing a vertical geometry along with the proposed glazing. In addition, there is enough façade variation to avoid repetition when walking through the new development.

Outstanding considerations relate to

- The first floor demonstrates more than 8 units around a double loaded corridor. This should ideally be brought in line with Standards 12 and 14 of the Housing SPG (GLA, 2016).
- There is no roof strategy proposed. The proposal should indicate how the roof could be utilised - PV panels and brown roofs should be considered.

5. Planning Considerations

5.1 Issues for Consideration

The consideration in this case is whether the proposed amendments are acceptable with regard to:

- Principle
- Character & Appearance
- Amenity of Future Occupiers
- Amenity of Neighbouring Occupiers
- Parking & Highway Safety
- Refuse & Recycling Storage
- Cycle Storage
- Landscaping
- Sustainability

5.2 Policy Context

National Planning Policy Framework

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 current iteration of the 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.

Development Plan

The relevant Development Plan comprises:

The London Plan (2016)

London Borough of Barnet: Local Plan (Core Strategy) DPD (2012)

London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012)

Relevant Supplementary Planning Guidance (including, but not limited to):

GLA: Housing SPG (2016)

GLA: Affordable Housing & Viability SPG (2017)

GLA: Sustainable Design and Construction SPG (2014)

GLA: Shaping Neighbourhoods: Play & Informal recreation SPG (2012)

LB Barnet: Residential Design Guidance SPD (2016)

LB Barnet: Sustainable Design and Construction SPD (2016)

LB Barnet: Delivering Skills, Employment, Enterprise & Training from Development through s106 SPD (2014)

LB Barnet: Affordable Housing SPD (2007)

LB Barnet: Planning Obligations SPD (2013)

LB Barnet: Information for Developers & Architects: Provision of Household Recycling & Waste Service (2017)

These documents provide detailed guidance that supplements policies in the adopted London Plan and Local Plan and sets out how appropriate and sustainable development will be delivered in Barnet.

6. Assessment

Principle

6.1 The buildings are not protected, or Locally Listed and as such, there is not considered to be any in-principle objection to their proposed demolition.

6.2 The application also involves the loss of the existing commercial uses and the redevelopment of the site in solely residential use. The existing commercial uses include 1no retail outlet (part of the designated Childs Hill Local Shopping Frontage) and a series of lock-up garages which formerly operated as a storage yard.

6.3 With regard to a strict interpretation of Policies DM12 & DM14 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the loss of both of those uses would ordinarily be subject to the effective marketing of the site for Class A1 and existing or alternative business use respectively.

6.4 However, in this case, the expectation of a period of marketing has been commuted on the basis of the following:

- With regard to the commercial unit, although part of the Local Shopping Frontage, the site is detached from the principal thoroughfare which provides the core of that designation
- With regard to DM12(i), the loss of the unit would not result in a significant reduction in shopping facility
- With regard to DM12(ii), alternative shopping facilities would remain similarly accessible (principally the Co-op premises opened as part of the redevelopment at 713 Finchley Road)
- With regard to DM12(iii), the proposed use contributes toward an identified need for affordable housing
- The proposal would not result in an over-concentration of A2, A3, A4 or A5 uses
- (With regard to the remainder of this appraisal as set out below) the proposal is not considered to have a significant adverse effect on the amenity of existing residents
- The proposed residential use would not cause a break in frontage (as the site represents the limit of any commercial frontage heading eastwards along Hermitage Lane
- The former Class B8 use was established without the benefit of express planning consent and it is considered that the siting and access arrangements potentially compromise residential amenity and the safe operation of the highway
- As a repository for a property company rather than employment generating operation in and of itself, the loss of the use is considered to have a negligible impact in terms of employment levels

- Notwithstanding the above, with regard to Policy DM14(a)(v), the loss of employment space is proposed to be mitigated through the securing of a Local Employment Agreement in accordance with the LB Barnet: Delivering Skills, Employment, Enterprise & Training from Development through s106 SPD (2014)

6.5 Further to the above, the site represents a significant opportunity to provide toward the housing target set out in Table 3.1 pursuant to Policy 3.3 of the London Plan (2016). In addition, the scheme would provide 21no affordable units - on site - in accordance with the expectation of Policy DM10 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012).

6.6 In accordance with Policy 3.8B(a) of the London Plan (2016) and Policies CS4 & DM08 of the Local Plan, the scheme also provides a mixture of housing sizes (33no 1-bed (63%); 15no 2-bed (29%); 4no 3-bed (8%) units) - including 4no M4(3) wheelchair compliant accessible units which are appropriate to the location of the site and contribute toward the need identified in the Housing Strategy (2015-2025) to increase one and two bedroom homes.

6.7 As an urban location with a PTAL rating of 4, the density of the development (208 units per hectare) is consistent with the expectations set out in Table 3.2 pursuant to Policy 3.4 of the London Plan (2016).

6.8 On the basis of the above therefore, it is considered that - having conducted an assessment of the planning balance which underlies the justification for the scheme, in particular the on-site provision of 21no affordable units - the proposed loss of commercial premises and re-development of the site for a solely residential use would be acceptable in-principle.

Character & Appearance

6.9 With regard to the scale of the proposed building, the massing has been revised during the lifetime of the application. A comprehensive assessment of the approach is set out in the accompanying Design & Access Statement (April 2019).

6.10 The proposed scheme would comprise an L-shaped footprint, enabling it to correspond both to Hermitage Lane - providing a frontage and making a positive contribution to the street scene - and to the perpendicular arrangement of Hermitage Court to the east side.

6.11 With regard to the D&A and submitted plans/elevations, the revised proposal has been reduced in height to five storeys. Furthermore, the massing has been articulated in the use of set-backs and the differentiation in the palette of materials to effect a core over three storeys, a significantly recessed top floor and a ground floor which is set into the gradient.

6.12 As a result, the building will not be experienced in close proximity as a single, five-storey edifice, whilst the longer views - westward along Hermitage Lane and eastward from the junction with Cricklewood Lane and from Finchley Road through the gap created by No 440 - have been similarly relieved.

6.13 The revised height has resulted in the main core of the building being brought roughly in line with the height of Hermitage Court to the east and enables the proposal to be read in conjunction with the recent developments around the junction to the west whilst factoring in the gradient.

6.14 In the context of the above therefore - notwithstanding the density calculation referred to in Para 6.7 above - the creation of a flatted development in this form and of this scale is considered to be commensurate with the character of the area and consistent with the expectations of Policy DM01(b).

6.15 With regard to appearance, the building will be finished in brick - aside from the recessed upper floor - and comprise a regular pattern of fenestration in single and triple casement units punctuated with balconies which reflects the arrangement at Hermitage Court.

6.16 As per the comments by the Urban Design Officer, the proposed palette of materials is complementary and provides enough variation on site to relate to the architecture of building and landscape. The brick detailing adds texture and variation whilst reinforcing a vertical geometry along with the proposed glazing, whilst there is enough façade variation to avoid repetition when walking through the new development.

6.17 In accordance with DM01(c), the positioning of the proposed new building will ensure a frontage to Hermitage Lane and - as a result of amendments made in response to comments by the Urban Design Officer during the application phase - will avoid blank walls and be activated at street level through the location of residential entrances within the front elevation, together with the siting of flats and their corresponding terraces.

6.18 As sought by DM01(g), the proposal will also retain outdoor amenity space which currently exists to the rear of the site, as well as provide public and communal amenity space and children's play equipment (DM02(9) and Policy 3.6 of the London Plan). A scheme of hard and soft landscaping (DM01(j)) - including the parking courtyard, largely contained by the footprint of the building, is proposed. These are discussed in more detail below.

6.19 With regard to the above appraisal, the context for design provided by Paragraph 127 of the NPPF (2019) is that whilst it should be "sympathetic to local character and history" it should not prevent or discourage "appropriate innovation or change (such as increased densities)", whilst Paragraph 118(d) demands that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

6.20 As outlined above, with regard to character and appearance, the proposal is considered to be consistent with the expectations of Policy DM01. With corresponding regard therefore to Paragraph 130 of the NPPF, "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

Amenity of Future Occupiers

6.17 All of the 52no proposed units provide at least the Gross Internal Area (GIA) set out in Table 3.3 pursuant to Policy 3.5C of the London Plan (2016) and DM02(6) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and are provided with unobscured outlook to all habitable rooms.

6.18 In addition, all of the units have been designed to comply with at least Building Regulation M4(2): 'Accessible and Adaptable Dwellings' - in accordance with the expectation

of Policy 3.8B(c) of the London Plan (2016) - with 4no units achieving the higher threshold set out under M4(3): 'Wheelchair User Dwellings'.

6.19 All of the residential units have also been provided with storage in accordance with the requirement set out in Table 3.3, whilst an air quality and air quality neutral assessment report - including a scheme of mitigation measures - has been reserved by way of condition to ensure that the amenities of occupiers are protected from poor air quality in the vicinity.

6.20 With regard to Paragraph 2.3.1 of the LB Barnet: Sustainable Design & Construction SPD (2016), outdoor amenity space for flatted developments may be provided "communally around buildings, on roofs or as balconies". With regard to the provisions of Table 2.3 (of the SPD, pursuant to Policy DM02(7)), the requirement is for a minimum of 5sqm of outdoor amenity space per habitable room.

6.21 A schedule of habitable rooms together with the corresponding amenity space requirement and provision has been submitted alongside the plans. Each unit - with the exception of those identified as A102, A202, A302 and A402 - has been provided with a private balcony or terrace. The overall shortfall in this 'private' provision has been calculated at -238.7sqm. However, the grounds of the scheme also provide for 699.9sqm of communal garden space accessible to people of all age groups and people with impaired mobility. On that basis, a significant excess is recorded in overall provision.

6.22 Within that communal space Policy 3.6 of the London Plan (incorporated into the Local Plan under DM02(9)) expects development proposals that include housing should make provision for play and informal recreation.

6.23 In accordance with Table 4.7 of the GLA: Shaping Neighbourhoods: Play & Informal recreation SPG (2012), the communal lawn area to the rear of the site will function as Doorstep Playable Space (being "a landscaped space including engaging play features for young children under 5 that are close to their homes, and places for carers to sit and talk") - with an area set aside for play exceeding the 202sqm required. A further 'natural play area' is also identified on site.

6.24 Off-site provision for children of 5+ years can be found in the form of additional open space at Elm Park (opposite the site) and the playground at Golders Hill Park (approximately 12-minute walk).

6.25 On the basis of the above, the proposal is considered to be acceptable, subject to condition to provide detail of all of the proposed equipment to be installed.

Amenity of Neighbouring Occupiers

6.26 It is acknowledged that the proposal would represent a significant change in form compared to the existing site. Highways and parking matters are discussed separately below.

6.27 The principal impact is considered to be to the western elevation of Hermitage Court and eastern elevation of properties facing onto Finchley Road. As the site is currently comprised of a two-storey commercial building and series of single storey dwellings, the new five-storey building will be apparent in the outlook from those properties.

6.28 However, through a combination of level changes and set-backs, the impact on these properties will be reduced. At its narrowest, a distance of c15m - rising to 20m - would be

maintained between the new block and Hermitage Court, with the flat roof of the main block being of an equivalent height. To the western side, the replacement building adjacent to the boundary would continue to be over two-storeys, whilst the second and third floors would remain c11.5m from the opposing upper floors at the narrowest point, extending to c15m.

6.29 This consequential impact on outlook is not considered to render a situation otherwise uncommon or unreasonable in an urban setting.

6.30 The appropriateness of this relationship has been further explored in the Daylight & Sunlight Report produced in support of the application - which utilises the methodology and criteria set out in 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 Pt2.

6.31 The results of the primary daylight assessment with the proposal in place has shown deviations from the BRE targets. The proposal is situated in an urban location and as such, deviations from the BRE guidelines are to be anticipated. The site is currently occupied by low level buildings and as such, the neighbouring properties enjoy unusually high daylight levels under the existing condition. Whilst the VSC results deviate from the BRE targets, the vast majority of windows within the surrounding properties would retain daylight levels in line with cited in Appendix F of the BRE guide as more commonly experienced in an urban context.

6.32 The results of the APSH sunlight assessment has also shown that the vast majority of rooms would retain sunlight levels in line with the BRE criteria. The rooms which indicate deviations from the suggested targets experience minor and isolated deviations from the target and these results are again not unusual for an urban environment. In addition, the rooms facing the proposal appear to be secondary areas rather than main living rooms - which the BRE guide considers less relevant for consideration of direct sunlight levels.

6.33 Overall it is considered that the development of a former low-rise site in an urban context would inevitably result in some deviations from the BRE guideline targets - as they are relative to the existing situation. Retained amenity levels are however, in line with those commonly experienced within an urban context. As such, the effects of the scheme are considered in line with the overall intentions of the BRE guidelines. No objection has been raised by Environmental Health.

6.34 Similarly, the proposed new building has been designed to achieve the visual separation between opposing habitable room windows such as to safeguard privacy - as set out in Table 2.4 of the LB Barnet: Sustainable Design & Construction SPD (2016). The minor shortfall in windows in the rear part of the block facing Hermitage Court is considered to be negligible and justified by the approach taken in Paragraph 2.3.36 pursuant to Standard 28 of the GLA: Housing SPG (2016) - wherein rigid adherence to such measures can limit the variety of urban spaces and housing types...and...unnecessarily restrict density.

6.35 Where windows are otherwise placed in elevations at less than 21m distant from opposing habitable room windows, these are secondary windows and a condition is proposed to ensure they are obscure glazed and fixed shut up to a minimum of 1.7m above the corresponding internal floor level. Similarly, where the end elevation of balconies would fall within 21m of opposing habitable room windows, a condition is proposed to secure details for obscured privacy screens up to a minimum height of 1.7m.

6.36 Finally, further conditions are proposed to ensure the level of noise emitted from any external plant will not give rise to any noise nuisance and any extraction or ventilation

equipment shall be fitted using anti-vibration mounts and subject to consideration of a technical report.

6.37 In light of the above, the proposed amendments are considered to maintain an acceptable impact upon the residential amenity of neighbouring occupiers - in line with the expectations of Policy DM01(e) and DM04(d) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012).

Parking & Highway Safety

6.38 On the basis of the schedule of accommodation (33no 1-bed; 15no 2-bed; 4no 3-bed units), with reference to Policy DM17(g)(1) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the anticipated parking provision would fall within the range of 19no and 62no spaces.

6.39 The site benefits from a PTAL rating of 3/4 and data from the 2011 census records the car ownership ratio for the ward as being 0.43 cars per household. On that basis, the Local Highway Authority (LHA) anticipate an expected demand for 22no spaces.

6.40 The scheme proposes 7no on-site spaces in total - comprising 4no disabled bays (corresponding to the 4no M4(3) wheelchair accessible units) and 3no standard bays. 1no of the disabled bays and 2no of the standard bays are proposed to be provided with charging points. On that basis, the proposal is considered to be in accordance with the expectations of Policy 6.13 and TfL have raised no objection (subject to conditions - see Para 6.53a below).

6.41 Notwithstanding the above, the provision of 7no spaces represents a shortfall of 15no spaces on the 22no spaces anticipated by the LHA.

6.42 On that basis, Policy DM17(g)(2)(ii) provides that residential development may be acceptable with limited or no parking within a CPZ. Where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. Accordingly, the Heads of Terms for the proposed Section 106 incorporates measures to restrict the access of future occupiers to permits for the CPZ.

6.43 However, the impact of such measures is contingent upon the effective operation of the CPZ to deter car ownership within the area it serves and as such, the restriction of permit access does not necessarily equate to the level of car ownership on the part of future residents. This situation is particularly acute when the operative hours of the CPZ are limited to just 1 hour - designed to deter all-day commuter parking as opposed to over-subscription by residents.

6.44 In that respect, parking surveys have been undertaken by both the Applicant and the LHA. However, whilst the result of surveys conducted by the Applicant indicate that there are several spaces available at night (when demand amongst residents is nominally at its highest), those undertaken by the LHA conclude that few of these spaces (approximately 9no) were available 'resident permit holder only' bays. As a result, residents may be forced to park on yellow lines or in 'pay by phone' spaces - and as a result, be required to move their cars at some point during the day.

6.45 On that basis, the LHA retain concerns that the limited hours of control may not effect a guarantee that car ownership across the development would be discouraged to the extent whereby any displacement can be appropriately absorbed.

6.46 As such, the LHA have proposed additional measures within the Heads of Terms for the proposed Section 106 for the following:

- To undertake post-occupation review of the existing CPZs in the proximity of the site
- (As required) To undertake consultation on extending the operative hours of the CPZ
- (As required) To implement the outcome of the CPZ consultation

6.47 These terms will enable comparative modelling of the operation of the CPZ after the completion of the development. If that modelling was to indicate that enhancing the scope of the operating hours of the CPZ is required to effect a reduction in on-street parking, then the remaining funds would be available to conduct the necessary consultation and amend the traffic order accordingly.

6.48 Accident analysis has been carried using information from TfL for the 5-year period ending August 2017. The results showed that there were 5no slight personal injury accidents in the section of Hermitage lane between Elm Terrace and Finchley Road including the junction of Finchley Road/ Hermitage and Cricklewood Lane. 20% involved a pedestrian, 20% occurred in wet weather and 60% occurred in the dark. One of the accidents occurred at the junction of Hermitage Lane and Elm Terrace near the site entrance and the rest occurred at the junction of Finchley Lane/Hermitage Lane/ Cricklewood Lane.

6.49 The development is expected to generate over 200 trips daily - virtually all of which would use this junction. As such, the LHA have proposed additional measures within the Heads of Terms for the proposed Section 106 for pedestrian safety improvements at Finchley Road/Hermitage Lane junction.

6.50 As part of a package of measures designed to encourage a shift away from private car ownership - together with limited on-site parking, restriction of on-street permits and provision of secure cycle storage - the proposal also incorporates the formation of 2no car club spaces and additional Terms within the s106 to secure a provider and to bring forward a Travel Plan incorporating incentives for future occupiers (such as car club membership, oyster cards and bike loans).

6.51 The schedule of conditions also secures the provision of a Demolition and Construction Management and Logistics Plan - incorporating details of the routing of vehicles to the site and the provision of a storage/delivery area for all plant, site huts, site facilities and materials - together with a Delivery and Servicing Management Plan for future operation of the site.

6.52 On the basis of the above - and subject to the conditions and obligations as outlined - the development is therefore considered to be acceptable with regard to the proposed parking and highway safety solution.

6.53 Subject to these Terms, the LHA sustain no objection.

6.53a Within the context of Policy 6.13 and the strategic intention to prevent excessive car parking provision, TfL have advised that they would prefer to see the scheme come forward as a 'car free' development. Notwithstanding that however, with regard to Policy 6.13D(a), the scheme should ensure that a minimum of 1 in 5 spaces (both active and passive) provide an electrical charging point and - with regard to Standard 18 of the GLA: Housing SPG (2016), as referred to in Table 6.2 pursuant to Policy 6.13D(b) - each of the M4(3) wheelchair

accessible units should be provided with a car parking space. Subject to these points - all of which are catered for within the proposal - TfL sustain no objection, subject to additional conditions/obligations regarding a revised Travel Plan, Delivery and Servicing Plan and Construction Logistics Plan. These have all been included.

Refuse & Recycling Storage

6.54 With regard to LB Barnet: Information for Developers & Architects: Provision of Household Recycling & Waste Service (2017), for both for refuse and comingled dry recycling, a 1-bed unit would be expected to provide 100L capacity, a 2-bed 170L and 3-bed 240L. for refuse and 100L for comingled dry recycling, On that basis, the total provision for the scheme would be $(33 \times 100) + (15 \times 170) + (4 \times 240) = 3300 + 2550 + 960 = 6,810L$ for each type of waste.

6.55 The scheme proposes provision of 18no 1100L Eurobins - enabling the separate collection of refuse and recycling. This capacity is proposed to be spread across two secure bin stores - a main store to the eastern end at ground floor level serviced directly from Hermitage Lane and comprising 12no bins and a separate, smaller store servicing the western block comprising 6no bins and situated on the inside of the vehicle access.

6.56 These bin stores relate to a combined provision of 19,800L - or 9,900L for both refuse and recycling respectively.

6.57 No objection has been received from the Waste & Recycling Team. On the basis of the above therefore, the proposal is considered to be acceptable in that regard.

Cycle Storage

6.58 Table 6.3 pursuant to Policy 6.9B(a) of the London Plan (2016) requires 1no secure cycle space to be provided for any 1-bed dwelling and 2no spaces for any larger unit - together with 1no short stay space for visitors per 40no units. On that basis, the expected provision would be 71no spaces - together with 2no short-stay spaces for visitors.

6.59 In response, the scheme proposes a secure, internal cycle store with a dedicated access from the internal courtyard. The store provides space for 88no cycles. 2no 'Sheffield' cycle stands (providing 4no spaces) are also proposed to be provided within the courtyard for visitors.

6.59a As such, the proposal is considered to be acceptable with regard to the quantum of storage. However, in their comments the LHA have advised that short-stay spaces should be provided in a covered, sheltered, secure and lockable environment, whilst for long-stay cycle parking, separate compartments with clusters of between 30-40 bicycles are provided for extra security - with the type of stands used allowing both wheels and the frame of the bicycle to be locked. A condition requiring further details to be discharged has therefore been appended.

Landscaping

6.60 The Design & Access Statement incorporates a landscape design strategy incorporating two principal spaces for residents - both fully accessible to wheelchair users and people with impaired mobility - being:

- A small, shared-surface access courtyard and parking court
- Communal gardens for general amenity and younger children's play

6.61 Soft landscaping would include a range of trees and flowering plants for year-round visual interest, scent and nectar sources for pollinating insects. Evergreen hedges and protective planting will provide privacy to ground floor units and their private terraces. Detailed planting proposals will be developed using species which are suited to the local microclimate, are generally drought tolerant (to minimise irrigation) and provide benefit to pollinators, other invertebrates and birds. Lawn areas will include white clover and black medick seed. These low growing legume species remain greener in drought conditions, and provide attractive flowers in summer (for insects). They also provide nitrogen to feed the lawn's grass, reducing the need for chemical nitrate feeds.

6.62 With regard to the hard landscaping strategy, paving materials will be selected for their combination of appearance, durability and sustainability credentials. Concrete blocks are proposed at the entrance area as well as along the residential blocks. Tarmac will be used as the main surface material in the shared surface courtyard and accessible parking space. Within the communal gardens, small element pavers (clay or concrete) are proposed. Timber seating is proposed within the lawn area.

6.63 Details of the final scheme of hard and soft landscaping remains reserved by condition and will be subject to further consideration before discharge. However, in principle and with regard to the submitted design strategy, the proposed distribution of hard and soft landscaping is considered to be acceptable.

