

Location **Tiles Direct 60-68 West Hendon Broadway London NW9 7AE**

Reference: **16/0972/FUL** Received: 16th February 2016
Accepted: 5th May 2016

Ward: West Hendon Expiry 4th August 2016

Applicant: Mr Daniel Gold

Proposal: Demolition of existing building (Tile and Sanitaryware Showroom) and erection of an 8 storey mixed use building with 1230sqm of Sui Generis use (Tile and Sanitaryware showroom) on ground and first floors and 48 no self-contained residential units on the upper floors with green roof and solar panels. Provisions for basement parking, external parking spaces, cycle storage, refuse and amenity space

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Highways Improvements -

a) Travel Plan

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

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

o (b) Highways Works

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

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

4. Commuted sum of £180,000.00 towards affordable housing within the borough

5. Affordable Housing Review Mechanism

6. Open Spaces Contributions - Double tennis Court Refurbishment, Rebound fencing, block paving, fixings, base course and colour coating - contribution of £46,200.00

7. Local Employment Agreement

8. Monitoring of the Agreement - £2,048.00

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

60TB1-MBC-XX-XX-DR-A-00200-S2-P3
60TB1-MBC-XX-ZZ-DR-A-00150-D5-P6
60TB1-MBC-XX-08-DR-A-00140-D5-P5
60TB1-MBC-XX-ZZ-DR-A-00151-D5-P6
60TB1-MBC-XX-ZZ-DR-A-00141-D5-P5
60TB1-MBC-XX-ZZ-DR-A-00152-D5-P4
60TB1-MBC-XX-SI-DR-A-00210-D5-P4
60TB1-MBC-XX-GF-DR-A-00110-S2-P1
60TB1-MBC-XX-XX-DR-A-00205-S2-P2
60TB1-MBC-XX-ZZ-DR-A-00160-D5-P2
60TB1-MBC-XX-ZZ-DR-A-00161-D5-P2
60TB1-MBC-XX-ZZ-DR-A-00162-D5-P2
60TB1-MBC-XX-ZZ-DR-A-00145-D5-P3
60TB1-MBC-XX-ZZ-DR-A-00130-S2-P1
60TB1-MBC-XX-01-DR-A-00140-D5-P3
60TB1-MBC-XX-ZZ-DR-A-00140-D5-P4
Planning 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 plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

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

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

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 5 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users have been submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

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

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

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

7 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2016.

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2016.

9 a) A scheme of hard and soft landscaping, including details of green roof, details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2016.

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

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

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

11 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

12 Before the development hereby permitted is occupied, car parking should be provided in accordance with a scheme to be submitted to and approved by the Planning Authority and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disable parking spaces for all elements of the development.

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

13 Prior to commencement of development a Pedestrian Environment Review System (PERS) Audit shall be submitted and approved in writing by the Local Planning Authority. The approved improvement works shall be carried out at the applicant's expense under S278 of the Highway Act 1980 and shall be completed prior to occupation.

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

14 Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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

15 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from nearby noise sources as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

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

18 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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

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

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

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

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

21 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. The statement shall also account for the proximity of railway infrastructure to the rear of the site.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2016).

22 Prior to the commencement of the development the applicant should submit details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and show that Heavy Goods Vehicles can turn around within the internal roads.

Reason: To ensure the safe form of access to the development to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

23 Before the development hereby permitted commences details of the Electric Vehicle Charging Points shall be submitted to and agreed in writing by the Local Planning Authority for:

- o residential parking with 20% active and 20% passive.
- o employment parking 20% active and 10% passive.
- o retail customers parking 10% active and 10% passive.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements and policy DM17 of the Adopted Development Management Policies 2012.

24 Prior to the occupation of the development hereby approved, a Car Parking Management Plan including details of the allocation of parking spaces, parking enforcement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason: To safeguard neighbouring visual amenity in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

26 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.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2016..

28 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).

29 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.

30 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.

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

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

32 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.

33 Before the development hereby permitted is occupied, the applicant shall undertake a study of the microclimatic impacts of the proposed building, with particular reference to the rear amenity area. This shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the recommendations of the report. Reason: To safeguard the impact of the proposals on the local microclimate and to ensure good level of amenity for future occupiers.

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

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

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

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

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

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

37. 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.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 08/12/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The application does not make any provision towards affordable housing, contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

The application does not make provision for a Local Employment Agreement. This would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document on Skills, Enterprise, Employment and Training.

