

**Location**                    **141-143 Dollis Road London NW7 1JX**

**Reference:**                **17/3796/FUL**

Received: 14th June 2017

Accepted: 20th June 2017

Ward:                        Mill Hill

Expiry 19th September 2017

Applicant:                PGMI Finchley Ltd

Proposal:                Partial demolition, alterations and additions to the existing building at No. 143 Dollis Road to comprise a three buildings including to provide a three storey building comprising 138sqm of A1 retail use at ground floor level, 214sqm of office use at first floor level and 1no. self-contained flat arranged over the first and second floor levels. Demolition of remaining buildings on site and the erection of a three storey building comprising of 14 no. self-contained flats and the erection of 8no. two storey houses (total of 23 residential units). Associated amenity space, hard and soft landscaping, refuse/recycling storage and provision of 21 no. parking spaces and secure cycle storage. (AMENDED PLANS AND ADDITIONAL INFORMATION)

#### **RECOMMENDATION I:**

(i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and

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

#### **RECOMMENDATION II:**

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Provision of seven flats as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
4. Provision of a review of development viability for the approved development (including residential and non-residential units) on the sale of 80% of the residential units at the site (or two years after the date of the permission, whichever occurs first), with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing. The proportion of any superprofit to be paid to Council will be 80%.

5. Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development. Unless any allocation of spaces to particular units are otherwise agreed in the submission of a car parking plan under the conditions of the permission, all remaining spaces shall be available to be shared within the development
6. Provision of monitoring costs for a travel plan.
7. Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.
8. Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.
9. Provision of Skills, Employment, Enterprise and Training appropriate to the site, with the alternative of making a commuted financial contribution of £47,306 to cover the costs of providing for these obligations off-site.
10. Meeting the Council's costs of monitoring the planning obligation - £3500.

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

P0 - 000  
P1 100 rev. PK  
P1 101 rev. PL  
P1 102 rev. PL  
P1 103 rev. PI  
P2 101 rev. PH  
P2 102 rev. PH  
P2 103 rev. PH  
P3 101 rev. PC  
P3 102 rev. PB  
P3 103 rev. PC  
P3 104 rev. PB  
P3 201 rev. PB  
P3 202 rev. PC  
P3 203 rev. PB  
P3 301 rev. PH  
P3 302 rev. PH  
P3 303 rev. PH  
P3 304 rev. PH

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 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

#### Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 4 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. Details of interim car parking management arrangements for the duration of construction;
  - x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 5 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

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

- 6 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. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
- b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2011.

- 7 The level of noise emitted from any plant used in association with the development 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.

- 8 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).

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

This sound insulation shall ensure that the levels of noise generated from the A1 and office use at Building C 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.

- 10 (i) Unless first approved in writing by the local planning authority, no Non-Road Mobile Machinery (NRMM) shall be brought onto or used at the site in connection with the development unless it complies with the standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), and all NRMM of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the SPG, or any subsequent guidance that replaces it.

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

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

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

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

fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 12 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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

- 13 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 14 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site including existing buildings, and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 16 a) Before the development hereby permitted is first occupied, a scheme detailing play equipment and outdoor furniture to be installed in the communal amenity space shown on the approved drawings 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 2016.

- 17 The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).



18 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) A Refuse and Recycling Collection Strategy, which shall include details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;

(ii) The appearance and siting of enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other storage containers where applicable; and

(iii) Plans showing points of collection for refuse and recycling.

The refuse and recycling facilities shall be fully implemented in accordance with the approved details before the development is first occupied and after first occupation, the approved collection arrangements shall be also be fully implemented. Both the facilities and arrangements shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

19 a) No construction works at mews houses 1-5 and at any other buildings in the development where green roofs are required in order to meet the sustainable drainage requirements in the relevant condition in this permission, until details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs shall then be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. If any part of the approved green roof shall be removed, die, become severely damaged or diseased , it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

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

20 a) No development shall take place until details of the levels of the approved buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall 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.

- 21 Prior to the first occupation of any building within the development, the buildings they shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 20% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such for the lifetime of the development.

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

- 22 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.