Sustainability

6.64 The application is accompanied by a Sustainability & Energy Statement -including an energy demand and carbon dioxide emission assessment demonstrating how selected energy efficiency, low carbon and renewable energy measures have been considered and those incorporated into the scheme. The strategy has been determined in accordance with the Energy Hierarchy, as described under Policy 5.2A of the London Plan (2016).

6.65 The development will incorporate a combination of passive measures, building fabric design improvements and the installation of high efficiency heating and hot water services via a community Combined Heat and Power (CHP) plant. As a result, a saving of 55.08% is estimated to be achieved annually against the baseline Target Emission Rate (TER), with an improvement of 47.32% upon the baseline Dwelling Emission Rate (DER).

6.66 With regard to the above range of factors, the scheme is anticipated to achieve a reduction in emissions relative to the Target Emissions Rate (TER) of at least 35% on-site - including the potential for solar thermal and photovoltaic panels should there be a shortfall in savings from the CHP plant. This is to be secured by way of condition. In accordance with the expectations of Policy 5.2B of the London Plan (2016), the building is required to achieve an overall zero carbon value. On that basis, the residual 65% will be subject to a carbon off-set payment - collected according to the methodology outlined in the Mayor's Sustainable Design and Construction SPG at a rate of £60/tonne CO₂ and secured through the s106.

6.67 In addition to energy use, the development will also incorporate measures to reduce the consumption of internal potable water to a maximum of 105 litres per person per day - in line with the expectations of Policy 5.15B(b) of the London Plan (2016). This is also proposed to be secured by way of condition, together with details of a strategy for implementing the approved Drainage Strategy and formation of a brown roof.

7. Response to Public Consultation

7.1 The majority of objections with regard to character and appearance, use, amenity and parking have been addressed in the above report.

7.2 Objection was raised with regard to the potential for construction related traffic and disruption. A condition relating to the production of a detailed Demolition, Construction & Traffic Management Plan has been recommended.

7.3 It was proposed that the site should be developed as a community hall (or similar facility). However, the LPA cannot control the nature of proposals which are put before them. The site has not been allocated for such a proposal in the Proposals Map and has not been proposed as such as part of the Call for Sites pursuant to the emerging new Local Plan. The loss of the existing uses and the proposed use have been considered within the main body of the report.

7.4 Comments have been made to the effect that the consultation undertaken by the Applicant prior to submission was 'misleading'. However, this is a matter outside of planning and the LPA can only consider the application as put before them. That assessment is laid out in the main body of the report.

7.5 Comments have also been made regarding apparent drug use in Elm Park affecting displacement of users of current green space. Consideration with regard to the quantum of useable amenity space - including the availability of the park - has been included in the main body of the report. However, anti-social behaviour and criminal activity is not a planning matter.

7.6 In that regard, objection has been made on the basis that the proposed communal area to the east side of the new building is within the curtilage of Hermitage Court. However, whilst matters to do with ownership or a right of access over land may have consequences for the implementation of a scheme, that is a matter outside of planning and the LPA can only consider the application on the terms put before them. That assessment is laid out in the main body of the report.

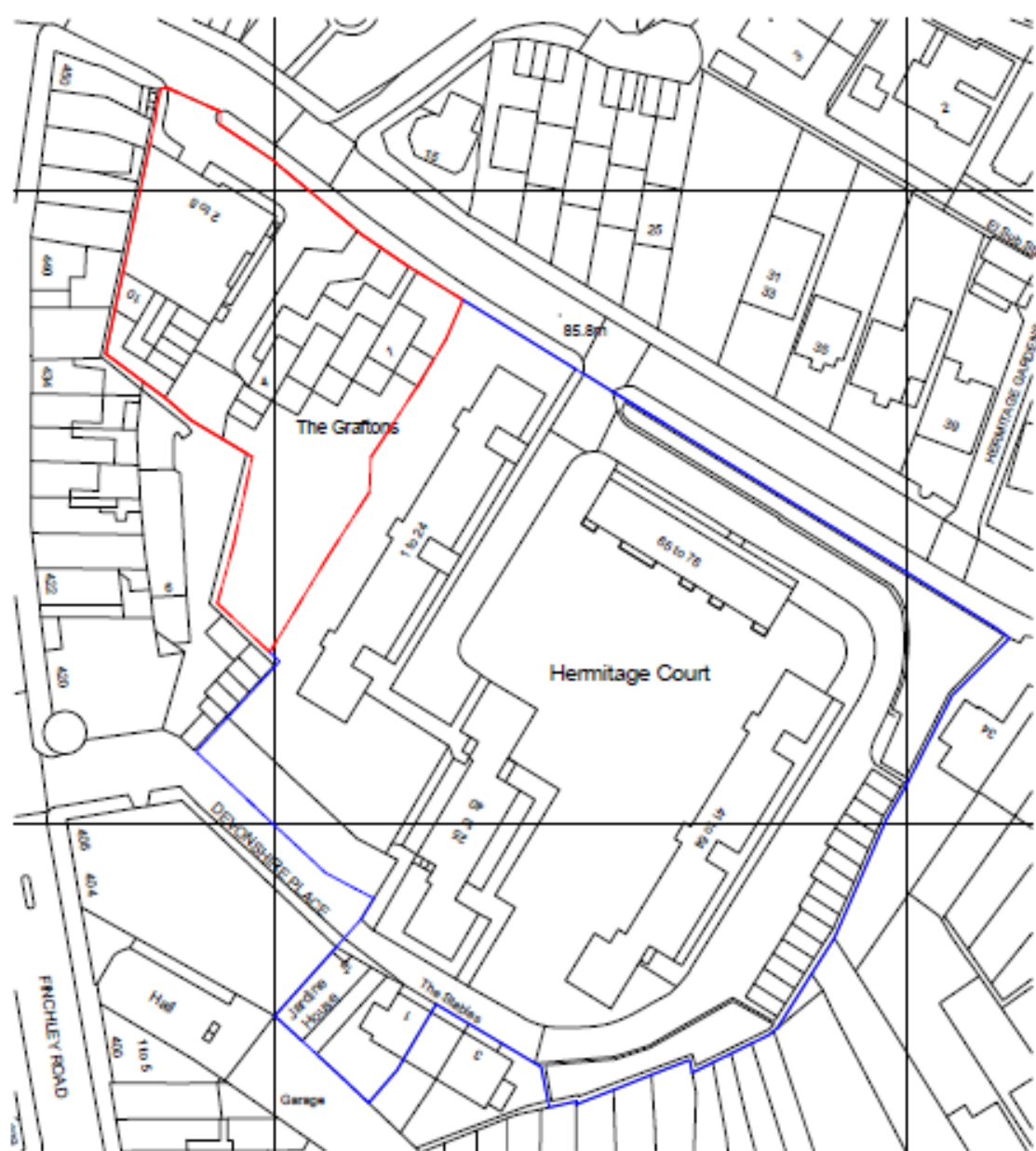
8. Equality and Diversity Issues

8.1 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.

9. Conclusion

9.1 In light of the above appraisal and within the context of the significant contribution which the site will make toward the provision of affordable housing, it is considered that the proposed part four-storey, part five-storey building and associated hard and soft landscaping would be appropriate with regard to both the character and appearance of the street-scene and surrounding area and the amenities of future and neighbouring residents. This application is therefore recommended for APPROVAL - subject to the imposition of conditions and the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the provision of affordable housing, restrict the access of future residents to on-street parking permits, CPZ monitoring, the

operation of 2no car club spaces, provision of a Travel Plan, Local Employment Agreement, Carbon Off-Set Payment and associated monitoring contributions.



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Location 27 Woodside Avenue London N12 8AT

Reference: 19/4171/FUL

Received: 29th July 2019

Accepted: 31st July 2019

Ward: Totteridge

Expiry 25th September 2019

Applicant: Ms Brigette Jordan

Proposal:

Demolition of existing property and erection of a part single, part two and part four storey building to provide a residential children's home and intervention centre (Class C2 use) with associated amenity space, refuse, storage, cycle parking and off-street car parking

AGENDA ITEM 13

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:
 - Drawing Number 1726-SBA- XX-01 -DR-A -001Rev B Site Plan;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -015 Rev C Proposed Elevations;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -012 Rev C Proposed Ground, First, Second Floor Plans & Roof Plan;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -016 Rev C Proposed Greenbank Elevation;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -017 Rev C Proposed Woodside Avenue Elevation;
 - Drawing Number 1726-SBA- XX-LG-DR-A -010 Rev C Proposed Lower Ground Floor Hub Plan;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -018 Rev C Proposed Rear Elevation;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -013 Rev C Proposed Sections A & D;
 - Drawing Number 1726-SBA- XX-ZZ -DR-A -014 Rev C Proposed Sections B & C;
 - Preliminary Roost Assessment Survey, Arbtech Consulting Ltd, July 2019;

- Construction Management Plan & Demolition Plan, Graham Construction, no date;
- Design and Access Statement, Saunders Boston Architects, July 2019;
- Drawing Number WSA-TRI-ZZ-ZZ-PL-L-1001 Rev P00 General Arrangement - External Landscape (Planning Issue);
- Drawing Number WSA-TRI-ZZ-ZZ-PL-L-1071 Rev P00 General Arrangement - Tree Planting Plan (Planning Issue);
- Drawing Number MCCH-CAP-00-XX-DR-C-0010 Rev P01 Swept path analysis Vehicle manoeuvring assessment;
- Drawing Number MCCH-CAP-00-XX-DR-C-0010A Rev P01 Swept path analysis Vehicle manoeuvring assessment;
- Planning Statement, Saunders Boston Architects, July 2019;
- Revised Transport Statement, Capita, July 2019;
- Pre-Development Tree Survey and Constraints, Tree maintenance Limited, no date;
- Sustainable Drainage System (SuDS) Report, Design ID, July 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 details within the submitted Construction Management Plan & Demolition Plan (Graham Construction), 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 5.00pm 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).

- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 10.00 am or after 12.00 pm on Saturdays, or before 10.00 am or after 2.30pm pm on other days.

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

- 6 The C2 premises hereby approved shall be used as a children's care home for a maximum of 6 residents plus 1 member of staff in residence and for no other purpose (including any other purpose in Class C2 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.

- 7 The development shall be implemented in full accordance with the details approved in the submitted Construction Management Plan & Demolition Plan (Graham Construction).

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

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

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

- 9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 10 The proposed window(s) in the side elevation facing Teynham Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 11 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.

- 12 The level of noise emitted from any 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.

- 13 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.

- 14 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority
- b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure 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).

- 15 No development shall take place until the applicant has secured measures for the provision of a scheme of replacement tree planting off site that reflects the amenity value of the trees lost to facilitate the development.

Reason: To ensure appropriate tree planting to mitigate for the loss of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 16 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of safeguarding the existing road corridor.

- 17 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 The use of the land for vehicle parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority and shall be permanently maintained thereafter to the Authority's satisfaction.

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.

- 19 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local planning Authority. The access is thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

- 20 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local planning Authority. The access is thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

- 21 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

22 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).

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 applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction,

fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:

- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
- 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 3 The 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.

- 4 . 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 noninfection 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."

- 5 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 or by telephoning 0208 359 4500.

Officer's Assessment

1. Site Description

The application site relates to the property known as 27 Woodside Avenue, which is located in the Totteridge ward. The site consists of a large detached dwelling house, finished in red brick, with a large garden area to the rear. The building is understood to date from the late 19th Century. Access is from Woodside Avenue. The last known use is believed to have been as a hostel; however there is no planning history to confirm when it was converted to such a use. The site is located at the corner of Woodside Avenue and Green Bank. Green Bank is characterised by two storey terraced residential buildings. The site backs onto lock up garages serving Green Bank.

Woodside Avenue consists largely of detached dwellings, although there is a mix of styles in the immediate area, including on cul-de-sac roads off the avenue. The adjoining site to the north is occupied by a block of flats (Teynham Court).

The application site is not within a conservation area, nor does it contain a locally or statutory listed building.

The application site and immediate area has a verdant setting and some of the on-site trees are statutorily protected. There is relatively good access to surrounding services and facilities, including local public transport links.

2. Site History

Reference: 18/2032/FUL

Address: 27 Woodside Avenue, London, N12 8AT

Decision: Approved subject to conditions

Decision Date: 8 November 2018

Description: Change of use from hostel (sui generis) to residential children's home (C2 use), including roof extension to create a side dormer and alterations to existing fenestrations. Demolition of existing single storey outbuilding to side elevation and erection of a single storey side extension with new access steps and railing to rear elevation. Extension and excavation of existing basement to create lower level basement area. Erection of a single storey building to the rear for use as an ancillary intervention centre; creation of two separate access with gates and new boundary fences. Associated hard and soft landscaping

3. Proposal

This application seeks planning permission for the demolition of existing property on the site and erection of a part single, part two and part four storey building to provide a residential children's home and intervention centre and education hub.

The home would be for six children and associated support staff. The home would be on the ground, first and second floors or of the property. It would have a terrace on the western side of the property, leading out to a garden with hard and soft landscape features. Boundary treatments would be provided through new trees, hedges and fencing. A parking area for the home with two parking spaces would be provided at the front (east side) of the property.

The Family Intervention Centre/Education Hub would provide space for family support, counselling and family learning. The Hub would be within the lower ground semi basement area, below the Children's home. The two facilities would have independent access, with the Hub accessed from Green Lane. This would require the installation of a path on the existing green verge. The Hub would have a garden area separate from the home's garden.

The proposed building's wall materials would be red facing brick, painted render and projecting brick string courses. The roof would use brown plain concrete tiles. Windows and doors would be in aluminium, with the colour to be confirmed.

4. Public Consultation

Consultation letters were sent to 183 neighbouring properties. 67 letters of objection were received, with the main points summarised as follows:

- o Objection to the demolition of beautiful and characterful Victorian house.
- o There are enough modern developments along Woodside Avenue.
- o Proposed house would not be of architectural merit or aesthetically pleasing.
- o Why can't the money used to build a new house be used to refurbish the existing property?
- o Object to loss of mature trees in this leafy area.
- o It would be possible to keep the façade.
- o Not an appropriate location for the development at the double junctions of Green Bank and St. Andrew's Close, both of which adjoin Woodside Avenue within 50 metres.
- o Proposed parking is inadequate.
- o There is no additional on-street parking available in the area to accommodate parking overspill.
- o The Council should sell this property and develop the proposed home in another location.
- o The Council have a responsibility to value the history and architecture in the area.
- o Four storeys of modern build is out of keeping with the area.
- o Concerns on the Council's approach to public consultation.
- o There are multiple brown sites on the High Road that could be converted to provide such housing.
- o Increase congestion and traffic.
- o Will generally cause aggravation to those who moved to the area for its reasonable serenity.
- o So called 'residential avenues' will be a thing of the past.
- o Concern that the building may exacerbate on-going structural problems at 29 Woodside Avenue.
- o Loss of light to neighbouring properties caused by the construction of a larger building.
- o The proposed demolition raises urgent waste and environmental issues - incredible amount of material will be wasted through the demolition.
- o Disruption and inconvenience to the residents during construction stage.
- o Reduction in resale value of Teynham Court.
- o Possible damage to utility connections to Teynham Court.
- o The existing property is in basically good repair.
- o Impact on privacy at Teynham Court.
- o Increase in the noise level.
- o Large block properties spoil neighbourly character.
- o Impact of dust.

Two letters of support were received. Support noted that the proposed use is well suited to the location and in most respects would be an improvement on the existing site. It was suggested that the proposed car parking provision would be too low but more could be accommodated on site.

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.

Local Plan Core Strategy (Adopted September 2012): Policies NPPF CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11

- Local Plan Development Management Policies Development Plan Document (Adopted September 2012): Policies. DM01, DM02, DM03, DM04, DM08, DM13, DM16, DM17

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

Policy DM03 requires that development proposals meet the highest standards of accessible and inclusive design.

The Council requires new development to avoid unacceptable levels of noise and must not increase flood risk, as set out in policy DM04.

Policy DM08 supports a mix of dwelling types and sizes in order to provide choice for a growing and diverse population in the borough.

Policy DM13 acknowledges the positive contribution community and educational facilities can have. It requires new community and educational uses to be located in areas accessible by public transport, walking and cycling. New community and educational uses should ensure that there is no significant impact on the free flow of traffic and road safety, or on the amenity of residential properties.

Policy DM16 seeks the retention and enhancement, or the creation of biodiversity.

Policy DM17 sets out the considerations in ensuring that new development contributes to a safe, effective and efficient transport system. This includes parking standards that development should accord with.

Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)

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 the development;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Trees and Landscaping considerations;
- Effect on biodiversity;
- Drainage.

5.3 Assessment of proposals

The site benefits an extant planning permission (18/2032/FUL) for the change of use from an established hostel to a proposed Children's Home (C2 use). This new application is principally the same as that consented but involves the demolition of the existing building and re-build with a purpose built building.

Principle of redevelopment

The principle of the development

The proposed development is for a children's care home, which includes an element of education/training ancillary to the care home element. The proposed use falls most comfortably within use class C2 as a residential care home.

National guidance within the NPPF at para 162 outlines a desire for local authorities to work with other providers to assess the quality and capacity of infrastructure for inter alia social care, and its ability to meet forecast demand.

Policy 3.17 outlines that the Mayor of London will support the delivery of high quality health and social care facilities in areas of under provision or where there is an identified particular need.

Policy CS4 of the Core Strategy aims to create successful communities by "seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults". This includes promoting independence but recognising the need for accommodation to provide support services.

Policy CS11 also aims to, where local need exists, to help ensure choice in the housing market for vulnerable groups. The planning system should where possible support the aims of the relevant social services bodies.

Therefore national, regional and local guidance pays attention to the desire to meet demand for, and provide choice, in local housing need for all sections of society.

The proposed aim of Children's Services is to transfer an existing use from the site at 68A Meadow Close, Totteridge, EN5 2UF to the application site. Whilst physically upgrading the existing facility has been considered, it is deemed that the new centre will offer a more realistic opportunity of achieving the Council's strategic objective of providing an 'outstanding' standard of care quality across all of its children service facilities. In terms of demand, this already exists in that existing facilities meeting a need would transfer to this site.

Woodside Avenue is a residential road containing a mix of residential uses, including multi-unit properties. The application site is able to accommodate the proposed new build home and hub, with its proposed associated facilities. The site benefits from being a corner plot and having a heavy vegetative screen. There are no residential neighbours on the Green Bank flank or rear boundary and there is a detached block of flats on the northern boundary. Good access exists to the range of facilities available on the High Road, including access to public transport links.

The proposed development has the potential to provide a quality facility for a vulnerable group. The use of this site meets a local need and addresses a core planning principle of the NPPF of making the best and most versatile use of a brownfield or previously

developed site. The proposed use would be no more intensive than previous uses and is located in area that includes flatted developments on plots of similar sizes.

The application site has no land use allocation or designation within the Local Plan.

The principle of the proposed use was established as part of approved planning application 18/2032/FUL.

Subject to material planning considerations and the proposal's general compliance with these, the principle of children's home and educational hub is acceptable.

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

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan. Policy DM01 states that all proposals should preserve and enhance the local character of the area.

The overwhelming objection to the proposal is the proposed loss of the site's existing building. The building dates from the late 19th Century and is one of the last remnants of the area's original development. It is a two storey brick property with a steeply pitched roof that accommodates an additional floor. The front elevation is enlivened by a double height bay window, timbered gable feature, arched doorway and several stone string courses. It makes a positive contribution to the street. However, the building is not listed, locally listed or located within a conservation area. Whilst an attractive building, it does not display particularly high quality or uniqueness in its architecture. It could only be described as a non-designated heritage asset of low significance.

It should be noted that the property has been subject to an application to Historic England for listing. Historic England rejected this request as they did not consider the existing building to be worthy of Statutory designation.

As advised under paragraph 197 of the NPPF, when making a decision on the loss of a non-designated heritage asset, Local Planning Authorities must make a balanced judgement based upon the scale of loss and the significance of the asset. The Local Planning Authority should consider the public benefits that would be achieved from the loss. The applicant has explained the reasoning for proposing the use of this site for the children's home and Hub. Barnet Council has the strategic objective of providing an 'outstanding' standard of care quality across all of its children service facilities. The existing Meadow Close facility would not be able to achieve that level. A site review was undertaken across a range of both Council-owned and private sites that could successfully accommodate a new children's care facility, including the option of upgrading the existing Meadow Close facility. The physical limitations of the Meadow Close site and the required major remedial works would be economically unviable, and would also compromise the wellbeing of the existing residents. The application site was assessed as the most appropriate site that could accommodate the facility to the necessary standards.

Planning permission was granted under application 18/2032/FUL to accommodate the facility within the site's existing building. Subsequent detailed investigations and feasibility studies have been carried out and it has been concluded that the existing building is

beyond reasonable economic repair. The erection of a purpose-built building would be most appropriate to meet the required standards.

Whilst the demolition of the original Victorian building is regrettable, given its low level significance, the costs associated with its restoration and the ability for it to be refurbished into a care facility of the required high standards, alongside the benefits of providing a high quality purpose-built facility, its loss can be justified. The planning balance is considered that the loss of the property to be replaced with a children's home is a suitable justification for the loss of the non-designated asset. It should also be noted that the LPA have undertaken a review of its local listing and 27 Woodside Avenue was not identified as of local interest.

Woodside Avenue has no particular architectural style. Most properties date from the mid-20th Century, and range from traditional pitched roof single dwellings to flat roofed apartment blocks with little detailing.

The proposed new building would have a traditional architectural style, with a pitched, hipped roof, gable feature and bay window. The proposed materials would be red brick, red tiles and render. The proposed building would include several design elements to enliven its appearance, including the proposed bay window, stair tower with clerestory windows and gable. The general approach to the building's appearance in terms of style and materials is reflective of a suburban area and is acceptable.

The application site is a large plot. Although the proposal will extend deeper into the site and create a lower ground floor level which is apparent when viewed from the rear of the property. There is no visual manifestation of the lower ground level from the front of the site, it is not considered that this would be harmful to the site and does not result in a cramped form of development. It is considered that with adequate landscaping and screening the proposal will be softened in appearance. The proposed building would be located in the same location within the plot as existing building. Although the proposal will extend marginally closer to the neighbouring property, this reduced separation is not considered to be harmful to the character of the area, there is still sufficient distance to ensure the two buildings appear as detached and separate from one another. It should be acknowledged that these two properties are distinct in their design and character as existing and the reduced separation will not change this.

The height of the proposed building would be, when viewed from Woodside Avenue, 7.9m to the eaves and 12.4m to the roof ridge. At the rear of the property, to accommodate the additional floor within the sloping rear garden, the height would be 10.7m to the eaves and 15.2m to the ridge. The overall height would be marginally taller than the height of the existing building's chimney and approximately 1.0m taller than its roof ridge. The overall effect would be of a slightly bulkier appearance than the existing building at roof level but the large plot is considered able to accommodate this increase in size and the impact upon the appearance of the site and street scene would not be significant or unacceptable.