The proposed development does not provide a legal undertaking to monitor the required residential travel plan in association with the development. In the absence of this the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies and policy 6.1 of the Mayor's London Plan.

The proposals by reason of the poor quality of amenity space would provide an unacceptably poor level of amenity for future residents. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.

Informative(s):

- 1 The following additional plans accompany the application:
Drainage Statement
Transport Statement
Viability Report
Noise Assessment
Geoenvironmental Report
Energy/Sustainability Strategy
Construction Dust Assessment.

2 Waste Comments

The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

3 Water Comments

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

Thames Water recommend 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.

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

4 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals,

focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 6 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The applicant is advised that West Hendon Broadway is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic.

The applicant is also advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses

The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Informative: The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicant and will require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by the Highways Authority.

- 7 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.
- 8 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
- 9 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £109,375 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 £226,530 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.

- 10 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 7294.

Officer's Assessment

1. Site Description

The site covers an area of 0.22 hectares on the north-east side of West Hendon Broadway. The site is located some 300m south-east of West Hendon Local Centre and 380m from Staples Corner to the south.

The site currently has a two storey building housing a tile showroom (Sui Generis Class).

The area does not have a distinct character with a mixture of residential flats opposite, as well as other commercial development on this site of West Hendon Broadway, with a mixture of building heights and sizes. Notably, Sutherland House which is a 6 storey office block but at a higher level than the site. There are 5 storey blocks of flats at Verulam Court on Woolmead Avenue further to the west.

The site is not located within any designated areas.

Although the access running alongside the site has not been included within the site it is within the applicant's ownership.

2. Site History

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

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

W01957C - inflammable liquid store. - Approved - 04.03.1969

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

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

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

Sutherland House

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

15/03085/OUT - Erection of 3 storey office building - Awaiting Legal Agreement.

3. Proposal

The proposals are for the demolition of existing building (Tile and Sanitaryware Showroom) and erection of an 8 storey mixed use building with 1230sqm of Sui Generis use (Tile and Sanitaryware showroom) on ground and first floors and 48 no self-contained residential units on the upper floors with green roof and solar panels. Provisions for basement parking, external parking spaces, cycle storage, refuse and amenity space

The proposals involve the demolition of the existing tile showroom unit on site and construction of a mixed used building with replacement tile showroom and residential flats above.

The proposed building would be rectangular in shape, with the ground and first floor projecting further forward than the upper floors with a flat roof element.

The proposed building would be 26.2m high to the front of the site and 25.4m to the rear. It would be approximately 17.2m deep. The building would be approximately 39m wide.

Approximately 160 square metres of amenity space would be provided to the rear of the site.

There would be a single storey building to the rear to house storage and refuse.

The proposed two storey front element would project 4m beyond the main building.

The proposals would make provision for 58 car parking spaces including basement level car park and 73 cycle parking spaces.

4. Public Consultation

Consultation letters were sent to 104 neighbouring properties.

A site notice was put up on 06/05/2016 advertising the proposals as Major Development. A further site notice was put up on 21/07/2016 to advertise the proposals as a departure from the development plan.

3 responses have been received, comprising 2 letter of objection, 1 letter of support

The objections received can be summarised as follows:

The assessment provided in this report relates to Sutherland House in its current office use, however, prior approval was obtained for the change of use from office to residential (Application Reference: H/03141/14), therefore the daylight and sunlight assessment should take this into account.

Glass manufacturing business next door operate a 24hour 7 day week. Due to the nature of business and processes involved there is a constant noise coming from our building. Do not feel that the above proposal of changing from office to residential would be appropriate unless the proposed changes ensure that the building is built with sound acoustic controls.

The representations received can be summarised as follows:

Agree that this will improve streetscape and provided much needed housing.

Internal Consultees:

Highways - No objection. Comments contained within main report

Environmental Health - No Objection. Comments contained within main report

Drainage - No objection, comments contained within main report

Waste/Recycling - No comments received.

Greenspaces - Comments addressed in main report.

Statutory Consultees

TfL

No comments received.

Metropolitan Police

No comments received.

London Fire Brigade

No comments Received.

London Borough of Brent

No objection.

Network Rail

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

“Drainage

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

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to

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

Method Statements/Fail Safe/Possessions

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

OPE

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

Demolition

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

Cranes

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

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights

must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

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

Thames Water

“Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Policies 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 3.12, 5.2, 5.3, 5.13, 6.1, 6.9, 6.11, 7.4, 7.6 are considered to be of particular relevance

Barnet's Local Plan (2012)

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

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

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

Policy CS4 states that We will aim to create successful communities in Barnet by:

o seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.