- 23 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces, which shall include bricks consistent with those described in the application, fenestration including exterior doors, roof cladding, rainwater goods and hard surfaces for outside areas in the approved scheme, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 24 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for electronically controlled access gates and appearance and materials for boundary treatment 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 shall then be retained as such.

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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

- 25 No development other than demolition shall take place until details of turning space and parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development, and shall retained for the lifetime of the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

- 26 a) No development other than demolition works shall take place until details of the locations, design, appearance, materials of secure cycle stores in accordance with London Plan cycle parking standards have been submitted to and approved in writing by the Local Planning Authority. The approved details for each building or dwellinghouse shall be provided in accordance with the approved details and thereafter shall used for no purpose other than for the parking of cycles associated with the development.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of Development Management Policies DPD.

- 27 a) No development other than demolition work shall take place until details have been submitted to and approved in writing that show that all units within the development shall 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) with no less than 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations.  
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 the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 28 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

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

- 29 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be permanently retained and maintained thereafter.

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

- 30 a) Buildings A and C shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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

- 31 a) No gate shall be installed on the secondary access adjacent to House 1 until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) Means of management of security access for both residents and any non-resident member of the Car Club; and

(ii) Means of management and maintenance of the access lane to Abercorn Road, including any necessary legal provisions to allow rights to pass over the lane.

b) The provision of an access gate in this location shall then be implemented in accordance with the approved details and retained as such.

Reason: 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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the office unit in Building C in the development may not be changed to residential use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an element of employment use at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 33 Other than where identified as such on the approved drawings for the two mews houses closest to the Dollis Road site frontage, roofs of the approved buildings shall be used only in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 34 (i) Before Building A is first occupied, all balconies shall be fitted with obscure glazed screening up to the minimum balustrade height required to comply with Building Regulations, and shall be permanently retained as such thereafter.

(ii) Before the 'mews houses' located at the northern end of the site (Houses 1, 2 and 3) are first occupied, the rear-facing first floor windows on the north-east elevation shall be fitted with obscure glazing and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

(iii) All windows serving any bathrooms, en-suite and / or w/c within the development shall be fitted with obscure glazing prior to the first occupation of the dwelling or non-residential unit of which they form a part, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 35 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed in any elevation of the 'mews' Houses 1 - 8.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 36 a) No additional privacy screens shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

b) Any additional privacy screens so approved shall be installed only in accordance with the details approved under this condition and retained as such thereafter.

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

37 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A - H of Part 1 and Classes A, B, D, E and F of Part 2 of Schedule of that Order shall be carried out within the approved development.

Reason: To safeguard the amenities of neighbouring occupiers and the character of the area in accordance with policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

39 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 December 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The following measures have been developed to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of this site. For a complete explanation of certified products please refer to the Secured by Design guidance documents which can be found on the website [www.securedbydesign.com](http://www.securedbydesign.com).

#### Public Realm

- Routes for pedestrians, cyclist and vehicles should be open, direct and not segregated from one another.
- Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings.
- Communal areas, such as playgrounds, seating or drying areas should be designed to allow supervision from nearby dwellings with safe routes for users to come and go.
- Windowless gable end walls adjacent to spaces for which the public have access should be avoided, as this prevents natural surveillance.

#### Boundaries / Gates

- Side and rear boundaries should be 2.1m in height (minimum), be positioned where possible at the front of the building line (if a recess is necessary, then not to exceed 600mm) and designed to avoid climbing aids. This can be achieved in a variety of different ways, i.e. close board, panel, etc. but if a trellis topping is to be used, this should be diamond style trellis.
- Fencing between rear gardens should be 1.8m in height (minimum) and designed to avoid climbing aids.
- Chain link style fencing is not an acceptable option.
- Side gates should provide vision, be positioned where possible at the front of the building line, (if a recess is necessary, then not to exceed 600mm) 2.1m in height (minimum) and designed to avoid climbing aids, particularly around the hinges and locking mechanism.