The submitted plans propose timber fencing to the boundaries, along with hedges and trees. The principle of this is acceptable but further details are needed to understand their appearance. This can be managed by condition.

In having regard to Local Plan policy DM01, the proposed development would be acceptable in terms of its design.

Whether harm would be caused to the amenity of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies (namely policy DM01 of Barnet's Development Management Policies and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers with regards to privacy, overshadowing, over bearing and impact upon outlook. This will include taking a full account of all neighbouring sites.

Teynham Court sits to the north of the application site. The proposed building would be approximately 0.5m closer to this apartment block than the existing building and there would be an increase in bulk in roof level. In considering the effect the site's existing building has upon outlook, over bearing and overshadowing, it is not considered that the proposed building would result in a significant difference. The impact is considered acceptable.

Some windows are proposed on the building's north elevation. These would serve bathrooms. These should be in obscure glazing and should not fully open to protect the privacy of Teynham Court's residents. A condition to this effect is recommended. An additional condition is recommended to ensure that no further windows or doors would be added to the building's north elevation in the future.

It is not considered that neighbours in any other direction would be affected by the proposal with regards to privacy, overshadowing, over bearing and impact upon outlook.

Some third party representations have raised concern about potential noise and disturbance in relation to the use. However there is no substantive evidence to suggest that the facility would be anything other than a well-managed facility, including the provision of an on-site supervisory presence. There will be movement to and from the proposed Hub facility, however given the limited numbers involved and general layout of the site, adjacent to lock up garages and the entry to Green Bank, it is not considered that the impact would be excessive. The building would also retain a gap to all property boundaries. The Council's Environmental Health team have had an opportunity to consider the proposals. To ensure the avoidance of excessive noise, they have advised conditions relating to traffic noise, noise from the plant room and noise from kitchen extraction equipment.

Some third party representations have raised concern about the potential for disturbance during the construction period. The Environmental Health team have advised the submitted Construction Method Statement is adhered to throughout the construction period.

The Council's Environmental Health team have also advised conditions relating to the proposed kitchen extraction equipment to ensure there would be no unacceptable impact arising from fumes and smell.

For the reasons highlighted above, it is considered that the proposal would have an acceptable impact on the residential amenity of neighbouring occupiers.

Provision of adequate accommodation for future occupiers

Commentary around this proposal from professionals in the care field points to a facility for a vulnerable group of local people that would provide high quality accommodation. Officers

have no reason to form a contrary view and the plans indicate a spacious and well serviced-modern care facility would result.

Highways issues

A Transport Statement has been submitted as part of the application.

The PTAL is 2 (poor) with bus and tube the only public transport mode available within the PTAL area. The development is located in a controlled parking zone (CPZ) which is operational for one hour during the day.

Two off street parking spaces have been provided in association with the proposed use. There are no specific parking standards for children's care homes and therefore the applicants have used the Local Plan's parking provision associated with a 4+ bedroom house, which is 1.5 to 2 car parking spaces. The applicant has advised that only one staff member (home staff) will require a parking space at all times. With regards to the Hub, which would fall under the D1 use class, there are no specified requirements for such a use. Based on the staff numbers, minimal traffic generation is envisaged and therefore only one parking space is proposed. The applicant has identified a number of on-street parking spaces that could be used if needed.

It should be noted that the use of the building remains as per previously approved under application 18/2032/FUL with no objections to highways matters raised at this time by our highways team. The parking provision required would not change as a result of this new proposal. There are no changes proposed to staffing or children numbers accordingly the scheme will be as per approved in respect of highways, no objection is raised.

There are a number of residential objections which relate to the construction process. To fully mitigate this, a the details set out in the construction management plan will be conditioned to ensure the impact during the construction phase on surrounding residents is reduced and to ensure accesses and the public highway are kept clear.

Trees and Landscaping considerations

A number of TPO trees are present on site and contribute positively to the verdant setting of Woodside Avenue. The application has been supported by a Tree Survey and proposed landscaping scheme that indicates the removal of some trees on site, and the proposal to plant new trees on site, along with some maintenance and protective approaches to ensure the health of those trees to be retained.

There is a concern that the proposal would result in loss of trees of public amenity value, to the detriment of the street scape. Whilst acknowledging this point, the proposed development is seen as vitally important in providing high quality social care for vulnerable young adults within the Borough. Officers accept that for the development to proceed there will be a loss of established trees that will impact on the character of the area. However, it is also considered that a good quality landscaping scheme would be implemented and that a public interest element exists in terms of the importance of this type of accommodation being provided in the Borough. As a result, it is considered that although the loss of trees is regrettable it can, on balance, be justified when making a complete assessment as to the appropriateness of the proposed development. In addition the provision of a CAVAT value to compensate for the loss of the tree has been suggested by the Council's greenspaces team and the tree officer. The CAVAT value will cover the replacement of the tree to provide a suitable solution.

Effect on biodiversity

The application site has no designation relating to biodiversity.

A Preliminary Roost Assessment Survey has been submitted as part of the application. The Survey sets out the findings with regards to signs of bats on the site and to consider the value and suitability of the structures for roosting bats, plus the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls.

The Survey recommends that the site's existing building has low habitat value for bats due to the limited number of suitable features present on the building. However, the surrounding habitat provides good foraging and commuting resources, which increases the likelihood of bats roosting within the building. For this reason, it is recommended that a further bat survey is carried out during mid-May to September by three surveyors to provide full coverage of the building. This can be secured via condition.

A tree on the site was identified as having moderate habitat value for roosting bats. This is an oak tree on the southern boundary of the site. The tree is proposed to be retained but some works to reduce the crown of this tree are planned. A climbing survey is recommended prior to this work to inspect the potential roosting features present, with further recommendations for further dusk emergence/dawn re-entry surveys if necessary.

The site and surrounding trees and vegetation provide suitable habitat for nesting birds. Vegetation removal should not be carried out during the nesting season of March to August. It is recommended that bird boxes be installed on the proposed building to enhance biodiversity in line with the NPPF and Local Plan.

Drainage

A Sustainable Drainage System (SuDS) Report has been submitted. It explains that the surface water would be managed via a soakaway in the rear garden and provides confirmation from Thames Water that there will be sufficient sewerage capacity in the adjacent foul water sewer network to serve your development. The submitted details are acceptable.

5.4 Response to Public Consultation

Some third party representations raised concerns about the effect the proposal would have on the structural integrity of the adjacent Teynham Court. The proposal will be subject to full scrutiny under Building Regulations and it is advised that any such concerns would be identified and addressed through that process.

An objection was received regarding a concern that the proposed development would affect utility supply to adjacent Teynham Court. There is no evidence before the Local Planning Authority that would raise concerns in this regard and in any case is a matter beyond the scope of planning control.

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

In light of the above appraisal it is considered that the proposed development is acceptable in policy terms and has many positive attributes including providing a potentially high class facility for a local disadvantaged group. The proposed demolition of the existing building and erection of a new building is considered acceptable with regards to design, amenity, highways, landscaping, drainage and biodiversity. It is therefore recommended that consent is granted subject to conditions.

LOCATION: National Institute of Medical Research, The Ridgeway, NW7 1AA

REFERENCE: 19/3208/S73

Received: 6 June 2019

AGENDA ITEM 14

Accepted: 13 June 2019

WARD(S): Mill Hill

Expiry: 12 September 2019

APPLICANT: Barratt London

PROPOSAL: Minor Material Amendment to condition 2 (Approved Plans), Condition 26 (Play Equipment), Condition 32 (Car Parking), Condition 44 (Inclusive Design), Condition 45 (Energy Statement) and Condition 49 (Accessible Units) of Planning Permission for 16/4545/FUL dated 22/12/2017, to provide for the following design changes: Amendments to the approved floor plans of Blocks A, B and C to allow for the provision of 52 additional homes (within the same building mass of the original approved scheme, with no change to above-ground building volume or floorspace); Amendments to the basement floor plan of the Cruciform Cluster (Blocks A-C) to enlarge the basement, in order to provide a pro-rata increase in the provision of car parking spaces (52 additional spaces); Associated floor plan amendments to Blocks A-C and basement to accommodate pro-rata changes to cycle parking, refuse storage, private amenity space etc; Minor changes to elevations of Blocks A-C as a result of floor plan amendments; Pro-rata increase in the provision of affordable housing (to maintain 35% by habitable rooms); and Minor alterations to the floor plans of Blocks J1 and J2, to allow for an increase in M4(3) wheelchair adaptable units within these blocks

Background

The original planning application (Planning Reference 16/4545/FUL) was submitted in July 2016 for the following development.

“Redevelopment of the site to provide 460 new residential units following demolition of all existing buildings. New residential accommodation to consist of 448 self-contained flats within 19 blocks ranging from three to nine storeys with basement car parking levels and 12 two storey houses with lower ground floor levels. Associated car and cycle parking spaces to be provided. Provision of new office (B1a) and leisure (D2) floorspace and a new publicly accessible café (A3). Reconfiguration of the site access and internal road arrangements and provision of new publicly accessible outdoor amenity space. New associated refuse and recycling arrangements.”

The application was reported to the Planning Committee of the 22nd February 2017 with an officer recommendation to Approve. The Officer recommendation was not agreed by members and it was the Committee’s resolution that planning permission be refused due to concerns relating to the design of the proposal and the impact of the proposal on trees.

The application concerning a scheme of strategic importance under the terms of the Mayor of London Direction Order 2008 was subsequently referred to the Mayor of London who subsequently issued a directive to call in the application for his determination.

Several amendments were made to the scheme subsequent to call in. In short these concerned:

- An increase in the affordable housing provision to 35% of total units (it was 20% in the initial scheme)
- A reduction in the level of car parking from 613 to 535 spaces.
- A reduction in the number of tree removals from 507 to 388 and an increase in new tree planting from 748 to 839.
- Minor design changes

A Mayoral representation hearing was subsequently held on the 6th October 2017, where the Mayor resolved to grant planning permission subject to the completion of the S106. The S106 was subsequently completed on the 22nd December 2017 and the planning decision was issued.

The S73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 (as amended). The principal purpose of this application is to seek approval for amendments to the wording of the description of development and planning conditions 2 (Approved Plans), Condition 26 (Play Equipment), Condition 32 (Car Parking), Condition 44 (Inclusive Design), Condition 45 (Energy Statement) and Condition 49 (Accessible Units) attached to planning permission 16/4545/FUL (dated 22nd December 2017), as the mechanism for the approval of changes to the approved scheme.

The amendments comprise the following:

- Amendments to the approved floorplans plans of Blocks A, B and C to allow for the provision of 52 additional homes (+20 units in Block A, + 22 units in Block B, and + 10 units in Block C). Refer to housing mix table at Appendix B. These additional homes are accommodated within the same building mass of the original approved scheme, with no change to above-ground building volume or floorspace;
- Additional balconies are added to Blocks B and C (and amendments proposed to the location of approved balconies) to reflect the internal floorplan changes;
- Changes to elevations of Blocks A-C as a result of floorplan amendments;
- Amendments to the basement floorplan of the Cruciform Cluster (Blocks A-C) to enlarge the basement area from approx. 4,913sqm (as approved) to approx. 6,638sqm (an increase of approx. 1,724sqm). This allows a pro-rata increase in the provision of car parking spaces within this basement from 175 to 227 spaces (52 additional spaces). It also accommodates an increase of 39 cycle parking spaces (amended site wide total of 886 spaces) and an increase in bin-store capacity;

- Pro-rata increase in the provision of affordable housing (to maintain 35% by habitable rooms); and
- Minor alterations to the floorplans of Blocks J1 and J2, to allow for an increase in M4(3) wheelchair adaptable units within these blocks.

The proposed changes to the resultant buildings are not fundamentally or substantially different to the approved scheme, with the approved footprint and building envelope of the approved buildings not being increased. The design alterations are minor in nature (from a design perspective), the number of affordable and wheelchair units are increased along with the private residential accommodation to maintain the existing ratio's of 35% and 10% respectively.

The proposed basement car park will be increased to provide car parking at a 1 to 1 ration for the new residential units. It is noted that the number of car parking spaces proposed is still below the level considered at the Planning Committee meeting of February 2017.

Overall the amendments are considered minor in the context of the scheme as a whole and follow the same high quality design approach proposed under the original permission. The amended design is considered appropriate in scale, similar in architectural treatment and will have no impact on amenity, neighbouring properties or the surrounding road network or parking. All units meet the requirements set out in the Mayor of London's new Housing SPG and accord with all of the policies of the updated London Plan.

The proposed amendments are therefore considered acceptable and the proposal is recommended for **APPROVAL**

RECOMMENDATIONS

Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

Recommendation 2

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a Deed of Variation varying the extant section 106 Agreement dated 22 December 2017 in accordance with the terms set out in the Application Summary section of this report and to incorporate the following revisions.

- Schedule 1 – Revised Affordable Housing Plans;
- Schedule 2 – Revised draft planning permission (to comprise the fresh consent being applied for);
- Schedule 3 (Affordable Housing) – Part 1 to be updated to account for revised affordable housing commitments, in terms of the number of each unit size and tenure;
- Appendix 1 – Revised Affordable Housing Delivery Schedule; and
- Appendix 2 – Revised Affordable Housing Accommodation Schedule

Recommendation 3

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Service Director Planning & Building Control or Head of Strategic Planning to approve the planning application reference 19/3208/S73 under delegated powers, subject to the following conditions.

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

CONDITION(S):

1. Time limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. Approved plans and documents

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

1623_DWG_PL_00_001 Site Location Plan; 1623_DWG_PL_00_002 Existing Site Plan; 1623_DWG_PL_00_003 Existing Levels; 1623_DWG_PL_00_004 Existing Site Roof Plan; 1623_DWG_PL_00_010 Existing Site Demolition Plan; 1623_DWG_PL_00_020 Existing Site Section A (North-South); 1623_DWG_PL_00_021 Existing Site Section B (East-West); 1623_DWG_PL_00_022 Existing Site Section C (North-South); 1623_DWG_PL_00_023 Existing Site Section D (North-South); 1623_DWG_PL_00_030 Existing Site Elevation J - The Ridgeway; 1623_DWG_PL_00_031 Existing Site Elevation K - St Vincents Lane; 1623_DWG_PL_00_032 Existing Site Elevation L - Burtonhole Lane; 1623_DWG_PL_00_050 Existing Basement Plan; 1623_DWG_PL_00_051 Existing Lower Ground Floor Plan; 1623_DWG_PL_00_052 Existing Ground Floor Plan; 1623_DWG_PL_00_053 Existing First Floor Plan; 1623_DWG_PL_00_054 Existing Second Floor Plan; 1623_DWG_PL_00_055 Existing Third Floor Plan; 1623_DWG_PL_00_056 Existing Fourth Floor Plan; 1623_DWG_PL_00_057 Existing Fifth Floor Plan; 1623_DWG_PL_00_058 Existing Sixth Floor Plan; 1623_DWG_PL_00_059 Existing Seventh Floor Plan; 1623_DWG_PL_00_070 Existing Section AA; 1623_DWG_PL_00_071 Existing Section BB; 1623_DWG_PL_00_080 Existing Cruciform Elevation 1; 1623_DWG_PL_00_081 Existing Cruciform Elevation 2; 1623_DWG_PL_00_082 Existing Cruciform Elevation 3; 1623_DWG_PL_00_083 Existing Cruciform Elevation 4; 1623_DWG_PL_00_101_D Proposed Masterplan Finished Floor Levels; 1623_DWG_PL_00_102B Proposed Masterplan Roof Plan; 1623_DWG_PL_00_103B Proposed Masterplan Block References; 1623_DWG_PL_00_104_D Proposed Masterplan Surface Car Parking Layout; 1623_DWG_PL_00_105_D Proposed Masterplan Ground Layout Plan; 1623_DWG_PL_00_106_D Proposed Masterplan Basement/Lower Ground Plan; 1623_DWG_PL_00_150 Proposed Site Section A (North- South); 1623_DWG_PL_00_151 Proposed Site Section B (North-South); 1623_DWG_PL_00_152 Proposed Site Section C (North-South); 1623_DWG_PL_00_153A Proposed Site Section D (North-South); 1623_DWG_PL_00_170_A Proposed Site Elevation J - The Ridgeway; 1623_DWG_PL_00_171A Proposed Site Elevation K - St Vincents Lane; 1623_DWG_PL_00_172A Proposed Site Elevation L - Burtonhole Lane; 1623_DWG_PL_00_173_A Proposed Site Elevation M; 1623_DWG_PL_00_174 Proposed Site Elevation N; 1623_DWG_PL_00_175_B Proposed Site Elevation P; 1623_DWG_PL_00_176B Proposed Site Elevation Q; 1623_DWG_PL_00_177B Proposed Site Elevation R; 1623_DWG_PL_00_178 Proposed Site Elevation S; 1623_DWG_PL_00_179 Proposed Site Elevation T; 1623_DWG_PL_ABC_201_D Proposed Basement Plan; 1623_DWG_PL_ABC_202_B Ridgeway Cruciform Cluster Lower Ground Floor Plan; 1623_DWG_PL_ABC_203_B Ridgeway Cruciform Cluster Ground Floor Plan; 1623_DWG_PL_ABC_204_B Ridgeway Cruciform Cluster First Floor Plan; 1623_DWG_PL_ABC_205_B Ridgeway Cruciform Cluster

Second Floor Plan; 1623_DWG_PL_ABC_206_B Ridgeway Cruciform Cluster Third Floor Plan; 1623_DWG_PL_ABC_207_B Ridgeway Cruciform Cluster Fourth Floor Plan; 1623_DWG_PL_ABC_208_B Ridgeway Cruciform Cluster Fifth Floor Plan; 1623_DWG_PL_ABC_209_B Ridgeway Cruciform Cluster Sixth Floor Plan; 1623_DWG_PL_ABC_210_B Ridgeway Cruciform Cluster Seventh Floor Plan; 1623_DWG_PL_ABC_211_B Ridgeway Cruciform Cluster Roof Plan; 1623_DWG_PL_DE_201A Proposed Ridgeway Courtyard- Basement; 1623_DWG_PL_DE_202 Proposed Ridgeway Courtyard- Lower Ground Plan; 1623_DWG_PL_DE_203 Proposed Ridgeway Courtyard- Ground Plan; 1623_DWG_PL_DE_204A Proposed Ridgeway Courtyard- First Plan; 1623_DWG_PL_DE_205A Proposed Ridgeway Courtyard- Second Plan; 1623_DWG_PL_DE_206A Proposed Ridgeway Courtyard- Third Plan; 1623_DWG_PL_DE_207A Proposed Ridgeway Courtyard- Roof Plan; 1623_DWG_PL_F_201A Proposed Lower Lane Pavillions - Basement Plan; 1623_DWG_PL_F_202 Proposed Lower Lane Pavillions - Ground Plan; 1623_DWG_PL_F_203 Proposed Lower Lane Pavillions - First Plan; 1623_DWG_PL_F_204A Proposed Lower Lane Pavillions - Second Plan; 1623_DWG_PL_F_205A Proposed Lower Lane Pavillions - Third Plan; 1623_DWG_PL_F_206A Proposed Lower Lane Pavillions - Fourth Plan; 1623_DWG_PL_F_207A Proposed Lower Lane Pavillions - Roof Plan; 1623_DWG_PL_G_201 Proposed Lower Lane Belvedere- Lower Ground Plan; 1623_DWG_PL_G_202 Proposed Lower Lane Belvedere- Ground Plan; 1623_DWG_PL_G_203 Proposed Lower Lane Belvedere- First Plan; 1623_DWG_PL_G_204 Proposed Lower Lane Belvedere- Second Plan; 1623_DWG_PL_G_205 Proposed Lower Lane Belvedere- Third Plan; 1623_DWG_PL_G_206 Proposed Lower Lane Belvedere- Roof Plan; 1623_DWG_PL_H_201 Proposed Lower Lane Houses 4 Bedroom Houses - Plans; 1623_DWG_PL_H_202 Proposed Lower Lane Houses 5 Bedroom Houses - Plans; 1623_DWG_PL_JK_201_B Proposed Woodland Cluster Basement Plan; 1623_DWG_PL_JK_202_C Proposed Woodland Cluster Ground Plan; 1623_DWG_PL_JK_203_C Proposed Woodland Cluster First Plan; 1623_DWG_PL_JK_204_C Proposed Woodland Cluster Second Plan; 1623_DWG_PL_JK_205_C Proposed Woodland Cluster Third Plan; 1623_DWG_PL_JK_206_C Proposed Woodland Cluster Roof Plan; 1623_DWG_PL_A_220_A Proposed Section AA; 1623_DWG_PL_A_221_A Proposed Section BB; 1623_DWG_PL_A_240_A Proposed North Elevation 1; 1623_DWG_PL_A_241_A Proposed South Elevation 2; 1623_DWG_PL_A_242_A Proposed East Elevation 3; 1623_DWG_PL_A_243_A Proposed West Elevation 4; 1623_DWG_PL_B1_240_B Block B1 Elevation 1 & 2; 1623_DWG_PL_B1_241_B Block B1 Elevation 3 & 4; 1623_DWG_PL_B2_240_B Block B2 Elevation 1 & 2; 1623_DWG_PL_B2_241_B Block B2 Elevation 3 & 4; 1623_DWG_PL_C1_240_A Block C1 Elevation 1 & 2; 1623_DWG_PL_C1_241_A Block C1 Elevation 3 & 4; 1623_DWG_PL_C2_240_A Block C2 Elevation 1 & 2; 1623_DWG_PL_C2_241_A Block C2 Elevation 3 & 4; 1623_DWG_PL_DE_240 Blocks D & E Proposed Elevations (South & West); 1623_DWG_PL_DE_241 Blocks D & E Proposed Elevations (North & East); 1623_DWG_PL_DE_242 Blocks D & E Proposed Internal Elevations (North & East); 1623_DWG_PL_DE_243 Blocks D & E Proposed Internal Elevations (South & West); 1623_DWG_PL_F_240A Block F Proposed Elevation Overall (North & South); 1623_DWG_PL_F1_240A Block F1 Proposed Elevation (North & East); 1623_DWG_PL_F1_241A Block F1 Proposed Elevation (South &