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

o seeking a range of dwelling sizes and types of housing including family and lifetime homes

that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

o 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.

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

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

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

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

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

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

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

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

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

Policy CS14 sets out how the Council will encourage sustainable waste management

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

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

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well

as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design.

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

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

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

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

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

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

Residential Design Guidance SPD (Adopted 2013)

Planning Obligations SPD

Skills, Enterprise, Employment Training SPD

Affordable Housing SPD

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether the proposals would make satisfactory provision towards affordable housing
- Whether the proposals would be acceptable in respect of air quality and noise issues
- Whether the proposals would harm highway and pedestrian safety

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Whether the proposals would have an acceptable impact on local security
- Environmental and Sustainability Issues
- Whether the proposals would make adequate provision for accessibility
- Whether the proposals would make adequate provision for biodiversity
- Whether the proposals would have an acceptable impact on local drainage

5.3 Assessment of proposals

1. Whether the principle of the development is acceptable

1.1 Land Use

Whilst the existing building would be demolished the use would be re-housed in the new building. There would be a loss of approximately 1614 square metres of floorspace. (Existing 2844 square metres, Proposed 1230 square metres). In reaching this view it has also been considered whether the proposals contain a retail element. However the site is located outside a town centre and as such there would be no policy to resist the loss of such floorspace in this location.

The proposals seek to provide a mixed use development, including re-provision of a smaller tile showroom and residential development above. There are some examples of residential development in the immediate locality however not on this side of the road. The site is located in-between A5 road and railway line and M1 motorway to the rear. As a result officers would need to be satisfied that the noise and air climate are adequate for new residential accommodation.

1.2 Density

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

The London Plan states that for this sort of site, a density range of 200-450 habitable rooms for hectare is advised and 45-170 units per hectare. It is noted that that the density of the proposed development would be 200 units per hectare and 425 habitable rooms per hectare. Policy 3.4 of the London Plan states that Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range..... Development proposals which compromise this policy should be resisted.

The London Plan goes on to say that it is not appropriate to apply the density matrix mechanistically, as its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential. The proposals would comply with the matrix in so far as they relate to habitable rooms per hectare and only exceed the number of units by a relatively small amount. It is also noted that the density matrix was not necessarily designed with mixed use schemes such as this in mind.

The density of the development therefore is considered acceptable.

1.3 Unit Mix

The development proposes the following unit mix:

6 x studio

30 x 1 bedroom units

12 x 2 bedroom units

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

Our dwelling size priorities are:

i. For social rented housing - homes with 3 bedrooms are the highest priority

ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority

iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'

The proposals would provide a majority of single bedroom units but would also provide some family sized units. Given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility the mix of accommodation is considered appropriate.

1.4 Tall Building

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

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

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

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

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

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

And the Priority Town Centres of:

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

Proposals for tall buildings will be considered in accordance with DM05 - Tall Buildings, London Plan Policy 7.7 - Location and Design of Tall and Large Buildings and Guidance on

Tall Buildings (2007) by English Heritage and CABI

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

In this way, the principle of a tall building in this location is contrary to these policies and has been advertised as a departure from the development plan. It is therefore necessary to explore whether there might be any other material considerations that would warrant deviating from this policy.

Officers consider that the following points need to be given consideration:

-Taking into account floor to ceiling heights of the development, the development will only appear 1.5 stories higher than Sutherland House to the north.

-Whilst not justification in itself, the site is located within an area of incoherent townscape with a mix of building forms and heights. In this way there is a not considered to be significant harm caused.

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

2. Whether the development makes acceptable provision towards affordable housing

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

The applicant has provided a financial viability appraisal which has been independently reviewed by BNP Paribas on behalf of the Local Planning Authority. This made an initial offer of a contribution of £50,000 towards affordable housing. Whilst this would be some way short of meeting the 40% requirement of the policy, BNP Paribas have assessed the scheme and found that the scheme could not viably provide any affordable housing. A contributory factor is the low floorspace efficiency of the scheme. However, this results from the provision of the tile show room on the lower floors. Given that there is no policy reason to object to re-provision of an existing tile showroom business, this could not be challenged further.

Notwithstanding this, officers and the applicant have agreed a contribution of £180,000 towards affordable housing within the borough. Given the nature of the amount it is considered appropriate to secure this as a commuted sum towards affordable housing. This is considered to represent the maximum that the development could provide towards affordable housing.