#### Doors / Windows

- Recessed doorways should not exceed 600mm.
- Communal doorsets should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2 or STS 202 Issue 3:2011 Burglary Rating 2.
- Communal doorsets should incorporate an automatic closing mechanism, automatic deadlock, with internal thumb turn, knob or handle - external entry should be restricted by key, key code, key fob, proximity reader or combination thereof.
- All easily accessible doorsets, including front, back, French, patio and balcony doors, should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2, STS 201 Issue 4:2012, STS 202 Issue 3:2011 Burglary Rating 2, or LPS 2081 Issue 1:2014 Security Rating B. Due to crime problems associated with letter

plate apertures, such as arson, hate crime, lock manipulation and 'fishing', Secured by Design strongly recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building.

- All sliding and bi-fold doorsets not designated as the primary access/egress route should meet the same physical attributes as above.

- A door chain or opening limiter and internal letterbox shield should be fitted to all individual dwelling front doors.

- A door viewer should be fitted at a height of between 1200mm to 1500mm from the bottom of all front doors (not required with adjacent unobscured glazing).

- All easily accessible windows should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012, or LPS 2081 Issue 1 Security Rating A.

- All easily accessible windows should have key operated locks. Where windows are required under Building Regulations to act as a fire escape route, the opening window must not have key operated locks.

- Windows that form an integral part of the doorframe should be shown to be part of the manufacturer's certificated range of doorsets. Alternatively where windows are manufactured separately from the doorframes, they should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012 or LPS 2081 Issue 1:2014. In such cases the window should be securely fixed to the doorset in accordance with the manufacturer's requirements.

- All glazing in and adjacent to communal, front, back and doors and ground floor windows and windows that are easily accessible above ground floor level, should incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A.

- Communal entrance doors should have vandal resistant audio, visual access control panels, with electronic lock release - tradesperson release buttons are not permitted. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

- Secure external mailboxes to serve each property should be fixed to the external face of the building.

#### Balconies / Terraces

- Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.

- Drainpipes/soil pipes that provide access to flat roofs or balconies will require metal shrouds to prevent climbing (regardless of whether they are PVCu or not). Unless constructed to be finished flush with the building or wall, again to inhibit climbing.

#### Parking

- Car parking areas should be close to the properties they serve, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

- Basement parking facilities should have secure, controlled access, incorporating full height gates or barriers, accessed via key, key code, key fob, proximity reader or combination thereof. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

#### Refuse / Cycle Storage



- Bin storage areas should be enclosed and incorporate a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Cycle storage areas should, ideally be enclosed and built into the fabric of the building is visibly permeable, incorporating a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Where this is not possible, it should be sited in a secure communal area, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

#### External Lighting / Alarm Systems, etc

- All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks, should comply with BS 5489.
- The overall uniformity of light is expected to achieve 40% and should never fall below 25%. The colour rendering qualities should achieve 60 (minimum) on the Colour Rendition Index - certification will be required.
- External lighting should be switched using a photoelectric cell (dusk to dawn) with a manual override.
- Utility meters should, where possible, be sited outside the front of the dwelling - alternatively they should be sited on the ground floor, between access-controlled doors (air lock system).
- A 13amp non-switched fuse spur, suitable for an alarm system, should be provided
- if a full alarm system is provided, it should comply with:
  - i. BS EN 50131 & PD6662 (wired system)
  - ii. BS 6799 (wire free system)

If complete systems are installed and a police response is required, reference should be made to the ACPO Security Systems Policy, a copy of which can be obtained from the SBD website - [www.securedbydesign.co.uk](http://www.securedbydesign.co.uk)

- 3 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards

for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

5 The submitted Construction Method Statement shall include in addition to the Highways Officer's requirements, the following additional minimum details:

- Site hoarding
- Wheel washing
- Dust suppression methods and equipment to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of The permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
- Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays.
- That bonfires are not permitted on site.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

Please

visit

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



## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

The application site comprises three main areas, which together make up a site area of approximately 0.3 hectare, as follows:

(i) 143 Dollis Road is a three storey building comprising a retail unit at ground level with walk up access to the first floor at the rear along with a small service area and a single-storey storage shed. It forms part of a Local Shopping Frontage as identified in the Development Management Policies DPD.