West); 1623_DWG_PL_F2_240 Block F2 Proposed Elevation (North & East);
1623_DWG_PL_F2_241 Block F2 Proposed Elevation (South & West);
1623_DWG_PL_F3_240A Block F3 Proposed Elevation (North & East);
1623_DWG_PL_F3_241 Block F3 Proposed Elevation (South & West);
1623_DWG_PL_G1_240 Block G1 Proposed Elevation (South- West);
1623_DWG_PL_G1_241 Block G1 Proposed Elevation (South-East);
1623_DWG_PL_G1_240 Block G1 Proposed Elevation (North-East);
1623_DWG_PL_G1_241 Block G1 Proposed Elevation (North-West);
1623_DWG_PL_G2_240 Block G2 Proposed Elevation (South- West);
1623_DWG_PL_G2_241 Block G2 Proposed Elevation (South-East);
1623_DWG_PL_G2_240 Block G2 Proposed Elevation (North-East);
1623_DWG_PL_G2_241 Block G2 Proposed Elevation (North-West);
1623_DWG_PL_H1_240 H1 Proposed Elevations; 1623_DWG_PL_H2_240 H2
Proposed Elevations; 1623_DWG_PL_H3_240 H3 Proposed Elevations;
1623_DWG_PL_H4_240 H4 Proposed Elevations; 1623_DWG_PL_H5_240 H5
Proposed Elevations; 1623_DWG_PL_H6_240 H6 Proposed Elevations;
1623_DWG_PL_H7_240 H7 Proposed Elevations; 1623_DWG_PL_H8_240 H8
Proposed Elevations; 1623_DWG_PL_H9_240 H9 Proposed Elevations;
1623_DWG_PL_H10_240 H10 Proposed Elevations; 1623_DWG_PL_H11_240 H11
Proposed Elevations; 1623_DWG_PL_H12_240 H12 Proposed Elevations;
1623_DWG_PL_J1_240A Block J1 Proposed Elevation (North & East);
1623_DWG_PL_J1_241A Block J1 Proposed Elevation (South & West);
1623_DWG_PL_J2_240A Block J2 Proposed Elevation (North & East);
1623_DWG_PL_J2_241A Block J2 Proposed Elevation (South & West);
1623_DWG_PL_J3_240A Block J3 Proposed Elevation (North & East);
1623_DWG_PL_J3_241A Block J3 Proposed Elevation (South & West);
1623_DWG_PL_K1_240A Block K1 Proposed Elevation (North & East);
1623_DWG_PL_K1_241A Block K1 Proposed Elevation (South & West);
1623_DWG_PL_K2_240A Block K2 Proposed Elevation (North & East);
1623_DWG_PL_K2_241A Block K2 Proposed Elevation (South & West);
1623_DWG_PL_00_301_A Detailed Bay Study Block A; 1623_DWG_PL_00_305_A
Detailed Bay Study Blocks B+C; 1623_ABC_DWG_00_301 Detailed Bay Study B +
C; 1623_ABC_DWG_00_305 Detailed Bay Study B + C; 1623_DWG_PL_DE_301
Detailed Bay Study D + E; 1623_DWG_PL_F_301 Detailed Elevation/Section Study
Block F; 1623_DWG_PL_G_301 Detailed Elevation/Section Study Block G;
1623_DWG_PL_H_301 Detailed Elevation/Section Study Houses;
1623_DWG_PL_J_301 Detailed Elevation/Section Study Block J;
1623_DWG_PL_K_301 Detailed Elevation/Section Study Block K; 1779 01 C
Landscape Masterplan; 1779 02 B Ridgeway Courtyard General Arrangement; 1779
03 B Cruciform Approach General Arrangement; 1779 04 B Woodland Cluster
General Arrangement (1 of 2); 1779 05 B Lower Lane Pavilions General
Arrangement; 1779 06 B Valley Terrace and Lower Belvedere Terrace General
Arrangement; 1779 07 B Woodland Cluster General Arrangement (2 of 2); 1779 08 B
Lower Lane Houses West General Arrangement; 1779 09 B Lower Lane Houses
East General Arrangement; 1779 10 A Grassland and Woodland Glades General
Arrangement; 1779 11 A Woodland and Woodland Glades General Arrangement;
1779 12 B Sports Field General Arrangement;

Also submitted for information purposes:

Design and Access Statement (Hawkins\Brown and dMFK, June 2016); Design and Access Statement Addendum (Hawkins\Brown and dMFK, August 2017); Design and Access Statement Addendum (RMA Architecture, May 2019); Access Statement (David Bonnett Associates June 2016); Access Statement Addendum (David Bonnett Associates April 2019); Sunlight and Daylight Assessment (GIA, June 2016); Sunlight and Daylight Assessment Addendum (GIA, April 2019); Sustainability Statement (including Energy Statement) (BBS, June 2016); Energy Statement Addendum (BBS, May 2019); Planning Statement (Deloitte, June 2016); Planning Statement Addendum (Avison Young, May 2019); Landscape Strategy (Liz Lake Associates, June 2016); Landscape Strategy Addendum (Liz Lake Associates, August 2017); Statement of Community Involvement (Westbourne, June 2016); Statement of Community Involvement S73 (London Communications Agency, May 2019); Utilities Assessment (Arden, June 2016); Utilities Assessment Addendum (Arden, May 2019); Wind and Microclimate Assessment (RWDI, June 2016); Wind and Microclimate Assessment Addendum (RWDI, May 2019); Residential Travel Plan (Arden, August 2017); Residential Travel Plan Addendum (Arden, May 2019); Workplace Travel Plan (Arden, August 2017); Delivery Servicing Plan (Arden, August 2017); Delivery and Servicing Management Plan Addendum (Arden, May 2019); Environmental Statement (Deloitte, June 2016) comprising Non-Technical Summary, Volume 1 – Main Text, Volume 2 – Technical Appendices including: Air Quality; Noise and Vibration; Flood Risk Assessment; Drainage; Ecology; Tree Survey, Volume 3 – Heritage, Townscape and Visual Impact Assessment, Volume 4 – Transport Assessment; Addendum to Environmental Statement dated August 2017 including Transport Assessment Addendum, Phase 1 Habitat Survey update and updated Tree Loss and Retention Schedule; Addendum to Environmental Statement (May 2019) including updates to Non-Technical Summary, Socio-Economic Assessment, Air Quality Assessment, Noise and Vibration Assessment, Flood Risk Assessment, Heritage Townscape and Visual Impact Assessment Statement of Conformity, Transport Assessment and Greenhouse Gas Emissions Statement.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with Policies CS01, CS04, CS05, DM01 and DM02 of the Barnet Local Plan (2012) and Policy 1.1 of the London Plan (2016).

3. Phasing

Development will be carried out in accordance with the phasing plan approved under condition reference 17/8151/CON unless otherwise agreed in writing by the Local Planning Authority. This plan shall clearly identify the phasing of the 5 proposed development, including demolition and the delivery of the surface water drainage strategy.

The development hereby permitted shall be carried out in accordance with the approved phasing plan, unless otherwise agreed by the council.

Reason: To ensure there is minimal disruption to the public and the other community activities carried out at the Site and all other environmental impacts and harm to amenity caused by the construction works, associated operations and transport movements are also minimised.

4. Material samples

Notwithstanding the details shown on the plans, hereby approved, prior to the commencement of each phase of the development (other than demolition, site clearance and ground works):

- (a) details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority; and
- (b) sample panels shall be constructed on site of building materials and hard surfacing, to be inspected and approved in writing by the Local Planning Authority.

Each phase of development shall be implemented in full accordance with the approved details prior to the first occupation of each phase of development hereby approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS05 and DM01 of the Barnet Local Plan (2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan (2016).

5. Detailed drawings and external materials (buildings)

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved prior to the commencement of each phase of the development (other than for Demolition, Ground works and Site Preparation Works) details of the following features and elements of the scheme for that phase must be submitted to Local Planning Authority and approved by the Local Planning Authority in writing:

- i) Brick bonding and brick and stone detailing (annotated plans at a scale of not less than 1:20 unless otherwise agreed in writing with the Local Planning Authority).
- ii) External windows, balconies, doors, metal screens and balustrading (annotated plans at a scale of not less than 1:10 unless otherwise agreed in writing with the Local Planning Authority).
- iii) Depth of window reveals (annotated plans at a scale of not less than 1:20 unless otherwise agreed in writing with the Local Planning Authority).
- iv) Rainwater goods (annotated plans at a scale of not less than 1:10 unless otherwise agreed in writing with the Local Planning Authority).
- v) Privacy screens (annotated plans at a scale of not less than 1:10 unless otherwise agreed in writing with the Local Planning Authority).
- vi) All means of enclosure proposed for the sites pedestrian and vehicular access points (annotated plans at a scale of not less than 1:10 unless otherwise agreed in writing with the Local Planning Authority).

Each phase of development shall be implemented in full accordance with the approved details prior to the first occupation of each phase of development hereby approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with Policies CS05 and DM01 of the Barnet Local Plan (2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan (2016).

6. Site levels

Notwithstanding the details submitted in the drawings hereby approved no phase of the development is to commence (other than demolition, ground works and site clearance) unless and until details of the levels of the proposed buildings, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission for that phase shall have been submitted to and approved in writing by the Local Planning Authority. Each phase of development shall thereafter be implemented in accordance with such details as so approved before any of the residential units and commercial units approved are occupied in that phase.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers in accordance with Policies DM01, DM04 and DM17 of the Barnet Local Plan (2012) and Policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan (2016).

7. Surface water drainage

The development hereby approved shall be undertaken in accordance with the approved surface water drainage strategy (reference 11348-5013 P5 and 11348-5014 P5 and dated April 2016) unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented as set out within any approved phasing plan pursuant to Condition 3 and retained thereafter.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan (2012), Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

8. Adoption of SuDS

Prior to first occupation, full details of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development should be submitted to, and approved by the Local Planning Authority. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Local Planning Authority. Prior to first occupation, an Estate Management Company will take on the safe operation and maintenance of any elements of the SuDS system which are not taken on by the Adopting Authority. Prior to first occupation, full details

of the Estate Management Company including evidence to demonstrate that sufficient funds have been set aside and/or sufficient funds can be raised to cover operation and maintenance costs of those elements of the SuDS system taken on throughout the lifespan of the development shall be submitted to and approved by the Local Planning Authority. The Estate Management Company shall keep records of operation and maintenance activities for possible inspection by the Local Planning Authority.

Reason: To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

10. Non-Road Mobile Machinery (NRMM)

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Policy DM04 of the Barnet Local Plan (2012) and Policies 5.3 and 7.14 of the London Plan (2016).

11. Air Quality and Dust Management Plan.

The development shall be implemented in accordance with details approved within the Air Quality and Dust Management Plan approved under condition reference 17/8152/CON, unless otherwise agreed in writing by the Local Planning Authority.

Within any amendment to the approved details, 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 (2014) and Policy 7.14 of the London Plan (2016).

12. Noise and vibration

The mitigation measures recommended in the Noise Assessment by Ardent, report reference U780-10, and Noise Assessment Addendum, report reference U782-05B, shall be implemented in their entirety prior to the commencement of the use or first occupation of each phase of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policy DM04 of the Barnet Local Plan (2012), Barnet's Sustainable Design and Construction SPD (2016) and Policy 7.15 of the London Plan (2016).

13. Noise – fixed plant

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 Barnet Local Plan (2012) and Policy 7.15 of the London Plan (2016).

14. Noise and vibration – internal residential environment

(a) Prior to the commencement of each phase of the development (other than for Demolition, Ground works and Site Preparation Works) details of mitigation measures for that phase 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 shall be submitted to and approved in writing by the Local Planning Authority. Any gym equipment shall be isolated from the structure of the building. This sound insulation shall ensure that the levels of noise generated from the gym, office and cafe; 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 each phase 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 Policy DM04 of the Barnet Local Plan (2012), Barnet's Sustainable Design and Construction SPD (2016) and Policy 7.15 of the London Plan (2016).

15. Details of plant equipment

(a) Prior to the installation of all extraction and ventilation equipment to be installed as part of a phase of the development, details of such equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using antivibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

(b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced for each relevant phase 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 CS14 and DM01 of the Barnet Local Plan (2012).

16. Landscape and Ecological Management Plan (LEMP)

The Landscape and Ecological Management Plan (LEMP), approved under condition reference 19/5190/CON, will be implemented in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Any future amendments to the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure improvements the biodiversity of the site in order to comply with Policy DM16 of the Barnet Local Plan (2012).

17. Native plant species

All new plantings should be locally obtained (i.e. plantings can be imported from Europe on the condition that they have resided in a UK nursery for a minimum of 12 months), disease free and from a reputable bio-secure supplier.

Reason: To ensure improve the biodiversity of the site in order to comply with Policy DM16 of the Barnet Local Plan (2012).

19. Refuse and recycling

Notwithstanding the details submitted with the application and otherwise hereby approved, before each phase of development hereby permitted is brought into use or occupied the following information shall be submitted to and approved in writing by the Local Planning Authority:

- 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 Barnet 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.
- iii. Plans showing satisfactory points of collection for refuse and recycling.

The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the each phase of development is 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 refuse and recycling facilities are provided at the development in accordance with Policies CS05, CS09, CS14, DM01, DM04 and DM17 of the Barnet Local Plan (2012).

20. Hours of construction

No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan (2012).

21. Protection of trees

The temporary tree protection measures outlined in the details of the Tree Protection Plan, approved under condition 17/8155/CON, shall be erected around existing trees on site. This protection shall remain in position until after the development works on each phase 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policies CS05, CS07 and DM01 of the Barnet Local Plan (2012) and Policy 7.21 of the London Plan (2016).

22. Retained trees – site levels

Prior to the commencement of each phase of the development details of the level changes in proximity to retained trees shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with details approved under this condition

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policies CS05, CS07 and DM01 of the Barnet Local Plan (2012) and Policy 7.21 of the London Plan (2016).

23. Retained trees - excavations

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 shall be carried out in accordance with the details approved under planning reference 17/8153/CON unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policies CS05, CS07 and DM01 of the Barnet Local Plan (2012) and Policy 7.21 of the London Plan (2016).

24. Landscape Management Plan

(a) Development shall be carried out in accordance with the details outlined in the Landscape Management Plan approved under reference 19/5199/CON, for all landscaped areas for a minimum period of 20 years unless otherwise approved in writing by the Local Planning Authority.

(b) Any amendments to the approved Landscape Management Plan shall include details of:

- long term design objectives;
- management responsibilities;
- maintenance schedules;

- new soft landscaping to be planted as part of the approved landscaping scheme including the number (no less than 839 new trees including 100 semi mature trees), size, densities, species and location of trees and shrubs; and
 - implementation programme
- (c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition
- (d) Planting which has been used for screening (specifically along the boundary with Burtonhole Lane and St Vincent's Lane) shall be reviewed within 18 months of planting, with a view to augmenting and enhancing the landscaping if insufficient screening is provided. The level of established screening required should obscure the buildings and infrastructure from eye line level and be integrated into the existing tree boundaries, consistent with the local character.
- (e) All soft landscaping works shall be carried out for each phase no later than the first planting season following the final occupation of that phase
- (f) all landscaping implemented in accordance with the approved Landscape Management Plan shall be maintained for a minimum period of 20 years and any trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this time shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS05, CS07 and DM01 of the Barnet Local Plan (2012) and Policy 7.21 of the London Plan (2016).

25. Obscure glazing

- (a) Before each phase of the development hereby permitted is first occupied details of obscuring glazing, for those properties with facing windows to habitable rooms less than 21 metres away, shall be submitted to and approved in writing by the Local Planning Authority
- (b) The scheme of obscure glazing 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 Barnet Local Plan (2012) and Barnet's Residential Design Guidance SPD (2016).

26. Play equipment

- (a) Before the development of a phase (as defined on the Phasing Plan approved pursuant to Condition 3) hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity spaces of that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include landscaping, climbable objects, fixed equipment, facilities for children (0-11 years old) and facilities suitable for disabled children and carers. Site-wide provision shall include at least 600 sq.m of dedicated doorstep play space for children under-five and play space for 5 -11 year olds across the site, to include some doorstep provision alongside the dedicated play space for children under-five.

(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, unless otherwise agreed in writing.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 and DM02 of the Barnet Local Plan (2012), Barnet's Residential Design Guidance SPD (2016), Barnet's Planning Obligations SPD (2013) and Policy 3.6 of the London Plan (2016).

27. Use Class

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 of that Order shall be carried out within the application site hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with Policy DM01 of the Barnet Local Plan (2012).

28. Green roofs

Green roofs shall be implemented in accordance with the details approved under condition reference 18/2868/CON, prior to the commencement of the use or first occupation of each phase of the development and retained as such thereafter, unless otherwise agreed in writing by the Council.

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 Barnet Local Plan (2012) and Policy 7.15 of the London Plan (2016).

29. Sports pitches

The sports pitch(es) shall remain as natural turf and not be replaced with any artificial surfaces.

Reason: To protect the biodiversity of the site in order to comply with Policy DM16 of the Barnet Local Plan (2012).

30. External lighting

No lighting (including floodlighting) should be installed in the playing fields area and construction lights should also be positioned so as not to illuminate woodland and tree belts.

Reason: To protect the biodiversity of the site in order to comply with Policy DM16 of the Barnet Local Plan (2012).

31. Car Parking Management Plan

Prior to first occupation of each phase a detailed Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the details shall include:

- i. Location and layout of car parking spaces
- ii. Allocation of car parking spaces
- iii. On-site parking controls and charges (if any)
- iv. The enforcement of unauthorised parking
- v. 'Blue badge' space quantities in accordance with London Plan (2016) guidance
- vi. Location of a minimum of 2 car club spaces
- vii. Electric Charging Points: Location and specification. For residential parking spaces, delivery of the 20% of parking spaces which shall be active and 20% which shall be passive electric charging points. For non-residential spaces, provision at 20% of spaces shall be undertaken with potential provision at a further 10% of spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The Car Parking Management Plan and the abovementioned provisions shall be implemented in accordance with the approved details before the buildings hereby permitted within each phase are occupied and maintained thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan (2016) and also to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

32. Car parking

The level of parking for all land uses shall be as set out in the Design and Access Statement Addendum document (Hawkins\Brown) dated August 2017 and the Design and Access Statement Addendum (RMA Architecture) dated May 2019, resulting in 568 residential spaces (including visitor spaces) and 19 commercial spaces (of which 378 are basement spaces (including garages), 164 are off-street spaces and 45 are on-street spaces).

Temporary car parking shall be provided during the build-out to ensure that the forecast ratio for the site is provided close to the development areas. Plans of any temporary car parking layouts will be submitted for written approval by the Local Planning Authority.

Reason: To ensure the development meets the needs of its future occupiers and to comply

with the requirements of Policies 3.8 and 7.2 of the London Plan (2016) and also to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

33. Residential parking

Private parking provision for residential units shall be used for the purpose of residential parking and servicing only, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan (2016).

34. Cycle parking

Before each phase of the development hereby permitted is occupied; details of cycle parking and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority. Cycle parking and cycle storage facilities shall be implemented in full accordance with the approved details prior to the first occupation of each phase of development hereby approved and such spaces shall be permanently retained thereafter.

Minimum aisle widths, as set out in London Cycling Design Standards, must be met and 5% of space should be provided for the storage of non-standard cycles.

Reason: In the interests of promoting cycling as a mode of transport in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012) and the London Cycling Design Standards (2016).

35. Accessible parking bays

Across each phase, accessible parking bays shall be allocated to wheelchair accessible homes at 1:1 provision. Where spaces are in undercroft areas ceiling heights shall meet the recommended height of 2.6 metres above wheelchair accessible spaces, unless otherwise agreed. The maximum gradients for pedestrians and wheelchair users within the site should ideally be no more than 5%, with the maximum being 8%.

A minimum of 2 accessible parking bays should be provided for the commercial uses.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan (2016); Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG October 2014 and Manual for Streets 2. To ensure that parking is provided and managed in line with the Local Planning Authority's standards in the interests of highway and pedestrian safety in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

36. Pedestrian and cycle routes

Before each phase of the development hereby is occupied; details to show entry and egress arrangements and pedestrian walkways / cycleways within that phase is to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

37. Construction Environment Management Plan (CEMP)

Development will be carried out in accordance with the Construction Environmental Management Plan, approved under condition reference 18/0021/CON (as amended by application 18/6893/NMA) unless otherwise agreed in by the Local Planning Authority. Any amendments to the approved CEMP shall include:

Construction site and works

- i. Site information (including a site plan and management structure)
- ii. Description of works, equipment and storage
- iii. Programme of works
- iv. Temporary hoarding and fencing
- v. Temporary works
- vi. Interim drainage strategy
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority)

Construction management and procedures

- viii. Code of Considerate Practice
- ix. Consultation and neighbourhood liaison, including St Vincent's RC Primary School.
- x. Staff training and briefing procedures
- xi. Schedule of environmental legislation and good practice
- xii. Register of permissions and consents required
- xiii. Environmental Audit Programme
- xiv. Environmental Risk Register
- xv. Piling Works Risk Assessment
- xvi. Health and safety measures
- xvii. Complaints procedures
- xviii. Monitoring and reporting procedures

Demolition and waste management

- xix. Demolition Audit
- xx. Site clearance and waste management plan
- xxi. Asbestos survey and disposal strategy

Construction traffic

- xxii. Construction traffic routes

xxiii. Construction traffic management including access to the site (specifically any proposed temporary construction accesses to the site); the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

Environmental Management

xxiv. Ecology surveys and management plan (as required by the ES) in relation any existing ecological features that may be affected by works in that Development Phase

xxv. Measures to minimise visual impact during construction

xxvi. Measures to minimise noise and vibration levels during construction

xxvii. Measures to minimise dust levels during construction

xxviii. Measures to control pollution during construction (including a Pollution Response Plan)

xxix. Construction lighting strategy, including measures to minimise light spill

xxx. Measures to reduce water usage during construction

xxxi. Measures to reduce energy usage during construction

xxxii. Any other precautionary and mitigatory measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register

Biodiversity

xxxiii. Risk assessment of potentially damaging construction activities.

xxxiv. Identification of “biodiversity protection zones”, including a 20m buffer to the Folly Brook.

xxxv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including, but not limited to badgers, amphibians, reptiles, White Letter Hairstreak butterflies, owls and lesser spotted woodpeckers.

xxxvi. The location and timing of sensitive works to avoid harm to biodiversity features.

xxxvii. The times during construction when specialist ecologists need to be present on site to oversee works.

xxxviii. Responsible persons and lines of communication.

xxxix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

xxxx. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction

period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highway and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04, DM16 and DM17 of the

Barnet Local Plan (2012) and polices 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan (2016).

38. Delivery & Servicing Plan (DSP)

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

All deliveries and servicing associated with the development shall be carried out only in accordance with the approved details.

Reason: In the interest of highway safety in accordance with Policies CS9 and DM17 of Barnet's Local Plan (2012) and Policy 6.14 of the London Plan (2016).

39. Access

No residential unit shall be occupied until the access roads and highways works (on and off-site) associated with the block in which that unit is located are made available for use.

Reason: To ensure there is adequate access available to all residential units.