An affordable housing review mechanism would also be attached to the legal agreement.

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

3.1 Air Quality

The site is located within an area of known air quality issues. An air quality report accompanies the planning application. The air quality report does not highlight the need for mitigation even though it is close to the A5, A406. The GLA now require an air quality neutral assessment comparing previous use as a tile showroom, including customer, vehicle visits and deliveries with new operational emissions from plant, boilers and the 48-54 car parking spaces.

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

3.2 Noise

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

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

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

4. Whether the proposals would harm highway and pedestrian safety

4.1 Site & Existing Highway Description.

The site is located on the A5 West Hendon Broadway at the on slip to the A406. The A5-West Hendon Broadway is part of the Strategic Road Network (SRN) and has bus routes.

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

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

4.2 Accessibility by Foot

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

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

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

4.3 Accessibility by Cycling

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

4.4 Accessibility by Public Transport

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

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

The nearest bus stop, Bus Stop HJ, is located less than 25 metres from the site frontage. This bus stop benefits from a shelter, seating and timetable information. It is served by

routes 32 and 142 (and school route 632). Within an approximate 8-minute walk of the site frontage, access can be gained to routes 83, 112, 182, 183, 232 and 266. These routes provide access to destinations such as Ealing, Golders Green, Edgware Road, Kilburn Park, Brent Cross and Watford Junction.

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

4.5 Development Proposal:

The proposal is for construction of a mixed development consisting of approximately 1230 sqm of class sui generis tile showroom and warehouse and 48 flats comprising of 36 x 1-bedroom and 12 x 2-bedroom.

A total of 48 parking spaces are proposed for the residential use in the underground car park accessed by a ramp to the rear. A further 11 spaces including 1 disabled will be provided at surface level at the front of the building and will be provided for staff of the retail element of the proposal. An additional 7 spaces are to the side of the building for additional retail parking.

4.6 Vehicle Access

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

4.7 Refuse Collection:

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

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

4.8 Parking

4.8.1 Residential Parking Assessment

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

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

This equates to parking provision for the proposed residential units ranging between 12 - 54 parking spaces to meet the parking standards set out in the DMP approved September 2012

The proposal includes provision of 48 residential spaces. The parking provision is at the higher end of the range but in accordance with Local Plan standards and is considered acceptable at this location.

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

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

4.8.2 Parking for Commercial Use

A total of 18 spaces, one of which is suitable for disabled use are proposed for the sui generis use. A Car Park management Condition is included to manage the allocation of spaces. There are no set standards in the London Plan and the parking requirement should be based on assessment. No information was provided in the TS but the parking levels should be supported by a Travel Plan.

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

4.9 Cycle Parking Provision

The proposal includes 60 cycle parking spaces for residents and 13 spaces for commercial.

The London Plan standards recommend for residential developments a cycle parking provision of 1 space per 1 and bedroom units, 2 spaces per 2+ units plus 1 space per 40 units for visitor use. This would equate to a total of 60 residents spaces and 1 visitors spaces. Therefore the residential cycle parking provision should include 1 visitor space and details are to be submitted to be approved.

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

A total of 73 cycle parking spaces are proposed which meets the required minimum standards.

4.10 Trip Generation

4.10.1 Existing and Forecast Residential Trip Generation

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

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

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

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

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

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

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

4.11 Travel Plan

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

Incentives funds for residents of £150 per unit are recommended.

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

4.12 Summary of Obligations and Contributions required

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

(a) Travel Plan

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

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

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

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

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

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

5.1 Layout

The proposals involve the creation of a rectangular shaped plot. Car parking would be provided to the front of the site with basement car park and existing access running alongside. There is not a consistent pattern of development on this side of West Hendon Broadway with a mixture of commercial uses sited on plots of varying sizes.

5.2 Massing

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

The proposed building would be cuboid in shape similar to others in the locality. The building would be taller than that at Sutherland House by approximately 1.5 storeys. In this way the flank of the upper floors of the build would mask the existing flank wall of Sutherland House. It is acknowledged that there is little gap between the properties however it is not considered that this would cause harm within the streetscene. The upper floors of the building would be set back approximately in line with Sutherland House so that they would not appear unduly dominating within the streetscene.

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

5.3 External Appearance

The proposed materials comprise fibre cement cladding panels, with a lesser amount of facing brick. Glazed curtain wall and balustrades would provide additional detail, and double glazed aluminium windows would be used.