(ii) 141 Dollis Road comprises land and buildings in the north-eastern part of the site to the rear of 143, along with an access road from Dollis Road between numbers 139 and 141. The access also serves 139A Dollis Road, a residential building to the rear of 139.

Buildings within this part of the site include:

- a part single, part two-storey office and workshop directly to the rear of 139A Dollis Road;
- a single storey workshop towards the northern end of the site;
- a series of storage sheds at the rear of Building 2, abutting the northern boundary with 22A Abercorn Road;
- a long flat-roofed single storey building that abuts the boundary with 2 and 3 Abercorn Close along the western side of this part of the site; and
- a block of garages to the rear of 143 Dollis Road.

Until relatively recently, another building closed the now-existing gap between the last two listed above, completing a linear arrangement of buildings in this area. This has been demolished, and it appears that some or all of the demolition material may remain on the adjacent north-western part of the site.

(iii) Land to the rear of 2 - 20 Bittacy Hill forms the north-western part of the site. This area is currently overgrown some trees growing on and adjacent to the site boundaries and what appears to be demolition rubble on part of this area. While the existing trees do not appear to be of any great arboricultural value, as a group those along the boundaries with the Abercorn Close properties make a contribution to the character and amenities of the area.

In addition to the neighbouring properties in Abercorn Road and Abercorn Close, noted above, this part of the site shares a boundary with 1-8 Mallow Mead, to the east.

The properties adjoining the site as a whole are, in a clockwise direction starting from the site frontage at 143 Dollis Road:

- 2-20 Bittacy Hill, a three storey building that includes a parade of shops that are within the Local Shopping Frontage and above that, maisonettes with walk-up access from a shared first floor access terrace to the rear;
- 22 Bittacy Hill and its associated carparking at the rear of the property, which is to the north of the north-western part of the application site;
- the rear gardens at 4-5 Abercorn Close;
- 3 Abercorn Close, which shares its side and rear boundaries with the site;

- 2 Abercorn Close,
- 22A Abercorn Road ('The Albany'); and
- 1 - 8 Mallow Mead.

To the front of the site, the Local Shopping Frontage also includes 137-143 Dollis Road as well as 2-20 Bittacy Hill, and other properties around Holders Hill Circus. 137 Dollis Road is a BP service station located to the east of the main access, and is separated from the access road by 139 Dollis Road.

To the rear, there is a minor secondary access currently existing between the site and Abercorn Road. Viewed north from the site, 24 Abercorn Road and 1 and 2 Abercorn Close are to the left (north-west), and 22 and 22A Abercorn Road to the right (south-east of the shared lane). It appears not to have been used for some time in association with the application property, and currently provides the sole access to the bungalow at 22A Abercorn Road, also known as 'The Albany' and referred to as such in this report. A key recent change to the application in the amended plans now being considered access from the adjacent lane has now been entirely removed in the revised proposal.

The site is not located in a conservation area and there are no listed buildings within the site or in the immediate locality. Trees within and on the boundaries of the site are not protected by way of a Tree Preservation Order.

## 2. Relevant Site History

141 Dollis Road was subject to two 'prior approval' applications made late in 2015 for changes of use from B class to office (Class B1) to residential use. These were:

- 15/07216/PNO - Change of use from office (Class B1) to residential (Class C3) to provide 10 residential units.
- 15/07218/PNP - Change of use from storage (Class B8) to residential (Class C3) to provide 7 residential units.

The decisions in both cases were that Prior Approval was required, and both were refused on 19 January 2016.

Another application in 2015 related to 143 Dollis Hill only, but was withdrawn before it was determined. This was:

- 15/07722/FUL - Demolition of the existing building and the erection of a four storey building consisting of retail use at ground floor level and 6 no. residential units on the floors above.

This was followed in 2016 by a full planning application which covered the whole of the current application site:

16/5328/FUL: Partial demolition of existing building at No. 143 Dollis Road with alterations and additions to provide a four storey building comprising of 140sqm of A1 retail use at ground floor, 45sqm of B1 office space at first floor and 4no. self-contained flats at first, second and third floor levels. Demolition of remaining buildings on site and the erection of a three storey building comprising of 16no. self-contained flats and erection of 8no. two storey houses (total of 28 residential units). Associated amenity space, hard and soft

landscaping, refuse/recycling storage and provision of 10no. cycle spaces and 23no. parking spaces.