40. Temporary access

Prior to the commencement of any subsequent phase of development following first occupation, details of any temporary vehicular and pedestrian access arrangements to serve the occupiers of the development during the construction period shall be submitted to and approved by the Local Planning Authority. Any temporary vehicular and pedestrian access shall be implemented in full accordance with the approved details prior to commencement of that phase of the development hereby approved. Access to any completed phase during the construction period shall only be in accordance with the agreed details and shall be removed when the publicly accessible routes from The Ridgeway are available for use.

Reason: To ensure that any temporary vehicle access that may be required during the construction phase of development is safe and suitable for its intended use and to safeguard the amenities of neighbouring residents.

41. External lighting

Prior to the commencement of each phase (other than for Demolition, Ground works and Site Preparation Works), a lighting design submission detailing philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution, spillage must be submitted to and approved in writing by the Local Planning Authority. Lighting should be restricted to low intensity and directed away from potential Bat foraging and roosting habitat. Details to be submitted include:

- Details of all the equipment used, specific lamps, luminaires and columns with images;

- For each luminaire a full technical specifications (e.g. glare ratings, wattage, colour rating and e-class);
- Details of the light levels chosen and which guidelines have been referred to;
- Isolux diagrams of the report overlaid with the parking areas, public areas and the surrounding houses and roads showing as a minimum 3, 5 and 10 lux lines;
- Vertical illuminance calculations across the backs of all nearby neighbouring properties taken at 10 to 20 metre intervals;
- Details of all external lights if they affect the design area;
- Details of any ecological mitigation.

Each phase of Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied within that phase.

Reason: In the interest of highway safety and amenity in accordance with Policies DM01, DM16 and DM17 of the Barnet Local Plan (2012).

43. Commercial units

The commercial units hereby approved, shall be used for use class A3 or D1 and no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

44. Inclusive design

The development shall be implemented in full accordance with the submitted Access Statement (dated June 2016) and Access Statement Addendum (dated April 2019) prepared by David Bonnett Associates) and shall thereafter be retained.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan (2016) and Policy DM02 of the Barnet Local Plan (2012).

45. Energy Statement

The development shall be implemented in full accordance with the submitted Energy Statement (dated June 2016 prepared by BBS Environmental ref EST45932 Issue 1) and Energy Statement Addendum (dated May 2019 prepared by BBS Environmental) and shall thereafter be retained. The communal heating system shall be designed to permit a future connection to a District Heat Network should a feasible and viable connection become available in the future.

Reason: To ensure that the development is sustainable and in accordance with Policy DM01 of the Barnet Local Plan (2012) and Policies 5.2, 5.3 and 5.7 of the London Plan (2016).

46. Photovoltaic (PV) panels

Photovoltaic panels to be installed on the roofs of Blocks B1, B2, D1, D2, E1, E2, G1 and G2 shall be carried out in accordance with the plans approved under condition reference 19/27560/CON, unless otherwise agreed in writing by the Local Planning Authority. Photovoltaic panels shall be implemented on the roofs of Blocks B1, B2, D1, D2, E1, E2, G1 and G2 in full accordance with the details approved under this condition prior to first occupation of each block.

Reason: To safeguard the character and visual amenity of the site and wider area, in accordance with Policies CS05 and DM01 of the Barnet Local Plan (2012) and Policies 5.7, 7.4, 7.8 and 7.16 of the London Plan (2016).

47. Secured by Design

The development hereby approved shall be designed and constructed to Secured by Design Sections 2 and 3 Compliance.

Reason: To ensure that the proposed development meets the Police standards for the physical protection of the buildings and their occupants, and to comply with Policy 7.3 of the London Plan (2016) and Policy DM02 of the Barnet Local Plan (2012).

48. Accessible and adaptable dwellings

90% of residential units within the proposed development shall be designed to Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2015).

Reason: To ensure that the proposed development meets the Local Planning Authority's Standards in relation to the provision of wheelchair accessible homes and to comply with Policy DM02 of the Barnet Local Plan (2012) and Policy 3.8 of the London Plan (2016).

49. Wheelchair user dwellings

At least 52 dwellings (10% of the dwellings) in the development shall be wheelchair accessible or easily adaptable for wheelchair use (Part M4 (3) 'wheelchair user dwellings' of the Building Regulations 2010 (as amended 2015). The 52 dwellings will comprise 46 x 2-bed units and 6 x 3-bed units.

Reason: To ensure that the proposed development meets the Local Planning Authority's Standards in relation to the provision of wheelchair accessible homes and to comply with Policy DM02 of the Barnet Local Plan (2012) and Policy 3.8 of the London Plan (2016).

50. Burtonhole Lane emergency access

The retained Burtonhole Lane vehicular access will be constructed in accordance with plans approved under application reference 19/2751/CON, unless otherwise

agreed in writing by the Council. This access shall remain closed at all times, except for emergency vehicle access and essential maintenance.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with Policy DM01 of the Barnet Local Plan (2012).

INFORMATIVE(S):

1: Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

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

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

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

3: Refuse collection points should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Level access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised to ensure Barnet Council's refuse collection department is consulted to agree a refuse collection arrangement.

4: The applicant must submit an application under Section 184 of the Highways Act (1980) for all the proposed vehicular accesses. The proposed access design details, construction and location will be reviewed by Barnet's Council's Authority Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of Barnet Council's Guidelines for Developers and an application form please contact: Traffic & Development Section –Development and Regulatory

Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

5: For construction works adjacent to the public highways, the applicant must contact Barnet Council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

6: Barnet 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 construction traffic movements. 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. The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

7: The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by Barnet Council's term contractor for Highway Works. You may obtain an estimate for this work from Development & Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

8: The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Local Planning Authority cannot prejudge the outcome of the consultation process.

9: Barnet Local Planning Authority's refuse vehicles will be required to enter the site and therefore the estate roads must be constructed to adoptable standards. Details of the materials and surface finishes that would be acceptable for use on the private roads will be undertaken and constructed to an adoptable standard. Details of the road construction requirements can be obtained from the Traffic and Development Section in Development & Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

10: The gradient for the proposed ramps leading to the underground parking areas should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks 3rd Edition.

11: The costs of any associated works on the public highway, including reinstatement works, will be borne by the Applicant and Barnet Local Planning Authority will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

12: The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

13: No stopping up of highways is shown on the approved plans. Any highways to be stopped up under Section 247 of the Town and Country Planning Act will need to be agreed with Barnet Local Planning Authority.

14: Thames Water have reviewed the information provided and based on the understanding that piling/demolition works are carried out in accordance with the submitted drawing no. 71623_DWG_00_103 Rev B, no piling method details are required. Please advise Thames Water if these plans change so that they can re-assess the risk to their assets. Email: devcon.team@thameswater.co.uk, quoting "DTS Ref 49409."

15: Pre-commencement conditions:

The following pre-commencement conditions attached to this decision notice are considered necessary in order to safeguard the nature conservation interest of adjoining land, safeguard transport infrastructure and protect the amenities of existing residents, future occupiers and users of the proposed development and to ensure that the proposed development results in a sustainable and well- designed scheme:

MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan.

These statutory development plans are the main policy basis for the consideration of this planning application. A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that the development will fulfil them to a satisfactory level, subject to the conditions (including reserved matters) and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

National Planning Policy Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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

The Mayor's London Plan 2016 (Jan 2017 fix)

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

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

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

London's People:

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

London's Economy:

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

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban

Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport

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

London's Living Places and Spaces

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

Implementation, Monitoring and Review:

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

Draft Replacement London Plan 2017

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

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

Mayoral Supplementary Guidance

Sustainable Design and Construction (April 2014)

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

Accessible London: Achieving an Inclusive Environment (October 2014)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Planning for Equality and Diversity in London (October 2007)

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage

boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

The control of dust and emissions during construction and demolition (July 2014)

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM₁₀ and PM_{2.5} from construction and demolition activities in London.

Play and Informal Recreation (September 2012)

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

Housing (March 2016)

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

Affordable Housing and Viability (August 2017)

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

Better homes for local people, the Mayor's good practice guide to estate regeneration (February 2018)

Set's out the Mayor's vision and objectives for estate renewal.

Mayor's Transport Strategy (2018)

This Strategy outlines some of the key transport challenges in London such as poor quality public transport and high volumes of cars on some roads. 3.5.2 The Strategy places an emphasis on reducing car dependency and encouraging an increased use of walking, cycling and public transport use. To help encourage this modal shift, the Strategy has adopted the Healthy Streets Approach, which aims to improve and enhance the overall street environment. 3.5.3 In outer London, it is highlighted that streets are often dominated with cars and that significant transport improvements will be required to reduce this dependency. It encourages a more integrated approach to planning transport and housing. Within Outer London, new or enhanced bus services will be introduced to reduce car dependency and support growth, particularly around Elizabeth line stations and in areas where housing growth is expected, including Colindale. 3.5.4 In addition, the strategy also focuses on delivering new homes and jobs on transport land and by 2020/21 aims to start on working on property development sites that will deliver 10,000 new homes.

Relevant Local Plan (2012) Policies

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)
CS1 (Barnet’s Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)
CS3 (Distribution of growth in meeting housing aspirations)
CS4 (Providing quality homes and housing choice in Barnet)
CS5 (Protecting and enhancing Barnet’s character to create high quality places)
CS6 (Promoting Barnet’s Town Centres)
CS7 (Enhancing and protecting Barnet’s open spaces)
CS8 (Promoting a strong and prosperous Barnet)
CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well-being in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet’s character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM06 (Barnet’s Heritage and Conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet’s town centres)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents:

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (October 2016)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)
Strategic Supplementary Planning Documents and Guidance: Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)

Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

Local Supplementary Planning Documents:

Affordable Housing (February 2008)
Sustainable Design and Construction (October 2016)
Planning Obligations (April 2013)
Delivering Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
Sustainable Design and Construction (October 2016)
Residential Design Guidance (October 2016)
Green Infrastructure (October 2017)

National Institute of Medical Research Planning Brief 2016

This brief was adopted in March 2016 and provided the planning framework which informed the development of the original planning application 16/4545/FUL.

Changes to the Policy Framework

Since hybrid planning permission 16/4545/FUL was granted, while there has been some changes to the wording of the NPPF, there are no implications from this revised document which would materially affect the current application. The draft London Plan was adopted post the original decision however as explained above this document has limited material weight at the current stage. In any event the changes in the draft London Plan i.e. increasing housing targets would be supportive of the proposed changes. This is reflected in the GLA comments which advise that the development is broadly in accordance with the new London Plan. No changes have been made to the Barnet Local Plan subsequent to the original decision.

1.2 Key Relevant Planning History

Planning application reference 16/4545/FUL was granted Planning Permission on the 22nd December 2017. The description of the approved development is as follows:

'Redevelopment of the site to provide 460 new residential units following demolition of all existing buildings. New residential accommodation to consist of 448 self-contained flats within 19 blocks ranging from three to nine storeys with basement car parking levels and 12 two storey houses with lower ground floor levels. Associated car and

cycle parking spaces to be provided. Provision of new office (B1a) and leisure (D2) floorspace and a new publicly accessible cafe (A3). Reconfiguration of the site access and internal road arrangements and provision of new publicly accessible outdoor amenity space. New associated refuse and recycling arrangements.'

The Original Consent has been subsequently varied via three non-material amendment applications which are summarised below:

- The first amendment related to internal amendments to Blocks E1, E2, D1, D2, F1, F2 and F3 (Phases One and Two) as well as changes to the elevations, design, rationalisation of gardens and amendments in materials to Plots H1 – H12. This was approved 4th September 2018 (Ref. 18/4753/NMA);
- The second amendment related to an alteration to the construction traffic route in the Construction Environmental Management Plan (CEMP), and was approved 28th January 2019 (Ref. 18/6893/NMA); and
- The third amendment related to the redistribution of four wheelchair units from the ground floor of Blocks E1 and E2 into blocks K2 and J3, along with minor alterations to the stair core within these blocks; allowing for a better internal layout. This application was approved on 17th April 2019 (Ref. 19/0435/NMA).

1.3 Pre-application Consultation by the Applicant

Prior to the submission of the planning application, the applicant undertook pre application discussions with both the London Borough of Barnet and the Greater London Authority. Targeting pre application local consultation also took place, including with local ward councilors, the Mill Hill Neighbouring Forum and the Mill Hill Preservation Society. As a result of these discussions amendments were made to the design of the amended scheme to address comments made by the Preservation Society.

1.4 Public Consultations by the Council and Views Expressed

Public Consultation

Letters were sent out to 85 addresses on the 19th June 2019. The application was also advertised by site notice on the 19th June 2019 and by press notice on the 27th June 2019.

As a result of this consultation, 23 letters of representation received, all objecting to the Planning Application.

The comments received from members of the public have been summarised as follows:

Summary of main points raised by members of the public in objecting to the scheme.

Proposals for additional 52 units can not be considered minor material Planning proposals should be subject to a new planning application

Existing problems with construction on the site (noise, dust vibration and traffic) will be exacerbated by the proposal.

Applicant breaches current rules and should not be allowed extra development

Do not consider applicants should be allowed to amend schemes post approval

Finchley nurseries should be included in a revised Construction Environmental Management Plan (CEMP), as incorrectly referred as 'open fields'.

Lack of Parking, proposed increase insufficient for number of dwellings

Insufficient capacity on surrounding roads to accommodate overspill parking

Impact on Road system from additional cars.

Surrounding road network full particularly at school drop off

Lack of Public Transport Infrastructure

Impact upon adjoining neighbours, Finchley Nursery (including Pondlife) and cricket club.

Over development of area both by itself and in conjunction with other developments in Mill Hill

Impact on Services i.e. GP's and Dentists

Officer Comments

A S73 application is subject to similar public scrutiny as a Full or Outline application, with neighbouring residents being consulted for 28 days and the same rules also apply in relation to the means of determination of the application, in this case being reported to Planning Committee and also subject to mayor referral.

Any applicant can apply to amend an approved consent and it is the duty of the LPA to assess such changes on their own merits.

In relation to complaints regarding current enforcement breaches, it is noted that Scientific Services and Planning Enforcement have visited the site following complaints and have in the main been satisfied that the development is acting in compliance with the approved Construction Management Plan and other Environmental requirements. In any event this is of limited relevance as it is the impact of the changes which need to be assessed under this S73 not for the original application to be reconsidered in its entirety.

The CEMO was amended following the initial grant of planning permission to alter the agreed construction route to run to the south to Bittacy Hill circus rather than north through Mill Hill village. While the comment from the resident wishing the CEMP to be amended to include reference to Finchley Nurseries, it is noted that monitoring equipment is already in situ on this site following a request from the Council's Scientific Services Officer.

In relation to parking, additional parking is being provided at the same ratio as the original application approved by the mayor. The provision of 1 space for 1 and 2 bedroom flats is also in accordance with Policy DM17. The increased number of spaces is still lower than that considered by Barnet's Planning Committee in February 2017 and as such should not result in any undue impact upon surrounding roads.

In relation to the impact upon Public transport it is noted that the original application made significant contributions towards improving public transport and cycling and walking in the borough. These contributions included £300,000 towards the provision

of step free access to Mill Hill Station, £200,000 of contributions towards improving the cycling and pedestrian network and £138,000 to the travel plan incentives fund.

In relation to the impact on services, the application will make cil contributions which will be used to offset any impact from the proposal on local services. Significant S106 contributions were also received as part of the original application.

Elected Representatives.

No representations received.

Consultation responses from neighbouring associations other non-statutory bodies.

Mill Hill Preservation Society

1.0 Introduction: The Committee of the Mill Hill Preservation Society (MHPS) have examined the application on the LBB planning website subsequent to meeting the developers design team in committee in February 2019. In view of the large number of documents to be reviewed in such a relatively short space of time, we have commented based on our general experience with the project – rather than on detailed clauses in all the documents.

2.0 Society Consultation February 2019: It was explained to the Committee that the volume of the development was not changing, car parking would be increased proportionally and the 'affordable' housing element in the uplifted scheme would be in the same ratio. Some of the larger 'downsizer' units would be split into smaller units, maintaining the architectural character whilst moving a few windows and balconies to suit new layouts. The flats would be over required minimum sizes. There would be minimal changes to the elevations and the same material palette would be used. There would be no overlooking to Burtonhole Lane.

At the meeting we were told there would be 79 new car spaces maintaining the 1:1.4 ratio but we see this has dropped to 52 car spaces a 1:1 ratio – one for each new flat. The Society's main concern was with the cruciform block. The roof windows had changed as had the pattern of fenestration to the main south elevation facing The Ridgeway. The Committee felt that the cruciform design should be as close as possible to that winning the design competition for the rebuilding.

3.0 Design & Car Parking: It is clear from examining the submission that there will be a gain of 28 one-bedroom units, a gain of 29 two-bedroom units and a loss of 5 three-bedroom units. It is unfortunate that the development will be dominated by one and two bedroom units and the Society believes this site, rather than other local ones under consideration, is more appropriate for family and 'downsizer' units. The Society would wish to encourage a larger proportion of three-bed family units as the provision of family housing will become an increasing problem in Mill Hill and is needed to maintain a balanced community.

The additional 52 car spaces will be in the underground car park extending under the cruciform building with an extra 39 cycle spaces. The extra car parking will result in a

greater number of trips at AM and PM peak times onto an already busy Ridgeway. The traffic report claims these will be at an acceptable level, but traffic reports always seem to claim this!

There is no suggestion that landscaping proposals will alter, which is acceptable. The main issues the Society raised, that of the design of the cruciform building elevations and roof, have been addressed. The mayor's office has agreed to waive the requirement for balconies in the interests of this historic building facade. The roof windows into the copper roof are more in keeping with the competition winning-design.

The main variation on the front elevation is that of the decorated brick panels. Ground, first, second and third floor levels are the same as the approved scheme (planning permission 16/4545/FUL) as are 6th and 7th floors. However in the original design there were five decorated vertical brick panels at 4th and 5th floor levels, four of which extended down through the 2nd and 3rd floors. On the current design these have been reduced to three panels, two of which extend down to 2nd and 3rd floors. The effect is that the design does not have the poise of the original proposal.

It is fair to say that the original building did not have decorated brick panels that extended down through the 2nd and 3rd floors, and it is a matter of opinion as to which scheme is better. On balance the current proposal is acceptable.

In conclusion: Notwithstanding our concerns raised in our previous letters of objection dated 22nd August 2016 and 9th March 2017, the Society concludes that this is a reasonable proposal and whilst it will increase density, it will contribute to the national housing shortage without overpowering the previously approved scheme. We are very concerned that the cruciform building is built correctly to the design standards set out in the previous approval 16/4545/FUL that had a wealth of detail included that we would not like to lose. Maintaining the copper roof design of the cruciform building is important. The Society would not wish to be obstructive over minor changes to the south elevation which, on balance, seem reasonable.

Comments received 30th August 2019

MHPS society have received a few comments following our letter of objection on this scheme. These show to us that our letter is open to some misunderstanding and I am writing to clarify a couple of points. I hope the timing is not too late...

In our letter where it says...

"3.0 Design & Car Parking: It is clear from examining the submission that there will be a gain of 28 one-bedroom units, a gain of 29 two-bedroom units and a loss of 5 three-bedroom units. It is unfortunate that the development will be dominated by one and two bedroom units and the Society believes this site, rather than other local ones under consideration, is more appropriate for family and 'downsizer' units. "

Just to be clear, these words are meant to mean that MHPS would prefer the scheme to stay as it was approved by the Mayor.

We do not like the proliferation of 1 and 2 bedroom units in new local developments, I know LBB prefer larger units (although I cannot quote you the policy as I am away on holiday). This site is particularly attractive for larger units, unlike others in the Borough.

Car parking: On the addition of the car parking spaces, whilst the traffic report shows

that the extra journeys to and from the site would be 'reasonable proposal', CAAC have pointed out to the Society the extent of the increase plan area for parking is over that which would be normally be allowed on a Green Belt site, and is therefore unacceptable.

Additionally: The 'Conclusion' in our letter is geared towards the rebuilding of the cruciform building rather than the whole scheme - hence our comment that "the Society would not wish to be obstructive over minor changes." This refers to the changes to the roof and front elevation design, and the minor changes to the back elevation. The change in layout and matching window locations is reasonable and will not overpower the original competition scheme proposals. As set out in previous letters, to which we refer, the density of the site is too high for the locality and the addition of extra flats adds further to the weight of our previous arguments. The loss of three bedroom units is not something that we generally support.

I trust these clarifications are helpful, and will negate any misunderstandings.

Officer Comment

It is noted that the MHPS do not object to the design changes. The comments in relation to the planning merits of additional units and the comment about the unit mix are noted and are discussed below. In relation to the green belt implications of parking, while this would apply to additional surface car parking, as the additional car parking provision is all at basement level it is not considered that this will materially affect the green belt.

Consultation Responses from Statutory Consultees

Greater London Authority GLA

Strategic planning application stage 1 referral

Town and Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town and Country Planning (Mayor of London Order 2008).

The proposal

Section 73 application for amendments to planning application ref: 16/4545/FUL, including: provision of an additional 52 homes including 16 affordable housing units (to maintain 35% by habitable room); and associated pro-rata changes to car parking, cycle parking, refuse storage, children's playspace and private amenity space.

The applicant

The applicant is Barratt London and the architect is RMA Architects.

Strategic Issues

Principle of development: The principle of optimising the potential of this site to deliver additional residential units, including affordable homes, is supported in strategic planning terms.

Affordable housing: The amendments result in an uplift of 52 units, including 17 affordable housing units. This would maintain the approved level of 35% affordable housing and meets the Fast Track Route. The uplift in affordable housing is strongly welcomed and should be appropriately secured.

Urban design: The revisions to the approved scheme are accommodated within the building envelope of the approved blocks and have no further impact on the openness of the Green Belt.

Energy: The applicant should submit additional information to ensure compliance with London Plan policies.

Transport: The proportionate uplift in car parking is acceptable in this instance. The applicant should aim to provide cycle parking in line with draft London Plan standards.

Recommendation

That Barnet Council be advised that the application is supported in strategic planning terms and broadly complies with the London Plan and draft London Plan for the reasons set out in paragraph 42 of this report.