The suite of materials are generally considered appropriate. There is a wide range of materials visible within the area including traditional brick and rendered housing and blocks of flats, as well as industrial and commercial buildings many of which feature cladding materials. It is considered that the proposed materials would relate well to the local area, ensuring a high quality development.

5.4 Landscaping

Given the shape of the site and proposed site coverage the proposals only offer limited scope for landscaping. Landscaping would principally relate to the rear amenity area. A condition is suggested so that a finalised landscaping scheme including details of planting can be agreed.

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

6.1 Neighbouring Amenity

6.1.1 Daylight/Sunlight

The applicant has provided a daylight and sunlight assessment in support of the planning application.

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

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

However, this had to be done before 30th May 2016. There is no evidence that the works have commenced and as such, prior approval no longer exists. The Local Planning Authority can only assess the proposals before it on their planning merits. Whilst it may be possible that the owners of Sutherland House may apply for prior approval in the future, the LPA cannot withhold planning permission on this possibility that may never arise, and there is considered to be little prospect of this happening at the time of writing this report. The loss of light to a neighbouring office building is not considered to be grounds to withhold planning permission.

It is also noted that permission is being sought for an office building at Sutherland House close to the site. However given that this is for office use it is not considered that harm will result.

6.1.2 Visual Impact

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

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

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

6.1.3 Privacy

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

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

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

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

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

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

6.1.4 Noise/Disturbance

The site is not located in close proximity to neighbouring occupiers. Consequently it is not considered that the use of the site as a tile showroom and 48 flats would cause harmful noise and disturbance to any neighbouring occupier, especially taking into account the proximity to noise sources such as A5 road and railway. Consequently there would not be a harmful loss of residential amenity to any neighbouring occupier.

6.2 Future Occupiers Amenity

6.2.1 Daylight/Sunlight

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

As initially proposed all units were single aspect. The applicant has amended the plans to add an element of glazing on the side of balcony areas. It should also be noted that there are no single aspect north facing units which would be contrary to policy requirements.

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

Overall the residents of the development would enjoy adequate outlook and access to light.

6.2.2 Internal Amenity Standards

All units would comply with internal amenity space standards within the London Plan.

6.2.3 Outdoor Amenity Space

The Supplementary Planning Document: Sustainable Design and Construction states that for each habitable room 5 square metres of amenity space should be provided. The development makes provision for 160 square metres of external amenity space. It is recognised that this is a shortfall of 350 square metres.

The SPD goes on to states that 'Higher density development, such as flats may not always be able to provide amenity space to the standards outlined in Table 2.3. Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation. Further detail on meeting outdoor amenity space requirements and development in areas of open space deficiency are set out in the Planning Obligations SPD.'

In this case, the shape and constraints of the site would make it impossible to optimise development of the site while complying with the amenity space standard. It should be noted that all units have access to a balcony. It is considered that a planning obligation could help address this issue, in securing improvements to a local park within the area. Subject to this legal agreement it is not considered that the proposed amenity space provision or lack thereof should warrant refusal of this planning application in itself.

6.2.4 Playspace

According to London Plan requirements, approximately 15 square metres of playspace need to be provided to serve the development. This could be provided in the area to the rear of the site.

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

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

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

8. Environmental and Sustainability Issues

8.1 Accessibility

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

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

8.2 Energy

The applicant has provided an energy strategy. This indicates that photovoltaic panels can help provide adequate reductions in CO2 emissions. At the time of writing the report the applicant had stated that they could achieve a reduction of 35.4% above 2013 Building Regulations. This would be policy compliant with part 5.2 and 5.3 of the London Plan.

8.3 Water Usage

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

8.4 Waste

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

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

9. Whether the proposals would make adequate provision for biodiversity

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

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

Consultation has taken place with the Lead Local Flood Authority.

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

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

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

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

A revised drainage strategy will be secured by condition.

11. Section 106 Issues

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

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

5.4 Response to Public Consultation

Generally addressed within the main report.

6. Equality and Diversity Issues

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

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

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

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

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

The proposed development would provide additional residential and mixed use accommodation for which there is known demand.

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

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

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

7. Conclusion

The proposals would provide renovated accommodation for an existing business within the borough and would provide 48 new housing units to meet demand. Whilst the site is located within an area subject to noise and air pollution the proposals can provide adequate mitigation to address this. Furthermore the proposals are accompanied by legal agreement ensuring contributions to local infrastructure including affordable housing. The proposals would also contribute positively to local townscape, and though there would be a conflict with policy in respect of tall buildings very little harm would result from this.

Overall, the proposals are considered to be acceptable and APPROVAL is recommended.