The application was refused on 20 March 2017 for the following reasons:

1 By reason of the siting and proximity of Buildings A and B to surrounding residential properties, the footprint of Building A and the height, design, size, scale and massing of buildings A and C, the proposal would result in a cramped overdevelopment of the site that is uncharacteristic of this setting and its surroundings, would be incongruous in and harmful to the character and appearance of the streetscene and would be unacceptably overbearing for a residents of the surrounding properties. As such, the proposal would be contrary to Policies CS NPPF, CS4 and CS5 of the Local Plan Core Strategy (adopted September 2012), DM01 of the Local Plan Development Management Policies DPD (adopted September 2012), 7.4 and 7.6 of the London Plan (2016) and to advice in the Residential Design Guidance SPD (adopted October 2016).

2 The siting of buildings in the proposed development in close to proximity to flats and their external access at 2 - 20 Bittacy Hill and to 2 - 5 Abercorn Close and to their gardens would result in overlooking and an unacceptable loss of privacy to neighbours, such that the development contrary to Policies CS1 and CS5 of the Core Strategy, DM01 of the Development Management Policy DPD, 7.6 of the London Plan, and advice in the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.

3 The external amenity space standards in the development are below the relevant minimum standards. The gardens for ground floor units at Building A more overshadowed than might otherwise be the case in a more acceptable scheme, and the other amenities of the development do not balance out this substandard feature, and the proposal is therefore contrary to Policies As such, the proposal would be contrary to Policies CS4 of the Local Plan Core Strategy (adopted September 2012), DM01 of the Local Plan Development Management Policies DPD (adopted September 2012) and 7.6(f) of the London Plan (2016) as well as to advice in the Mayor of London's Housing SPG and the London Borough of Barnet's Sustainable Design and Construction SPD.

4 No affordable housing, either as part of the application or by way of a financial contribution towards off-site affordable housing, has been secured by way of a completed section 106 planning obligation. The application is therefore contrary to Policies 3.12 and 3.13 of the London Plan 2016, CS4 of the Local Plan Core Strategy (adopted September 2012), DM08 and DM10 of the Local Plan Development Management Policies DPD (adopted September 2012), and the Council's Affordable Housing SPD.

5 Insufficient cycle storage would be provided, and in addition in order to make the Car Club workable it would be necessary to make provision for this in a section 106 agreement, which has also not been provided in this application. The proposal is therefore contrary to Policies 6.9 of the London Plan, DM17 of the Development Management Policies DPD, and to advice in the London Borough of Barnet's Sustainable Design and Construction and Planning Obligations SPDs.

Two recent applications for part of the site comprising Unit 1 at 141-143 Dollis Road were also made during the last 14 months, but both were withdrawn prior to their being determined:

16/5357/FUL: Demolition of existing building and erection of a demountable tent to facilitate a car wash.

17/0147/FUL: Demolition of existing building and erection of a demountable tent to facilitate a car wash.

### 3. Proposal

The application proposal is for the demolition of all buildings at 141 Dollis Road and the partial demolition, alterations and additions to the existing building at No. 143 Dollis Road and the addition of new buildings to provide 23 residential units together with retail and office floorspace.

As noted above, recent amendments have removed any access to and from Abercorn Road. The number of residential units has also decreased through the course of the application, and additional Class B1 office space has been provided within the building to the front of the site by utilising space that would have been used for a residential unit in the earlier iterations of the proposal. This is Building C as referred to in the application and in this report.

The proposed new-build components would be as follows:

Building A would be a new three storey apartment building located within the north-western part of the site as described in Section 1 above, which would provide 14 flats. Two of these would be studio units, with 8no. 1-bedroom and 4no. 2-bedroom flats. The building's flank walls would face south-east, towards the site entrance and 139A Dollis Road, while north-west to face 22 Bittacy Hill. Three of the four ground floor flats in this part of the site are would be accessible to Building Regulations part M4(3) standard. The ground floor units would all have their own gardens ranging between 62 and 163 sq.m. in area, and the first and second floor flats would have balconies varying between 5 and 15 sq.m. in area. A small communal garden / play area would also be provided.