Transport for London

Many thanks for consulting TfL with regard to the above application. TfL has the following comments:

- The proposed site is located on The Ridgeway, which forms part of the borough's highway network, of which Barnet Council are the highway authority.
- TfL understands the proposal is for an additional 52 residential dwellings, and that a GLA pre-application report was published on the 1st April 2019.
- TfL is satisfied the additional residential dwellings proposed will not result in an unacceptable impact on the local transport services and therefore mitigation is not required.
- The applicant is proposing 52 car parking spaces to serve the additional dwellings, which is in accordance with TfL's pre-application advice and is therefore acceptable to TfL, although any reduction in car parking provision is supported and encouraged.
- Of the 52 car parking spaces, TfL requests 2 spaces are dedicated to blue badge parking from the outset (3% of residential dwellings), with passive provision for an additional 3 blue badge parking spaces (10% of residential dwellings) should demand arise, in line with draft London Plan standards. The applicant is proposing 20% electrical vehicle charging facilities from the outset, which is welcomed by TfL; however, the applicant must passively provide electrical vehicle charging facilities for the remainder of parking spaces, in line with draft London Plan standards. The applicant should provide a car parking management plan, which should be secured by condition.
- The applicant is proposing cycle parking in line with LBB standards; however, TfL requests cycle parking provision is increased to adhere to draft London Plan standards. Therefore, TfL requests the applicant provides a total of 100 long stay cycle parking spaces and 2 short stay visitor parking spaces. TfL requests the design, location and access of the cycle parking is in accordance with London Cycling Design Standards, and the Council should ensure details of cycle parking are secured by condition.

Many thanks for consulting TfL with regard to the above application. Subject to the above conditions being met, this proposal would not have a detrimental impact on the TLRN or local transport services.

Highways England

Thank you for your email dated 19 June 2019 on the above planning application. Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this proposed development, Highways England is interested in the potential impact that the development might have upon the SRN, in particular M1 Junction 2. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.

We were previously consulted on this application in August 2017, for the now consented development. Having checked through the documents provided for the amended application, it is expected that the changes in the development would have a negligible impact on the SRN as the development is located approximately 3 miles from the SRN. Therefore, Highways England have no objection to this application.

Metropolitan Police

No Objections Raised. Detailed design advice given, and recommendation that the development requires secured by design accreditation as per the original scheme.

Natural England

Thank you for your consultation.

Natural England currently has no comment to make on the variation of conditions 2, 26, 32, 44, 45 and 49.

Sport England

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

www.sportengland.org/planningapplications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

Historic England

Thank you for your letter of 19 June 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:

<https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice/>

Historic England (Archaeology)

Thank you for your consultation of 19/06/2019 regarding conditions related to Planning Permission. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England's Greater London Archaeological Advisory Service under their consultation criteria, details of which are on our webpage at the following link:

https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request. If we do not hear from you within five working days we will assume this application should not have been sent to us.

This response relates to undesignated archaeological assets only. If necessary, Historic England's Development Management or Historic Places teams should be consulted separately regarding statutory matters.

Thames Water

Waste Comments

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

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

Internal Consultation responses

Drainage

No objections raised

Urban Design

No objections raised.

Transport and Regeneration

No objections raised.

Environmental Health

No Objections raised. No changes to previous EH comments in relation to application 16/4545/FUL

1. Description of the Site and Proposed Development

Background

The original planning application (Planning Reference 16/4545/FUL) was submitted in July 2016 for the following development.

“Redevelopment of the site to provide 460 new residential units following demolition of all existing buildings. New residential accommodation to consist of 448 self-contained flats within 19 blocks ranging from three to nine storeys with basement car parking levels and 12 two storey houses with lower ground floor levels. Associated car and cycle parking spaces to be provided. Provision of new office (B1a) and leisure (D2) floorspace and a new publicly accessible café (A3). Reconfiguration of the site access and internal road arrangements and provision of new publicly accessible outdoor amenity space. New associated refuse and recycling arrangements.”

The application was reported to the Planning Committee of the 22nd February 2017 with an officer recommendation to Approve. The Officer recommendation was not agreed by members and it was the Committee’s resolution that planning permission be refused due to concerns relating to the design of the proposal and the impact of the proposal on trees.

The application concerning a scheme of strategic importance under the terms of the Mayor of London Direction Order 2008 was subsequently referred to the Mayor of London who subsequently issued a directive to call in the application for his determination.

Several amendments were made to the scheme subsequent to call in. In short these concerned:

- An increase in the affordable housing provision to 35% of total units (it was 20% in the initial scheme)
- A reduction in the level of car parking from 613 to 535 spaces.
- A reduction in the number of tree removals from 507 to 388 and an increase in new tree planting from 748 to 839.
- Minor design changes

A Mayoral representation hearing was subsequently held on the 6th October 2017, where the Mayor resolved to grant planning permission subject to the completion of the S106. The S106 was subsequently completed on the 22nd December 2017 and the planning decision was issued.

Description of the Site

The application site is identical to that which formed that basis of the original full planning permission 16/4545/FUL. It comprises an area of approximately 19 hectares and is located in Mill Hill Ward within the Borough. The site is located within the Metropolitan Green Belt and part of the site is located within the Mill Hill Conservation Area. The southern part of the site previously contained the main National Institute cruciform building which was a prominent 9 storey building with copper roof. This building along with other buildings on the site have now been demolished.

The application site is located on the Ridgeway within the Mill Hill ward in the northern part of the London Borough of Barnet. This 19 hectare site lies fully in the Green Belt and the southern part of the site lies in the Mill Hill Conservation Area. Figures 1 and 2 below show the relationship of these land designations with the site.

Topographically the site varies significantly from north to south with the site exhibiting a 20-25 metre fall. This level change is exhibited through a series of steep banks and man-made flat terraces which are currently used for car parking. This level change is most significant at the southern part of the site, while the northern playing fields and open space is relatively flat.

Description of Development

Development Approved under Planning Permission 16/4545/FUL

The planning permission (Council Ref: 16/4545/FUL) comprised the following:

“Redevelopment of the site to provide 460 new residential units following demolition of all existing buildings. New residential accommodation to consist of 448 self-contained flats within 19 blocks ranging from three to nine storeys with basement car parking levels and 12 two storey houses with lower ground floor levels. Associated car and cycle parking spaces to be provided. Provision of new office (B1a) and leisure (D2) floorspace and a new publicly accessible café (A3). Reconfiguration of the site access and internal road arrangements and provision of new publicly accessible outdoor amenity space. New associated refuse and recycling arrangements”

The Section 73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the wording of the description of development and and to vary planning conditions 2 (Approved Plans), Condition 26 (Play Equipment), Condition 32 (Car Parking), Condition 44 (Inclusive Design), Condition 45 (Energy Statement) and Condition 49 (Accessible Units) attached to planning permission 16/4545/FUL (dated 22nd December 2017).

Amendments to the Description of Development

This application seeks approval to amend the description of development to read as follows (deletions ~~struck through~~ and additions in **bold**):

Application for the approval of Minor Material Amendments to the description of development, Condition 2 (Approved Plans & Documents), Condition 26 (Play Equipment), Condition 32 (Car Parking), Condition 44 (Inclusive Design), Condition 45 (Energy Statement) and Condition 49 (Accessible Units) of Planning Permission D&P/3967/04 and 16/4545/FUL, to allow the provision of an additional 52 residential units within Blocks A, B and C to include minor alterations to external elevations and

floorplans, and an increase in basement parking area. Minor amendments are also sought to internal floorplans within Blocks J1 and J2.

*Revised Description of Development: Redevelopment of the site to provide ~~460~~**512** new residential units following demolition of all existing buildings. New residential accommodation to consist of ~~448~~**500** self-contained flats within 19 blocks ranging from three to nine storeys with basement car parking levels and 12 two storey houses with lower ground floor levels. Associated car and cycle parking spaces to be provided. Provision of new office (B1a) and leisure (D2) floorspace and a new publicly accessible cafe (A3). Reconfiguration of the site access and internal road arrangements and provision of new publicly accessible outdoor amenity space. New associated refuse and recycling arrangements.*

Amendments to Condition 2 (Approved Plans)

This application seeks approval to vary the wording of Condition 2 to make reference to the amended plans and supporting documents submitted as part of the S73 application with the revised wording to read as follows (deletions ~~struck through~~ and additions in **bold**):

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

1623_DWG_PL_00_001 Site Location Plan; 1623_DWG_PL_00_002 Existing Site Plan; 1623_DWG_PL_00_003 Existing Levels; 1623_DWG_PL_00_004 Existing Site Roof Plan; 1623_DWG_PL_00_010 Existing Site Demolition Plan; 1623_DWG_PL_00_020 Existing Site Section A (North-South); 1623_DWG_PL_00_021 Existing Site Section B (East-West); 1623_DWG_PL_00_022 Existing Site Section C (North-South); 1623_DWG_PL_00_023 Existing Site Section D (North-South); 1623_DWG_PL_00_030 Existing Site Elevation J - The Ridgeway; 1623_DWG_PL_00_031 Existing Site Elevation K - St Vincents Lane; 1623_DWG_PL_00_032 Existing Site Elevation L - Burtonhole Lane; 1623_DWG_PL_00_050 Existing Basement Plan; 1623_DWG_PL_00_051 Existing Lower Ground Floor Plan; 1623_DWG_PL_00_052 Existing Ground Floor Plan; 1623_DWG_PL_00_053 Existing First Floor Plan; 1623_DWG_PL_00_054 Existing Second Floor Plan; 1623_DWG_PL_00_055 Existing Third Floor Plan; 1623_DWG_PL_00_056 Existing Fourth Floor Plan; 1623_DWG_PL_00_057 Existing Fifth Floor Plan; 1623_DWG_PL_00_058 Existing Sixth Floor Plan; 1623_DWG_PL_00_059 Existing Seventh Floor Plan; 1623_DWG_PL_00_070 Existing Section AA; 1623_DWG_PL_00_071 Existing Section BB; 1623_DWG_PL_00_080 Existing Cruciform Elevation 1; 1623_DWG_PL_00_081 Existing Cruciform Elevation 2; 1623_DWG_PL_00_082 Existing Cruciform Elevation 3; 1623_DWG_PL_00_083 Existing Cruciform Elevation 4; ~~1623_DWG_PL_00_101B Proposed Masterplan Finished Floor Levels; 1623_DWG_PL_00_101_C Proposed Masterplan Finished Floor Levels; 1623_DWG_PL_00_102B Proposed Masterplan Roof Plan; 1623_DWG_PL_00_103B Proposed Masterplan Block References; 1623_DWG_PL_00_104A Proposed Masterplan Surface Car Parking Layout; 1623_DWG_PL_00_105A Proposed Masterplan Ground Layout Plan; 1623_DWG_PL_00_105_C Proposed Masterplan Ground Layout Plan;~~

~~1623_DWG_PL_00_106B Proposed Masterplan Basement/Lower Ground Plan;~~
1623_DWG_PL_00_106_C Proposed Masterplan Basement/Lower Ground Plan;
 1623_DWG_PL_00_150 Proposed Site Section A (North- South);
 1623_DWG_PL_00_151 Proposed Site Section B (North-South);
 1623_DWG_PL_00_152 Proposed Site Section C (North-South);
 1623_DWG_PL_00_153A Proposed Site Section D (North-South);
~~1623_DWG_PL_00_170 Proposed Site Elevation J - The Ridgeway;~~
1623_DWG_PL_00_170_A Proposed Site Elevation J - The Ridgeway;
 1623_DWG_PL_00_171A Proposed Site Elevation K - St Vincents Lane;
 1623_DWG_PL_00_172A Proposed Site Elevation L - Burtonhole Lane;
~~1623_DWG_PL_00_173 Proposed Site Elevation M;~~ **1623_DWG_PL_00_173_A**
Proposed Site Elevation M; 1623_DWG_PL_00_174 Proposed Site Elevation N;
~~1623_DWG_PL_00_175A Proposed Site Elevation P;~~ **1623_DWG_PL_00_175_B**
Proposed Site Elevation P; 1623_DWG_PL_00_176B Proposed Site Elevation Q;
 1623_DWG_PL_00_177B Proposed Site Elevation R; 1623_DWG_PL_00_178
 Proposed Site Elevation S; 1623_DWG_PL_00_179 Proposed Site Elevation T;
~~1623_DWG_PL_ABC_201B Proposed Basement Plan;~~
1623_DWG_PL_ABC_201_C Proposed Basement Plan;
~~1623_DWG_PL_ABC_202 Ridgeway Cruciform Cluster Lower Ground Floor Plan;~~
1623_DWG_PL_ABC_202_A Ridgeway Cruciform Cluster Lower Ground Floor
Plan; ~~1623_DWG_PL_ABC_203 Ridgeway Cruciform Cluster Ground Floor Plan;~~
1623_DWG_PL_ABC_203_A Ridgeway Cruciform Cluster Ground Floor Plan;
~~1623_DWG_PL_ABC_204 Ridgeway Cruciform Cluster First Floor Plan;~~
1623_DWG_PL_ABC_204_A Ridgeway Cruciform Cluster First Floor Plan;
~~1623_DWG_PL_ABC_205 Ridgeway Cruciform Cluster Second Floor Plan;~~
1623_DWG_PL_ABC_205_A Ridgeway Cruciform Cluster Second Floor Plan;
~~1623_DWG_PL_ABC_206 Ridgeway Cruciform Cluster Third Floor Plan;~~
1623_DWG_PL_ABC_206_A Ridgeway Cruciform Cluster Third Floor Plan;
~~1623_DWG_PL_ABC_207 Ridgeway Cruciform Cluster Fourth Floor Plan;~~
1623_DWG_PL_ABC_207_A Ridgeway Cruciform Cluster Fourth Floor Plan;
~~1623_DWG_PL_ABC_208 Ridgeway Cruciform Cluster Fifth Floor Plan;~~
1623_DWG_PL_ABC_208_A Ridgeway Cruciform Cluster Fifth Floor Plan;
~~1623_DWG_PL_ABC_209 Ridgeway Cruciform Cluster Sixth Floor Plan;~~
1623_DWG_PL_ABC_209_A Ridgeway Cruciform Cluster Sixth Floor Plan;
~~1623_DWG_PL_ABC_210 Ridgeway Cruciform Cluster Seventh Floor Plan;~~
1623_DWG_PL_ABC_210_A Ridgeway Cruciform Cluster Seventh Floor Plan;
~~1623_DWG_PL_ABC_211 Ridgeway Cruciform Cluster Roof Plan;~~
1623_DWG_PL_ABC_211_A Ridgeway Cruciform Cluster Roof Plan;
 1623_DWG_PL_DE_201A Proposed Ridgeway Courtyard- Basement;
 1623_DWG_PL_DE_202 Proposed Ridgeway Courtyard- Lower Ground Plan;
 1623_DWG_PL_DE_203 Proposed Ridgeway Courtyard- Ground Plan;
 1623_DWG_PL_DE_204A Proposed Ridgeway Courtyard- First Plan;
 1623_DWG_PL_DE_205A Proposed Ridgeway Courtyard- Second Plan;
 1623_DWG_PL_DE_206A Proposed Ridgeway Courtyard- Third Plan;
 1623_DWG_PL_DE_207A Proposed Ridgeway Courtyard- Roof Plan;
 1623_DWG_PL_F_201A Proposed Lower Lane Pavillions - Basement Plan;
 1623_DWG_PL_F_202 Proposed Lower Lane Pavillions - Ground Plan;
 1623_DWG_PL_F_203 Proposed Lower Lane Pavillions - First Plan;
 1623_DWG_PL_F_204A Proposed Lower Lane Pavillions - Second Plan;
 1623_DWG_PL_F_205A Proposed Lower Lane Pavillions - Third Plan;

1623_DWG_PL_F_206A Proposed Lower Lane Pavillions - Fourth Plan;
 1623_DWG_PL_F_207A Proposed Lower Lane Pavillions - Roof Plan;
 1623_DWG_PL_G_201 Proposed Lower Lane Belvedere- Lower Ground Plan;
 1623_DWG_PL_G_202 Proposed Lower Lane Belvedere- Ground Plan;
 1623_DWG_PL_G_203 Proposed Lower Lane Belvedere- First Plan;
 1623_DWG_PL_G_204 Proposed Lower Lane Belvedere- Second Plan;
 1623_DWG_PL_G_205 Proposed Lower Lane Belvedere- Third Plan;
 1623_DWG_PL_G_206 Proposed Lower Lane Belvedere- Roof Plan;
 1623_DWG_PL_H_201 Proposed Lower Lane Houses 4 Bedroom Houses - Plans;
 1623_DWG_PL_H_202 Proposed Lower Lane Houses 5 Bedroom Houses - Plans;
~~1623_DWG_PL_JK_201A Proposed Woodland Cluster Basement Plan;~~
1623_DWG_PL_JK_201_B Proposed Woodland Cluster Basement Plan;
~~1623_DWG_PL_JK_202A Proposed Woodland Cluster Ground Plan;~~
1623_DWG_PL_JK_202_C Proposed Woodland Cluster Ground Plan;
~~1623_DWG_PL_JK_203A Proposed Woodland Cluster First Plan;~~
1623_DWG_PL_JK_203_C Proposed Woodland Cluster First Plan;
~~1623_DWG_PL_JK_204A Proposed Woodland Cluster Second Plan;~~
1623_DWG_PL_JK_204_C Proposed Woodland Cluster Second Plan;
~~1623_DWG_PL_JK_205A Proposed Woodland Cluster Third Plan;~~
1623_DWG_PL_JK_205_C Proposed Woodland Cluster Third Plan;
~~1623_DWG_PL_JK_206A Proposed Woodland Cluster Roof Plan;~~
1623_DWG_PL_JK_206_C Proposed Woodland Cluster Roof Plan;
 1623_DWG_PL_A_220 Proposed Section AA; **1623_DWG_PL_A_220_A Proposed Section AA;** ~~1623_DWG_PL_A_221 Proposed Section BB;~~
1623_DWG_PL_A_221_A Proposed Section BB; ~~1623_DWG_PL_A_240 Proposed North Elevation 1;~~
1623_DWG_PL_A_240_A Proposed North Elevation 1; ~~1623_DWG_PL_A_241 Proposed South Elevation 2;~~
1623_DWG_PL_A_241_A Proposed South Elevation 2; ~~1623_DWG_PL_A_242 Proposed East Elevation 3;~~
1623_DWG_PL_A_242_A Proposed East Elevation 3; ~~1623_DWG_PL_A_243 Proposed West Elevation 4;~~
1623_DWG_PL_A_243_A Proposed West Elevation 4; ~~1623_DWG_PL_B1_240 Block B1 Elevation 1 & 2;~~
1623_DWG_PL_B1_240_A Block B1 Elevation 1 & 2; ~~1623_DWG_PL_B1_241 Block B1 Elevation 3 & 4;~~
1623_DWG_PL_B1_241_A Block B1 Elevation 3 & 4; ~~1623_DWG_PL_B2_240 Block B2 Elevation 1 & 2;~~
1623_DWG_PL_B2_240_A Block B2 Elevation 1 & 2; ~~1623_DWG_PL_B2_241 Block B2 Elevation 3 & 4;~~
1623_DWG_PL_B2_241_A Block B2 Elevation 3 & 4; ~~1623_DWG_PL_C1_240 Block C1 Elevation 1 & 2;~~
1623_DWG_PL_C1_240_A Block C1 Elevation 1 & 2; ~~1623_DWG_PL_C1_241 Block C1 Elevation 3 & 4;~~
1623_DWG_PL_C1_241_A Block C1 Elevation 3 & 4; ~~1623_DWG_PL_C2_240 Block C2 Elevation 1 & 2;~~
1623_DWG_PL_C2_240_A Block C2 Elevation 1 & 2; ~~1623_DWG_PL_C2_241 Block C2 Elevation 3 & 4;~~
1623_DWG_PL_C2_241_A Block C2 Elevation 3 & 4; 1623_DWG_PL_DE_240 Blocks D & E Proposed Elevations (South & West); 1623_DWG_PL_DE_241 Blocks D & E Proposed Elevations (North & East); 1623_DWG_PL_DE_242 Blocks D & E Proposed Internal Elevations (North & East); 1623_DWG_PL_DE_243 Blocks D & E Proposed Internal Elevations (South & West); 1623_DWG_PL_F_240A Block F Proposed Elevation Overall (North & South); 1623_DWG_PL_F1_240A Block F1 Proposed Elevation (North & East); 1623_DWG_PL_F1_241A Block F1 Proposed Elevation (South & West); 1623_DWG_PL_F2_240 Block F2 Proposed Elevation (North & East); 1623_DWG_PL_F2_241 Block F2 Proposed Elevation (South & West); 1623_DWG_PL_F3_240A Block F3 Proposed Elevation (North & East);

1623_DWG_PL_F3_241 Block F3 Proposed Elevation (South & West);
 1623_DWG_PL_G1_240 Block G1 Proposed Elevation (South- West);
 1623_DWG_PL_G1_241 Block G1 Proposed Elevation (South-East);
 1623_DWG_PL_G1_240 Block G1 Proposed Elevation (North-East);
 1623_DWG_PL_G1_241 Block G1 Proposed Elevation (North-West);
 1623_DWG_PL_G2_240 Block G2 Proposed Elevation (South- West);
 1623_DWG_PL_G2_241 Block G2 Proposed Elevation (South-East);
 1623_DWG_PL_G2_240 Block G2 Proposed Elevation (North-East);
 1623_DWG_PL_G2_241 Block G2 Proposed Elevation (North-West);
 1623_DWG_PL_H1_240 H1 Proposed Elevations; 1623_DWG_PL_H2_240 H2
 Proposed Elevations; 1623_DWG_PL_H3_240 H3 Proposed Elevations;
 1623_DWG_PL_H4_240 H4 Proposed Elevations; 1623_DWG_PL_H5_240 H5
 Proposed Elevations; 1623_DWG_PL_H6_240 H6 Proposed Elevations;
 1623_DWG_PL_H7_240 H7 Proposed Elevations; 1623_DWG_PL_H8_240 H8
 Proposed Elevations; 1623_DWG_PL_H9_240 H9 Proposed Elevations;
 1623_DWG_PL_H10_240 H10 Proposed Elevations; 1623_DWG_PL_H11_240 H11
 Proposed Elevations; 1623_DWG_PL_H12_240 H12 Proposed Elevations;
 1623_DWG_PL_J1_240A Block J1 Proposed Elevation (North & East);
 1623_DWG_PL_J1_241A Block J1 Proposed Elevation (South & West);
 1623_DWG_PL_J2_240A Block J2 Proposed Elevation (North & East);
 1623_DWG_PL_J2_241A Block J2 Proposed Elevation (South & West);
 1623_DWG_PL_J3_240A Block J3 Proposed Elevation (North & East);
 1623_DWG_PL_J3_241A Block J3 Proposed Elevation (South & West);
 1623_DWG_PL_K1_240A Block K1 Proposed Elevation (North & East);
 1623_DWG_PL_K1_241A Block K1 Proposed Elevation (South & West);
 1623_DWG_PL_K2_240A Block K2
 Proposed Elevation (North & East); 1623_DWG_PL_K2_241A Block K2 Proposed
 Elevation (South & West); **1623_DWG_PL_00_301_A Detailed Bay Study Block
 A; 1623_DWG_PL_00_305_A Detailed Bay Study Blocks B+C;**
 1623_ABC_DWG_00_301 Detailed Bay Study B + C; 1623_ABC_DWG_00_305
 Detailed Bay Study B + C; 1623_DWG_PL_DE_301 Detailed Bay Study D + E;
 1623_DWG_PL_F_301 Detailed Elevation/Section Study Block F;
 1623_DWG_PL_G_301 Detailed Elevation/Section Study Block G;
 1623_DWG_PL_H_301 Detailed Elevation/Section Study Houses;
 1623_DWG_PL_J_301 Detailed Elevation/Section Study Block J;
 1623_DWG_PL_K_301 Detailed Elevation/Section Study Block K; 1779 01 C
 Landscape Masterplan; 1779 02 B Ridgeway Courtyard General Arrangement; 1779
 03 B Cruciform Approach General Arrangement; 1779 04 B Woodland Cluster
 General Arrangement (1 of 2); 1779 05 B Lower Lane Pavilions General
 Arrangement; 1779 06 B Valley Terrace and Lower Belvedere Terrace General
 Arrangement; 1779 07 B Woodland Cluster General Arrangement (2 of 2); 1779 08 B
 Lower Lane Houses West General Arrangement; 1779 09 B Lower Lane Houses
 East General Arrangement; 1779 10 A Grassland and Woodland Glades General
 Arrangement; 1779 11 A Woodland and Woodland Glades General Arrangement;
 1779 12 B Sports Field General Arrangement;