Building group B would consist of two separate terraces to provide a total of 8no. "mews" houses within the north-eastern part of the site. They would be arranged in two groups that would be separated by a vehicle turning head. Houses 1 - 3 would comprise a staggered group with front elevations facing to the south east (towards the site entrance) and rear elevations facing 22A Abercorn Road. Private rear gardens would be provided, and in the case of Houses 1 and 3 these would extend down the sides of the houses. For House 1, this results in land that would have provided pedestrian and cycle access to Abercorn Road now being incorporated into the enlarged garden for this property. Houses 4 - 8 would be a staggered terrace of five facing north-west - House 4 would be oriented towards the rear of the garden at 3 Abercorn Close and Houses 5 - 8 towards Building A and the adjacent car parking area. Rear (south-east) elevations of all five houses would be towards the terraced properties at Mallow Mead and adjacent private amenity space. Houses 4 and 5 would have shallow rear gardens, while Houses 6, 7 and 8 would be built to the site boundary, replicating the footprint to the existing part single-, part two-storey building currently in this part of the site. Amenity space for these three dwellings would be provided by roof-top terraces accessed by covered stairs at the rear of each dwelling, adjacent to the boundary to an area of amenity space at Mallow Mead. The privacy of neighbouring occupiers at that property would be protected by the higher rear walls of these dwellings, which would extend to approximately 2m above the level of the roof terraces to ensure that there would be no overlooking to the rear.



The existing building at the front of the site, as noted above is Building C in the proposals. It would be partially demolished and extended, with alterations to provide a three storey mixed-use building comprising an extended A1 retail unit at ground floor level of 120sq.m., 143 sq.m. of Class B1 office space at first and second floor levels, and a 1-bedroom flat with a small balcony, also at second floor level. The proposals for this building have been considerably reduced and altered during the course of the application, from four to three stories which, along with the increased office space to provided, also results in a reduction from four to one flat within the building and from 26 to 23 units with the overall redevelopment of the site.

The development would also provide 21 parking spaces, including three disabled spaces and one space to be reserved for use by a car club. Free membership is proposed for the initial occupiers at the site for the first three years of operation.

Vehicle access to the site would be provided by the existing access from Dollis Hill. The secondary access to and from Abercorn Road has now been deleted in the amended proposals now being considered. This represents a key change from both the refused scheme, where this was identified as a secondary vehicle access to the site, and from the proposals as initially proposed in this application, which would have retained this as a pedestrian and cycle access. While in this proposal there has been some confusion over the use of this access, its removal from the scheme addresses one of a number of neighbour objections to the scheme.

The application seeks to address the reasons for refusal in the 2016 application, and in order to achieve them the following key changes have also been made in this application:

- Building A has been reduced in height, area and separation has increased from its closest neighbour, 2-20 Bittacy Hill;
- Houses 1-3 within Building Group B have been reduced in size and reoriented in relation to the neighbouring properties, and Houses 4, 5 and 6 have been repositioned to form a terrace of five dwellings (including Houses 7 and 8).
- Seven shared ownership units would be provided as part of the proposals, along with a review mechanism that would allow for further off-site contributions to affordable housing if profitability exceeds an agreed benchmark.

#### 4. Public Consultation

Consultation letters were sent to 320 neighbouring properties on 22nd June 2017. During the course of the application, residents were notified of amendments and reconsulted twice, on 16th August 2017 and 1st February 2018. There have been representations from 46 neighbouring occupiers and other interested parties, with 43 of these objecting to the proposal and three in support.

Issues raised by objections are as follows:

- The change of character for our neighbourhood.
- Over development.
- Added traffic congestion and higher air pollution levels.
- Access onto a very busy roundabout will be hazardous.
- Impacts on pedestrian and traffic safety.
- Noise.

- Insufficient space to provide car parking and cycle storage as well as flats and retail space.
- Increased car parked on Abercorn Road will result.
- Loss of privacy and residential amenity.
- There is no demand for additional flats and retail space in this location.
- A very similar application has previously been rejected.
- The proposal to use the narrow alleyway between the site and Abercorn Road as an access road is not workable.

Comments in favour are summarised as follows:

- Local shops will be more viable with the increased customer base brought by the development.
- These issues are considered below, in Section 5 of this report.

### Consultee responses

The Environmental Health Officer has recommended conditions to control noise impacts and ensure that on site contamination is properly addressed, in the event that planning permission is granted.

Tree Officer: No objection. Detailed advice is included in 5.3 below.

London Fire and Emergency: Satisfied with the proposals with regard to fire-fighting access.

Lead Local Flood Authority: A detailed drainage strategy has not been provided, and conditions to cover this requirement is recommended in the event that planning permission is granted.

Highways: No objections. Comments are set out in detail in 5.3 below.

Metropolitan Police: Advice given on Secured by Design and measures that can be taken in the detailed design of proposals to ensure the security of future occupiers.

## 5. Planning Considerations

### 5.1 Policy Context

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.

National Planning Policy Framework and National Planning Practice Guidance

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

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

#### The Mayor's London Plan 2016

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

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

#### 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.

Policy 3.3 - Increasing Housing Supply

Policy 3.4 - Optimising Housing Potential

Policy 3.5 - Quality and Design of Housing Developments

Policy 3.8 - Housing Choice

Policy 3.9 - Mixed and Balanced Communities

Policy 5.1 - Climate change mitigation

Policy 5.2 - Minimising carbon dioxide emissions

Policy 5.3 - Sustainable design and construction

Policy 5.7 - Renewable energy

Policy 5.10 - Urban greening

Policy 5.11 - Green roofs and development site environs

Policy 5.13 - Sustainable drainage

Policy 5.14 - Water quality and wastewater infrastructure

Policy 5.15 - Water use and supplies

Policy 6.9 - Cycling

Policy 6.10 - Walking

Policy 6.13 - Parking

Policy 7.1 - Lifetime neighbourhoods

Policy 7.2 - An Inclusive Environment

Policy 7.3 - Designing Out Crime

Policy 7.4 - Local Character

Policy 7.5 - Public Realm

Policy 7.6 - Architecture

Policy 7.18 - Protecting open space and addressing deficiency

Policy 7.19 - Biodiversity and access to nature

Policy 8.1 - Implementation

Policy 8.2 - Planning Obligations

Policy 8.3 - Community Infrastructure Levy

## 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 National Planning Policy Framework - Presumption in favour of sustainable development

CS1 Barnet's place shaping strategy - the Three Strands approach

CS3 Distribution of growth in meeting housing aspirations

CS4 Providing quality homes and housing choice in Barnet

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

CS8 Promoting a strong and prosperous Barnet

CS9 Proving safe, effective and efficient travel

CS11 Improving health and well-being in Barnet

CS12 Making Barnet a safer place

CS13 Ensuring the efficient use of natural resources

CS14 Dealing with our waste

CS15 Delivering the Core Strategy

### - Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity

DM02 Development standards

DM03 Accessibility and inclusive design

DM04 Environmental considerations for development

DM06 Barnet's heritage and conservation

DM07 Protection of housing in Barnet

DM08 Ensuring a variety of sizes of new homes to meet housing need

DM10 Affordable housing contributions

DM12 Maintaining our local centres and parades

DM14 New and existing employment space

DM16 Biodiversity

DM17 Travel impact and parking standards

The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that 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, amongst other things, privacy amenity and outlook for adjoining occupiers.

## Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPD

## London Borough of Barnet Supplementary Planning Documents

Skills, Employment, Enterprise and Training SPD (adopted October 2014)

- This SPD sets out mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy. It provides a Skills, Employment, Enterprise and Training framework (SEET) which is intended to ensure that development provide new job opportunities through construction and / or end use, and that it provides for mitigation where proposals would result in the loss of employment space through appropriate non-financial and financial means.

#### Planning Obligations SPD (adopted April 2013)

- Sets out parameters for providing section 106 planning obligations through both non-financial and financial means.

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

- Sets out information to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

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

#### Affordable Housing SPD

- Provides detailed guidance that supplements policies on affordable housing provision in the adopted Local Plan.