Also submitted for information purposes:

Design and Access Statement (Hawkins\Brown and dMFK, June 2016); Design and
 Access Statement Addendum (Hawkins\Brown and dMFK, August 2017); **Design and
 Access Statement Addendum (RMA Architecture, May 2019)**; Access Statement

(David Bonnett Associates June 2016); **Access Statement Addendum (David Bonnett Associates April 2019)**; Sunlight and Daylight Assessment (GIA, June 2016); **Sunlight and Daylight Assessment Addendum (GIA, April 2019)**; Sustainability Statement (including Energy Statement) (BBS, June 2016); **Energy Statement Addendum (BBS, May 2019)**; Planning Statement (Deloitte, June 2016); **Planning Statement Addendum (Avison Young, May 2019)**; Landscape Strategy (Liz Lake Associates, June 2016); Landscape Strategy Addendum (Liz Lake Associates, August 2017); Statement of Community Involvement (Westbourne, June 2016); **Statement of Community Involvement S73 (London Communications Agency, May 2019)**; Utilities Assessment (Arden, June 2016); **Utilities Assessment Addendum (Arden, May 2019)**; Wind and Microclimate Assessment (RWDI, June 2016); **Wind and Microclimate Assessment Addendum (RWDI, May 2019)**; Residential Travel Plan (Arden, August 2017); **Residential Travel Plan Addendum (Arden, May 2019)**; Workplace Travel Plan (Arden, August 2017); Delivery Servicing Plan (Arden, August 2017); **Delivery and Servicing Management Plan Addendum (Arden, May 2019)**; Environmental Statement (Deloitte, June 2016) comprising Non-Technical Summary, Volume 1 – Main Text, Volume 2 – Technical Appendices including: Air Quality; Noise and Vibration; Flood Risk Assessment; Drainage; Ecology; Tree Survey, Volume 3 – Heritage, Townscape and Visual Impact Assessment, Volume 4 – Transport Assessment; Addendum to Environmental Statement dated August 2017 including Transport Assessment Addendum, Phase 1 Habitat Survey update and updated Tree Loss and Retention Schedule; **Addendum to Environmental Statement (May 2019) including updates to Non-Technical Summary, Socio-Economic Assessment, Air Quality Assessment, Noise and Vibration Assessment, Flood Risk Assessment, Heritage Townscape and Visual Impact Assessment Statement of Conformity, Transport Assessment and Greenhouse Gas Emissions Statement.**

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with Policies CS01, CS04, CS05, DM01 and DM02 of the Barnet Local Plan (2012) and Policy 1.1 of the London Plan (2016).

Amendments to Condition 26 (Play Equipment)

The application seeks approval to vary the wording of Condition 26 as follows (deletions struck through and additions in **bold**):

*(a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity spaces shall be submitted to and approved in writing by the Local Planning Authority. Details shall include landscaping, climbable objects, fixed equipment, facilities for children (0-11 years old) and facilities suitable for disabled children and carers. Provision shall include at least ~~505~~**600** sq.m of dedicated doorstep play space for children under-five and play space for 5 -11 year olds across the site, to include some doorstep provision alongside the dedicated play space for children under-five.*

(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, unless otherwise agreed in writing.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 and DM02 of the Barnet Local Plan (2012), Barnet's Residential Design Guidance SPD (2016), Barnet's Planning Obligations SPD (2013) and Policy 3.6 of the London Plan (2016).

Amendments to Condition 32 – Car Parking

The application seeks approval to vary the wording of Condition 32 as follows (deletions ~~struck through~~ and additions in **bold**):

*The level of parking for all land uses shall be as set out in the Design and Access Statement Addendum document (~~Hawkins\Brown~~) dated August 2017 **and the Design and Access Statement Addendum (RMA Architecture) dated May 2019**, resulting in ~~516~~ **568** residential spaces (including visitor spaces) and 19 commercial spaces (of which ~~326~~ **378** are basement spaces (including garages), 164 are off-street spaces and 45 are on-street spaces).*

Temporary car parking shall be provided during the build-out to ensure that the forecast ratio for the site is provided close to the development areas. Plans of any temporary car parking layouts will be submitted for written approval by the Local Planning Authority.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan (2016) and also to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

Amendments to Condition 44 – Inclusive Design

The application seeks approval to vary the wording of Condition 44 as follows (deletions ~~struck through~~ and additions in **bold**):

*The development shall be implemented in full accordance with the submitted Access Statement (dated June 2016) **and Access Statement Addendum (dated April 2019)** prepared by David Bonnett Associates) and shall thereafter be retained.*

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.8 and 7.2 of the London Plan (2016) and Policy DM02 of the Barnet Local Plan (2012).

Amendments to Condition 45 – Energy Statement

The application seeks approval to vary the wording of Condition 45 as follows (deletions ~~struck through~~ and additions in **bold**):

*The development shall be implemented in full accordance with the submitted Energy Statement (dated June 2016 prepared by BBS Environmental ref EST45932 Issue 1) **and Energy Statement Addendum (dated May 2019 prepared by BBS Environmental)** and shall thereafter be retained. The communal heating system shall be designed to permit a future connection to a District Heat Network should a feasible and viable connection become available in the future.*

Reason: To ensure that the development is sustainable and in accordance with Policy DM01 of the Barnet Local Plan (2012) and Policies 5.2, 5.3 and 5.7 of the London Plan (2016).

Amendments to Condition 49 – Accessible Units

The application seeks approval to vary the wording of Condition 49 as follows (deletions ~~struck through~~ and additions in **bold**):

*At least ~~46~~ **52** dwellings (10% of the dwellings) in the development shall be wheelchair accessible or easily adaptable for wheelchair use (Part M4 (3) 'wheelchair user dwellings' of the Building Regulations 2010 (as amended 2015). The ~~46~~ **52** dwellings will comprise ~~38-46~~ x 2-bed units and ~~8~~ **6** x 3-bed units*

Reason: To safeguard the character and visual amenity of the site and wider area, in accordance with Policies CS05 and DM01 of the Barnet Local Plan (2012) and Policies 5.7, 7.4, 7.8 and 7.16 of the London Plan (2016).

Proposed Amendments

The effect of the change in wording of the above conditions is to allow for the following changes to the approved scheme.

- Amendments to the approved floorplans plans of Blocks A, B and C to allow for the provision of 52 additional homes (+20 units in Block A, + 22 units in Block B, and + 10 units in Block C). Refer to housing mix table at Appendix B. These additional homes are accommodated within the same building mass of the original approved scheme, with no change to above-ground building volume or floorspace;
- Additional balconies are added to Blocks B and C (and amendments proposed to the location of approved balconies) to reflect the internal floorplan changes;
- Changes to elevations of Blocks A-C as a result of floorplan amendments;
- Amendments to the basement floorplan of the Cruciform Cluster (Blocks A-C) to enlarge the basement area from approx. 4,913sqm (as approved) to approx. 6,638sqm (an increase of approx. 1,724sqm). This allows a pro-rata increase in the provision of car parking spaces within this basement from 175 to 227 spaces (52 additional spaces). It also accommodates an increase of 39 cycle parking spaces (amended site wide total of 886 spaces) and an increase in bin-store capacity;
- Pro-rata increase in the provision of affordable housing (to maintain 35% by habitable rooms); and
- Minor alterations to the floorplans of Blocks J1 and J2, to allow for an increase in M4(3) wheelchair adaptable units within these blocks.

Design Changes

The proposed design changes are generally not significant in nature, i.e. minor alterations to fenestration.

In terms of visual impact as a result of the design changes, it is the changes to main new cruciform building fronting the Ridgeway which is most critical to consider further. The main variation on the front elevation is the replacement of the 5 decorated brick

panels with three which extend from the 2nd to the 5th floor. Windows and stone banding are provided in their place matching the design of the adjoining windows and provide consistency to this elevation. No alterations to the roof level are proposed or to the lower floors of the scheme.

Landscaping

No changes to the approved landscaping is proposed. A small increase in the quantity of children’s play space is proposed as illustrated in the changes to the wording of planning condition 26.

Residential Mix

The internal reconfiguration results in the following changes to the proposed unit mix. The details of this are shown on the following tables:

Table A.1: Original Consent

Tenure	Unit Size	Units No.		Hab Rooms		Hab Room % (Total)
		No.	%	No.	%	
Private	1B	51	18.5%	102	12%	
	2B	142	51.6%	426	48.6%	
	3B	70	25.5%	280	32.0%	
	4B	4	1.5%	20	2.3%	
	5B	8	2.9%	48	5.5%	
Total		275		876		65.0%
Shared Ownership	1B	67	51.1%	134	40.6%	
	2B	60	45.8%	180	54.5%	
	3B	4	3.1%	16	4.8%	
Total		131		330		24.48%
Affordable Rent	1B	28	51.9%	56	39.4%	
	2B	18	33.3%	54	38.0%	
	3B	8	14.8%	32	22.5%	
Total		54		142		10.53%
Site Wide Total		460		1348		

Table A.2: Proposed Amendments

Tenure	Unit Size	Units No.		Hab Rooms		Hab Room % (Total)
		No.	%	No.	%	
Private	1B	72	23.15%	144	15.06%	
	2B	164	52.73%	492	51.46%	
	3B	63	20.26%	252	26.36%	
	4B	4	1.29%	20	2.09%	
	5B	8	2.57%	48	5.02%	
Total		311		956		65.0%
Shared Ownership	1B	67	50.0%	134	39.5%	
	2B	63	47.0%	189	55.8%	
	3B	4	3.0%	16	4.7%	
Total		134		339		23.0%
Affordable Rent	1B	35	52.2%	70	39.8%	
	2B	22	32.8%	66	37.5%	
	3B	10	14.9%	40	22.7%	
Total		67		173		12.0%
Site Wide Total		512		1471		

Table A.3: Uplift

Tenure	Unit Size	Units No.		Hab Rooms		Hab Room % (Total)
		No.	%	No.	%	
Private	1B	21	58.33%	42	53%	
	2B	22	61.11%	66	83%	
	3B	-7	-19.44%	-28	-35%	
	4B	0	0.00%	0	0%	
	5B	0	0.00%	0	0%	
Total		36		80		65.0%
Shared Ownership	1B	0	0.0%	0	0.0%	
	2B	3	100%	9	100%	
	3B	0	0.0%	0	0.0%	
Total		3		9		9.2%
Affordable Rent	1B	7	53.8%	14	41.2%	
	2B	4	30.8%	12	35.3%	
	3B	2	15.4%	8	23.5%	
Total		13		34		27.6%
Site Wide Total		52		123		

As can be seen from the above, the application results in a slight reduction of 3 bed private units by 7 units and that the majority of the uplift is in 1 and 2 bed units, however there is an increase in 3 bed affordable units.

Affordable Housing

The applicant has provided a pro rate uplift in the number of affordable units with 16 additional affordable units being provided of which 13 are rented units which represents 35% of the uplift.

Wheelchair units

The applicant has advised that the required 10% of all units to be of wheelchair adaptable standard will be maintained under the current application with units in Blocks J1 and J2 being adapted to wheelchair M4(3) standards.

Car Parking Provision

An uplift in car parking is proposed to maintain the same ratio as the Approved development. As such an additional 52 units are proposed for the additional 52 units. These units will be provided in an extended basement under Block A. Additionally due to the provision of additional wheelchair units in blocks J1, J2 and J3 additional disabled bays in lieu of standard parking bays will be provided.

Cycle Parking Provision

The proposed amendments include an increase to the amount of cycle parking to serve the needs of the increase in homes/residents. Details are set out in the application supporting documents. In total, 886 cycle parking spaces are proposed in the revised scheme, which accords with the current London Plan standards and those approved under the Original Consent.

Other Changes

The application supporting documents and plans advise that refuse storage will increase within the existing building envelope to cater for the increased number of residents. The approved energy strategy and Delivery and Servicing Management Plan are also updated.

2. PLANNING APPRAISAL

Principle of Minor Material Amendment (the s.73 application procedure)

The National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*

Pre-application discussions were undertaken with the Applicant and consideration has been given as to the effect of the amendments to the approved development, including whether it would:

- Result in a change that is minor in terms of its scale;
- Result in a change that is minor in terms of its impact on amenity and visual impact;

- Would comply with material planning considerations.

It was judged that the proposed amendments were minor material and the submission of a Section 73 application was the appropriate route for this application.

Baseline Position

As stated above, planning permission 16/4545/FUL approved the National Institute of Medical Research development on 22nd December 2017. In this context, and in accordance with the NPPG, the key considerations in the determination of the application are:

1. Whether planning policies (and other material considerations) have changed since the hybrid permission was granted; and
2. Whether the proposed amendments are acceptable (having regard to the Development Plan and other material considerations).

Changes to Planning Policy and Other Material Considerations

The planning policy framework affecting the site remains unchanged to that in place in December 2017, with the exceptions outlined in the Policy Section above. It is not considered that any of these policy changes would substantially affect the consideration of the current S73 application.

Assessment of Proposed Amendments

The main issues arising out of the current application concern the following:

- Urban Design
- Residential Mix
- Affordable Housing Provision
- Density
- Daylight and Sunlight
- Residential Quality
- Car Parking Provision
- Construction Impacts
- Cumulative Effect of Amendments

Each of these is discussed in turn below.

Urban Design

The proposed design changes are considered minor in nature and overall while subjective, officer opinion is that the proposed design changes to the main Cruciform block represent a visual improvement over the approved consent. It is noted that no objections have been received concerning design and it is noted that the MHPS while preferring the visual appearance of the original scheme raise no objections on design grounds to the proposal.

Residential Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different

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

Proposed S73

Housing Type	Market		Shared Ownership		Affordable Rent		Total	
	Units	Hab Room	Units	Hab Room	Units	Hab Room	Units	Hab Room
1B	72 (+21)	144 (+42)	67	134	35 (+7)	70 (+14)	174	348
2B	164 (+22)	492 (+66)	63 (+3)	189 (+9)	22 (+4)	66 (+12)	249	747
3B	63 (-7)	252 (-28)	4	16	10 (+2)	40 (+8)	77	308
4B	4	20	0	0	0	0	4	20
5B	8	48	0	0	0	0	8	48

As can be seen from the above table the proposed amendments would increase the number of 1 bed units by 28 units, the number of two bed units by 29 and decrease the number of 3 bed units by 5. However the proposal would still provide 77 three bed units, 4 four bed units and 8 five bed units. In addition to this nan increase in the number of larger three bed affordable units is proposed. As such it is still considered that the proposal will continue to provide a good mix of units sizes in accordance with Policy DM08.

Affordable Housing Provision

The applicant has provided a pro rate uplift in the number of affordable units with 16 additional affordable units being provided of which 13 are rented units which represents 35% of the uplift. This uplift is welcomed and will provide much needed affordable housing.

Density

London Plan policy 3.4 seeks to optimise the housing potential of sites. This provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150–200 hr/ha	150–250 hr/ha	200–350 hr/ha
3.8–4.6 hr/unit	35–55 u/ha	35–65 u/ha	45–90 u/ha
3.1–3.7 hr/unit	40–65 u/ha	40–80 u/ha	55–115 u/ha
2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha
Urban	150–250 hr/ha	200–450 hr/ha	200–700 hr/ha
3.8–4.6 hr/unit	35–65 u/ha	45–120 u/ha	45–185 u/ha
3.1–3.7 hr/unit	40–80 u/ha	55–145 u/ha	55–225 u/ha
2.7–3.0 hr/unit	50–95 u/ha	70–170 u/ha	70–260 u/ha
Central	150–300 hr/ha	300–650 hr/ha	650–1100 hr/ha
3.8–4.6 hr/unit	35–80 u/ha	65–170 u/ha	140–290 u/ha
3.1–3.7 hr/unit	40–100 u/ha	80–210 u/ha	175–355 u/ha
2.7–3.0 hr/unit	50–110 u/hr	100–240 u/ha	215–405 u/ha

The Site has an existing PTAL rating of Level 1b. In accordance with Table 3.2 of the London Plan, the Site is located within a suburban setting. Given the Site's PTAL rating and suburban locality, the London Plan seeks to provide residential densities of between 150-200 habitable rooms per hectare.

The Proposed Development results in an average density of 156 habitable rooms per hectare (only including the 9.4 hectares on the southern part of the site), as opposed to 144 habitable rooms per hectare in the extant scheme, which is within the indicative range within the London Plan. The proposed density is therefore considered acceptable in accordance with Policy.

Daylight and Sunlight Admission

A Sunlight/Daylight report has been submitted with the application. This report concludes that the proposed revised scheme will continue to provide policy compliant levels of daylight and sunlight amenity to future occupants. Neighbouring properties are not affected by the changes proposed.

Residential Quality

The revised scheme accords with all Mayoral and borough level policies and guidance regarding housing quality, particularly in respect to the Mayor's Housing SPG and draft London Plan Policy D4, other than in respect to private amenity space.

A small number of homes within Block A do not benefit from direct access to their own private amenity space due to the adverse impact this would have on the design quality of the southern elevation of this building. Occupiers will, however, have easy access to the scheme's high quality shared communal gardens ensuring that outdoor amenity needs are catered for. This is the result of a balanced judgement between amenity and design in order to not adversely affect the visual appearance of this prominent building. All other homes benefit from private balconies/terraces in line with the Mayor's standards and the overall quantum of outdoor amenity space in the scheme far exceeds the standards set out in the Barnet Local Plan.

Car Parking Provision

The proposed amendments result in an increase of 52 car parking spaces over the extant permission to be accommodated in an increased underground basement. The provision of 1 space per unit would accord with Barnet Policy DM17 and it is considered that satisfactory parking provision has been provided for the additional units.

In relation to the impact of additional cars on surrounding roads, it is noted that the original scheme considered at the Planning Committee meeting of the 22nd February 2017 proposed a higher level of car parking provision than that currently proposed under the current S73 application and the road layout and junctions were built to accommodate this higher number of cars. No objections were raised to this higher car parking level by either Council Officers or Members. As such it is not considered by officers that this increase will result in any significant increased congestion on surrounding roads.

Construction Impacts

Numerous objectors raised concerns regarding the impact of construction and construction vehicles, including contractor parking on the quality of life of neighbouring residents. Notwithstanding the merits of the complaints raised, each planning proposal needs to be assessed on its own individual merits. The majority of construction disturbance is caused by the more major construction activities, i.e. demolition of buildings, ground levelling and reprofiling and the construction of the external fabric of the buildings rather than the internal fitout of the buildings. Given that the additional units are within the existing building envelope it is not considered that the proposed uplift in the number of units would add significantly to construction disturbance to local residents.

Cumulative Effect of Amendments

When considered as a whole, the cumulative effects of the proposed changes to the approved development are minor in scale and nature, and will not result in a development that is substantively different to that already approved.

Environmental Impact Assessment

The Original Consent was accompanied by an Environmental Statement (ES) (and associated addendums). A Section 73 application is considered to be a new application for planning permission under the 2011 Environmental Impact Assessment Regulations.

Where an Environmental Impact Assessment was carried out on the original application, the local planning authority is required to consider if further environmental information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations.

In this instance an ES Addendum has been submitted in support of this application, prepared in accordance with the Environmental Impact Assessment Regulations 2017.

The ES Addendum builds on the analysis and assessments presented in the original ES to provide information necessary to assess the likely significant effects of not only the proposed amendments in isolation, but also the amended proposed development as a whole (i.e. the complete amended proposed development with all design changes incorporated).

The scope of the addendum covers topic areas that have the potential to be affected by the proposed amendments only, as follows:

- Traffic and transport;
- Noise and vibration;
- Air quality;
- Socio-economics; and
- Heritage, townscape/landscape and visual impact.

The following topics were scoped into the original ES but the assessments are not affected by the proposed amendments, and therefore have been scoped out of the ES Addendum:

- Cultural heritage; and
- Ecology and nature conservation.

The conclusion of the ES Addendum is that the proposed amendments do not materially change the outcomes and conclusions of the Consented ES, with the only change to significant effects occurring in relation to socio economics, in respect to local expenditure (a beneficial effect). No new or altered effects, whether significant or not, occur due to the Proposed Amendments.

Having reviewed this document and other supporting documents, the Local Planning Authority agree that there is not likely to be any significant environmental impact as a result of the proposed changes.

Planning Obligations

The original planning permission is subject to a Section 106 Agreement. This agreement will be carried over to this planning permission sought via means of a deed of modification. In addition the following sections need to be amended and updated to reflect the changes proposed under this S73 application.

- Schedule 1 – Revised Affordable Housing Plans;
- Schedule 2 – Revised draft planning permission (to comprise the fresh consent being applied for);
- Schedule 3 (Affordable Housing) – Part 1 to be updated to account for revised affordable housing commitments, in terms of the number of each unit size and tenure;
- Appendix 1 – Revised Affordable Housing Delivery Schedule; and
- Appendix 2 – Revised Affordable Housing Accommodation Schedule

Community Infrastructure Levy

The proposed increase in the size of the basement and increase in the amount of affordable housing will alter the amount of Chargeable Development for the purposes of the CIL Regulations. Updated CIL forms have been submitted with the application to account for this. The revised scheme will continue to be implemented on a phased basis with each phase representing a separate Chargeable Development for the purposes of the CIL Regulations.

5. EQUALITIES AND DIVERSITY ISSUES

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

*“(a) eliminate discrimination, harassment, victimization 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 proposals are considered to be in accordance with national, regional and local policy by establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development.

6. CONCLUSION

The application is made under Section 73 of the Town and Country Planning Act seeking planning permission to vary the wording of the description of development and planning condition 1 attached to hybrid planning permission 16/5050/S73.

National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been*

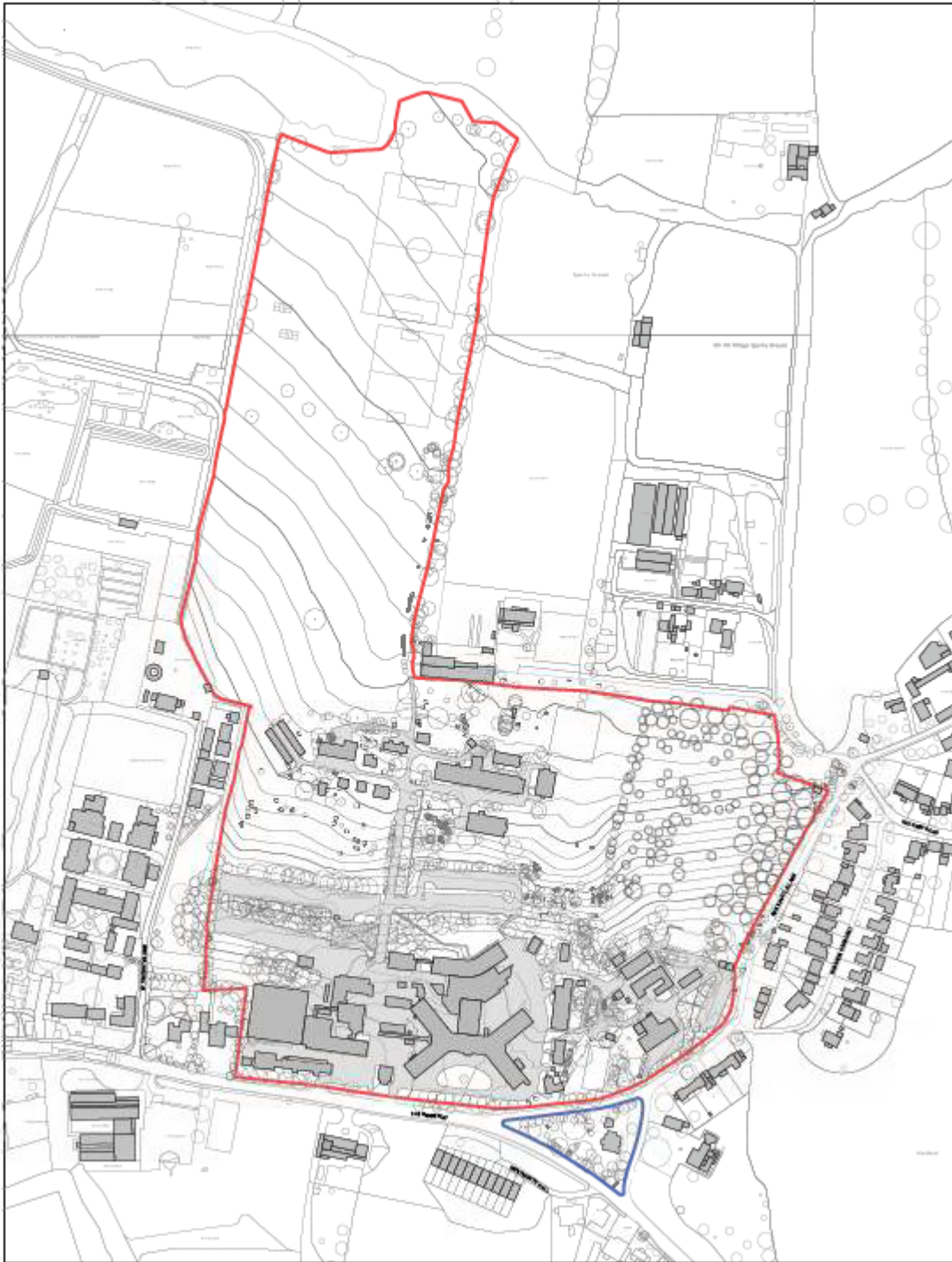
approved.” In this case, it is not considered that the changes proposed would result in any significant change to the approved scheme.

The amendments proposed are considered acceptable in land use terms and do not raise any significant design, neighbouring amenity or highway implications. The proposed amendments generally and taken overall accord with the relevant development plan policies.


Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

SITE LOCATION PLAN: National Institute of Medical Research

REFERENCE: 19/3208/S73



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	<h2 style="margin: 0;">Planning Committee</h2> <p style="margin: 0;">10th October 2019 AGENDA ITEM 15</p>
Title	Planning Enforcement and Planning Committees Appeals Update – January to June 2019
Report of	Service Director – Planning and Building Control
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Fabien Gaudin, fabien.gaudin@barnet.gov.uk , 020 8359 4258

Summary

The report provides an overview of the planning enforcement function and planning appeals overview in the period between January 2019 and June 2019.

Officers Recommendations

1. That the Committee note the Planning Enforcement and Planning Committee Appeals Update for the period of January to June 2019

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issued which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function in the period of January to June 2019.

2. PLANNING ENFORCEMENT UPDATE

2.1 Number of service requests

- 2.1.1 In the first six months of 2019, the Council received 1012 requests to investigate an alleged breach of planning control which is an increase from 2018 (1948 in the year) and also 2017 when 1596 requests were received. 1140 cases were closed in the same period.

2.2 Formal Enforcement action

- 2.2.1 Enforcement Action should always be commensurate with the breach. When considering enforcement action, the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations.

- 2.2.2 A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action, the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 2.4 shows details of such cases resolved in the first six months of 2019.

- 2.2.3 In the first six months of 2019, 89 Enforcement Notices (of all types but excluding Planning Contravention Notices) were authorised. As a point of comparison, 196 were authorised in 2018 and 135 in 2017. The number of notices served in 2018 was an all-time high for the Council over a calendar year.

2.3 Benchmarking

- 2.3.1 The Ministry of Housing, Communities & Local Government recently released enforcement statistics for the year ending June 2019. According to those statistics, the Council served the second most enforcement and breach of conditions notices in England in the year ending June 2019. (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>)

Rank	Local Planning Authority	# enforcement notices and breach of conditions notices
1	Newham	142
2	Barnet	130
3	Brent	129
4	Westminster	116
5	Bradford	101

2.4 Cases Closed and Investigation Conclusion

	Jan-Jun 2019	2018	2017
Full compliance following serving of enforcement notice	92	142	113
Informal compliance Works carried out and/or use ceased with breach resolved informally	152	305	320
Lawful development No breach of planning control was identified following investigation	450	885	955
Breach detected but harm insufficient to justify enforcement action	255	419	244
Other duplicate referrals, anonymous or withdrawn requests, dealt with through alternative legislation etc	91	134	239
Total	1040	1899	1871

2.5 Prosecutions and notable cases updates

2.5.1.1 1A Mortimer Close (Childs Hill ward)

The site is a small parcel of land on adjacent to the footpath between Mortimer Close and Garth Road. The site has an extensive planning history with permission initially being granted in 2006 for a single storey office block with ancillary accommodation in the roof space.

Various section 215 (untidy land) Notices were served as building works stalled and although minor works were undertaken to improve the condition of the building the site, in a key regeneration area, became unsightly and a focus for littering, graffiti and anti social behaviour. A further permission for alterations to the building was granted on appeal by the planning inspectorate in September 2015.

The owner failed to complete the works granted by the permission within its three years 'implementation period'.

Section 94 of the Town and Country Planning Act allows the local planning authority to serve a completion notice. The completion notice was confirmed by the Ministry for Communities, Housing and Local Government on the 24th June. This gives the owner of the land 12 months from that date to complete the build in accordance with the approved plans. Failure to do so results in the termination of the planning permission and the authority enforcing the buildings demolition.

Although relatively rare in the borough incomplete building works and derelict buildings can have a disproportionately large negative impact on an area and can serve as 'hubs' for many forms of criminal and anti social behaviour . As such we are keen to do what we can to reduce the impacts of these buildings and incomplete developments

The Council is always looking for innovative solutions to resolve breaches of planning control. A Completion Notice is an extremely uncommon notice and this is the first to be served by the London Borough of Barnet. It is unknown if any other local authority has pursued this route of action. A completion notice is unlikely to be appropriate in most circumstances but officer will happily consider any instances that are brought to their attention to see if there is a potential solution.

2.5.1.2 Site by Colney Hatch Lane, the North Circular Road and Cromwell Road (Coppetts Ward)

In late Spring the Council were alerted to an unauthorised Traveller site that had settled on the Friern Barnet Playing Fields, a private site bordered by Colney Hatch Lane, the North Circular Road And Cromwell Road in the Coppetts Ward, N10.

The land is designated Metropolitan Open Land, as designated in the London Plan, and the same level of protection is to be given as for Green Belt land. A planning enforcement notice was served on those with an interest in the land for the material change of use of the land for the stationing of caravans to form a Gypsy and Traveller site, after active engagement with the owners and occupiers had not resulted in the cease of the unauthorised use.

This was the first Enforcement Notice served by the Council on a Traveller site. Following the serving of the Enforcement Notice which gave the occupiers three months to vacate the site, a police incident occurred. This therefore led to the Council promptly issuing a Stop Notice due to the concern over the impact on the amenities and safety of the occupiers and neighbouring residents in the area. The Council served the Stop Notice escorted by the police, which gave the owners three days to act, or risk prosecution.

On receipt of the Stop Notice, the owners promptly applied for an eviction order from the Court, with success. Since the Travellers vacated, the owners took measures to secure the site to prevent further trespassing onto the site.

A Stop Notice is a rare notice and can only be served in relation to the greatest planning harm and is not without risk to the Council as compensation can be paid if the justification for such action is lacking. In the year 2018/19 a total of only 135 Stop Notices were served in the whole of England, compared to 3,867 standard Enforcement notices (Gov.uk statistics).

2.5.1.3 70 High Street Barnet EN5 5SJ (High Barnet ward)

Planning permission was granted in 2017 for the redevelopment of the old 'After Office Hours' pub site to include a new three storey building with a bar / pub on the ground floor and residential above.

A number of conditions were attached to the approval. One condition required that details of an agreed contract to construct the new building be provided prior to demolition taking place. This is exceptionally important given the location of the site within the Wood Street Conservation Area. Any break in the line of buildings would result in a highly undesirable and unsightly void being left, to the detriment of the Conservation Area.

Works to demolish the building were undertaken. However, details for when the new building was to be constructed were not submitted and it now appears that the owners are seeking approval for an alternative scheme (details here). With no development works apparently imminent there is an unacceptable risk that a gaping void will be left in the High Street for the foreseeable future and a community facility lost with little prospect for timely replacement.

Following the raising of concerns by ward councillors a planning enforcement notice was served in September 2019. Unless an approved scheme is built out beforehand the notice requires that the demolished building be rebuilt to its original size and specifications within a period of 8 months. Whilst this is done by way of an enforcement notice, it is rare that an enforcement notice is used to this effect.

The enforcement notice should ensure that the void in the streetscene is filled and the loss of the community facility is replaced without undue delay. As with all enforcement notices there is the right to make an appeal to the Planning Inspectorate.

3. COMMITTEE APPEALS UPDATE

3.1 This section summarises appeal and appeal costs decisions in Barnet (insofar as they relate to planning applications) made by the Planning Inspectorate (on behalf of the Secretary of State) since the start of 2019.

3.2 Background of planning appeals:

3.2.1 Appeals to the Secretary of State can be made following a refusal of planning permission, listed building consent, advertisement consent and other related planning

decisions. Most planning appeals are decided by independent Planning Inspectors appointed by the Secretary of State.

- 3.2.2 The Secretary of State may intervene to recover an appeal and determine it themselves, although this tends to be very rare. In these sorts of cases the Inspector's report acts as a recommendation rather than a decision. An appeal can be dismissed and permission refused for all, some or even different reasons used by the Council.
- 3.2.3 If an appeal is allowed, planning permission, or a related consent is granted. Planning Inspectors (or the Secretary of State) have the same powers as Local Planning Authorities to impose planning conditions and can also take into account proposed planning obligations contained in a Section 106 Unilateral Undertaking, or legal agreement, in coming to a decision.
- 3.2.4 There are three types of appeal procedure: written representations, hearings and public inquiries.
 - 3.2.4.1 Written representations are the most common procedure and suitable for most types of minor or small scale major development, where the planning issues are relatively straightforward and there is limited public interest. They are also usually the quickest route with the average time from start to decision currently 18 weeks (11 weeks for householder appeals).
 - 3.2.4.2 Hearings take the form of a structured discussion, led by the Inspector and are suitable for smaller scale major development where there are several planning or legal issues that need to be explored in more detail and there is wider public interest in the case.
 - 3.2.4.3 Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses taking place. Inquiries tend to be reserved for the most complex cases and where there is substantial public interest.
 - 3.2.4.4 Public Inquiries take longer with the current average time period being 51 weeks from start of the process to a decision. Inquiries are more adversarial in nature, with the appellant and the Council providing expert witnesses to give evidence for their cases. Witnesses are cross examined by barristers or other legal professionals at the inquiry. Given the way that Inquiries are run and organised they are inevitably very costly for all parties which is a material consideration in the event that an award of costs is made against a Council refusal of planning permission.
- 3.2.5 The views of third parties, such as local residents, are taken into account in all appeals. The Council will send copies of correspondence received at the application stage to the Planning Inspectorate so that the Inspector appointed by the Secretary of State is aware of the concerns raised. Residents and statutory consultees who were notified at the application stage are notified of the appeal and have the chance to make further comments. Third parties can request to take part in hearings and public inquiries. In all cases the Inspector will carry out a site visit before they make their decision.

3.3 Why appeal decisions are important

- 3.3.1 Appeal decisions are important for many reasons. There is a general presumption in the Governments adopted National Planning Policy Framework (NPPF) that planning permission should be granted for sustainable development, unless there is a clear conflict with the Development Plan or material considerations suggest otherwise.
- 3.3.2 Barnet (in common with most other Local Planning Authorities) grants more planning permissions than it refuses. The Council's planning teams work with applicants proactively by providing pre-application advice and negotiating to improve the quality of proposals, to seek to ensure that they are compliant with the development plan and represent sustainable development.
- 3.3.3 When planning permission (or other consent) is refused, the reasons for refusal need to be clear, evidence based and linked to Development Plan policies, otherwise there is a risk that the decision could be overturned on appeal. If the Council is deemed to have acted unreasonably, in terms of the reasons that it has used to refuse the application, there is also a risk of an award of costs against the Council when the matter is considered at appeal irrespective of the appeal decision itself. The appellant is entitled to claim for costs that they have incurred which they should not have had to expend, if the Inspector considers that the decision was an unreasonable one.
- 3.3.4 Appeal decisions can be helpful in testing the wording of current policies and indicate where future changes could be made to improve policies or prevent unintended consequences. This is particularly useful when preparing a new local plan or supplementary planning document.
- 3.3.5 Whilst all planning decisions should solely be made on the merits of the proposal, appeal decisions can also be helpful in understanding how to frame robust reasons for refusal taking into account the weight that Inspectors place on different planning policies and other material considerations.
- 3.3.6 When an appeal is dismissed and permission refused, it may be for all of the reasons in the Council's original decision, it may be for a selection of these or, in rare cases, for a different reason to that which the Council put forward.
- 3.3.7 Appeal decisions are part of the planning history of a site and hence are a material planning consideration when determining any subsequent applications on the same site. An appeal decision can also indicate how a development could be amended to make it acceptable. For example, an Inspector might indicate that they were concerned about particular aspects of a scheme, but acknowledged that the other parts of the proposals had merit. Local Planning Authorities must always have regard to the views of appeal Inspectors, even if they feel that the decision that they have reached is not the right one.
- 3.3.8 Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the NPPF can help to improve local decision making.

3.4 Overview of Appeal Decisions

3.4.1 Between January and June 2019, the Council received 158 appeal decisions from the Planning Inspectorate (note that 289 were received in 2018).

3.4.2 These appeals decisions concerned cases originally refused by the Council between November 2017 to March 2019.

3.4.3 Appeals following a delegated decision:

3.4.3.1 Most appeals (129) were made against the refusal of an application authorised by officers under delegated authority. 67% of appeals made following a delegated decision were dismissed by the Planning Inspectorate (up from 63% in 2018). This level of performance benchmarks well nationally as 61% of appeals were dismissed in England last year:
(<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>)

3.4.4 Appeals following a committee decision:

3.4.4.1 29 of the 158 appeal decisions made by the Planning Inspectorate in that period related to a decision made by an Area Planning Committee. None followed a decision by Planning Committee. This is a significant increase in the proportion of appeals resulting from a committee decision when compared to 2018 (in 2018, 29 of 289 decisions were committee decisions).

3.4.4.2 34% of appeals made following a committee decision were dismissed by the Planning Inspectorate. This compares with 29% in 2018, 21% in 2017 and 29% in 2016.

3.4.4.3 The performance of each area committee was as follows:

- Chipping Barnet: 7 decisions of which 2 were dismissed (28%)
- Finchley and Golders Green: 18 decisions of which 7 were dismissed (38%)
- Hendon: 4 decisions of which 1 were dismissed (25%)
- Planning Committee: No appeals.

3.4.4.4 90% of these appeals related to minor residential planning applications and the rest were house extensions.

3.5 Appeal Cost Decisions

3.5.1 Either party in an appeal can apply for an award of costs and Inspectors now have the power to award costs even without receiving an application for such an award if they feel that one of the parties has acted unreasonably.

3.5.2 The Inspector will make the costs decisions separately to the planning decision. As illustrated below costs can be awarded against the Council if it has behaved unreasonably in a way that has resulted in the appellant incurring costs that could have otherwise have been avoided.

- 3.5.3 This could be as a result of including reasons for refusal that it was unreasonable to include, failure to properly defend reasons for refusal or not complying with the procedural requirements of the appeal process. Whereas the inclusion of matters relating to what might be considered to be a subjective assessment of a scheme, such as design or appearance, is less risky when it comes to the appeal considerations,
- 3.5.4 Members should note that instances where technical reasons for refusal (eg: highway impact) are added to a decision despite the Council Officer not raising objections to the proposal are most likely to result in an award of costs against the Council.
- 3.5.5 Since the start of 2019 a total of 13 appeal costs claims have been allowed against the Council by the Planning Inspectorate. Of these 9 claims have been settled.
- 3.5.6 The other 4 cases have not yet had a formal claim submitted to the Council following the appellants successful appeal, so the precise amounts involved in those particular cases are not known. There is no time limit for an appellant submitting the details of the costs claim to the Council so these could be received at any time in the future.
- 3.5.7 Of the 9 cases that have been settled in 2019, 8 followed the overturn of an Officer recommendation to approve at an Area Planning Committee, whilst one was an appeal against a Delegated decision. Of these 8 cases, the decisions were made as follows:
- 3 at Hendon Area Committee;
 - 4 at Finchley & Golders Green Area Planning Committee;
 - 1 at Chipping Barnet Area Planning Committee.
- 3.5.8 In terms of the 4 outstanding costs claims still to be settled, 2 were overturned recommendations at the Hendon Area Planning Committee, one was a Finchley & Golders Green Area Planning Committee overturn and one was a Delegated decision.
- 3.5.9 Looking at the details of the claims themselves the sums settled on in 2019 are set out below:

Hendon Area Committee

<p>Garrick Industrial Estate</p> <p>The Committee failed to take account of a previous appeal decision on the site which was dismissed, but for only one reason. When the application returned to deal with that single issue the Committee reintroduced issues previously considered acceptable by an Inspector.</p>	<p>£19,634.90</p>
<p>2 Southfields</p> <p>A partial award of costs. One reason was a subjective assessment so not unreasonable, but on the second too much weight was given to local concerns and local knowledge. Technical advice ignored. The Inspector refers to generalised suggestions.</p>	<p>£2,967.18</p>

127 The Broadway Mill Hill (former Lloyds bank)	
A partial award of costs. A character reason was not considered to be unreasonable, but one based on amenity relied on little more than an assertion that the development would cause impact. There had been no objection from Environmental Health officers.	£2,700.00

Finchley & Golders Green Area Committee

994-996 High Road	
The Inspector stated that previous history was ignored. The refusal was vague and tenuous with no robust objective analysis.	£2,230.70
18 Dingwall Gardens (two appeals on the same site)	
The Inspector stated that previous history was ignored. The Council had adopted an inconsistent approach.	£2,400.00
205 Regents Park Road (Toolstation)	
Little weight given to technical advice. Ambiguous, vague and generalised assertions made.	£6,450.00

Chipping Barnet Area Committee

Wessex Court, 51 West End Lane	
Objection was raised to the quality of external amenity space proposed despite a similar proposal being approved.	£1,934.40

Delegated decision

44 Petworth Road	
This Prior Approval Householder application was allowed on procedural grounds.	£900.00

3.5.10 It should be noted that in the list of settled cases above, the two with the highest claims (eg: Garrick Industrial Estate and 205 Regents Park Road) were both applications where technical reasons for refusal were cited by the Council in their decision to overturn the recommendation. This then, inevitably, requires appellants to provide additional technical information to rebut the refusal and, in the event an Inspector considers that the decision was an unreasonable one, the Council is then

required to pay the costs of this technical assessment which is what has happened in these two cases.

3.5.11 This is, of course, not to say that every costs claim submitted against the alleged unreasonable behaviour of the Council is successful, nor that every time the Area Planning Committee overturn a recommendation to grant consent that the Inspector will reach a similar conclusion to the appellant.

3.5.12 Since the start of 2019 a total of 19 claims for costs against the Council have been dismissed by the Planning Inspectorate, where the Inspector concluded that the Council had not acted unreasonably in its decision making. Of these 19 cases:

- 1 was an overturn at Hendon Area Committee;
- 2 were overturns at Finchley & Golders Green Area Planning Committee;
- 3 were overturns at Chipping Barnet Area Planning Committee;
- 13 were Delegated decisions.

3.5.13 These headline figures indicate that in 2019 of the 17 instances where an appellant has claimed costs against the Council following the Committee overturning of an Officer recommendation to approve permission, they have been allowed in 11 out of the 17 cases. In contrast, over the same period, a total of 15 costs claims have been made against Delegated decisions to refuse consent and the appellant has been successful only twice.

4. REASONS FOR RECOMMENDATIONS

4.1 N/A

5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

5.1 N/A

6. POST DECISION IMPLEMENTATION

6.1 N/A

7. IMPLICATIONS OF DECISION

7.1 Corporate Priorities and Performance

7.1.1 N/A

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

7.2.1 N/A

7.3 Social Value

7.3.1 N/A

7.4 Legal and Constitutional References

7.4.1 N/A

7.5 Risk Management

7.5.1 N/A

7.6 Equalities and Diversity

7.6.1 N/A

7.7 Corporate Parenting

7.7.1 N/A

7.8 Consultation and Engagement

7.8.1 N/A

7.9 Insight

7.9.1 N/A

8. BACKGROUND PAPERS

8.1 None