#### Other relevant planning documents

#### London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

### 5.2 Main issues for consideration

The application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 16/5328/FUL. Key issues for consideration therefore relate first to the five reasons for refusal, and secondly to other key issues that may have arisen due to the differences in the refused and proposed schemes, as follows:

(i) The issues in the five reasons for refusal:

- Harm to the character and appearance of the existing building, the street scene and the wider locality;
- Harm to the living conditions and amenities of neighbouring residents;
- The standard of accommodation for future occupiers;
- Whether the provision of affordable housing at the site is satisfactory;
- Provision of cycle storage.

(ii) Other key issues:

- Whether redevelopment of the site is acceptable in principle.
- Impact on the highways network.
- Impacts on protected wildlife.
- Impacts on trees.
- Building sustainability and site drainage.
- Community Infrastructure Levy and Section 106 provisions in the scheme.

### 5.3 Assessment of proposals

Whether the proposals have overcome the objections in the previously refused application

Reason 1

Key points from the first reason for refusal relate to

- (i) relationships between the proposed buildings and their proximity to neighbouring residential properties (Buildings A and B), and
- (ii) height, design, size, scale and massing of Buildings A and C.

In combination, it was considered that the proposal would have resulted in a cramped overdevelopment of the site that is uncharacteristic of this location. It was also considered that the proposals would have been unacceptably overbearing for residents at the surrounding properties.

The density of the site when developed with 25 units would be approximately 83 units per hectare, as against 92 units per hectare in the refused proposal. This site has a Public Transport Accessibility Level of 2 and has characteristics of an urban area as defined in the London Plan and Residential Design Guidance SPD density matrix, although the surrounding properties on three sides are suburban in character. Density ratings for smaller units in the density matrix are up to 95 units per hectare for suburban sites and up to 170 units for urban areas. The development in the previous application was, therefore, within the upper limit for suburban areas although close to the upper indicative limit, and the reduction in unit numbers in this proposal brings the development well within the density ranges considered appropriate in suburban locations.

The appropriateness of development on a site is however not based on density alone, and siting, layout, quality of accommodation and amenity also key factors to be taken into consideration. The reduced footprint has been achieved by reducing the width of the building from approximately 10m to 9m across the main parts of the building, with corresponding reductions from 13m to 12m for the two stairwells on the north-west side of the building, facing the rear of the adjacent Bittacy Hill properties. Changing the roof form from pitched to flat reduces the height from approximately 11.25m to 10m, albeit that the

eaves in the refused proposal would have been a little lower. In addition, the more linear and rectangular plan form in the refused application has been redesigned to provide two main elements with an offset of 1.0m between them. Along with the reduced width, this would result in an increased separation distance from the rear of 2-20 Bittacy Hill. Although this increase for the northern element of the building is marginal (about 300mm), the southern part is set an additional metre from this neighbouring building.

Changes for the mews houses include, for Houses 1, 2 and 3 (the northernmost houses) reductions in footprint and a reorientation to improve their relationships with the neighbouring properties. With regards to the relationship of the proposed dwellings to 22A Abercorn Road ('The Albany'), as existing there is a low storage building abutting the shared boundary at present while the main building in this part of the site is the existing workshop, set approximately 7.5m from the south-western facing elevation of this neighbouring dwelling. The two-storey high flank wall for the closest dwelling in the refused proposal would have decreased this separation to approximately 3.5m, which given the two-storey height of the flank wall proposed was clearly unacceptable. For properties at 1-4 Mallow Mead, separation to a flank wall in the current proposal would be about 13.5m, and while in the refused proposal the to the rear facing walls of the three houses was at a slightly greater distance, the facing walls would have been devoid of windows and the objection in the refused scheme related largely to the visual impacts of the featureless walls. In this proposal, the greater variation in built forms facing Mallow Mead is considered to result in a more acceptable relationship than in the refused scheme.

Building C has also been reduced in height, by the removal of the pitched roof and, in the amended drawing submitted during the course of the application, by a further reduction from four to three stories. This represents a reduction in height from 14.5m in the refused proposal to 10.3m in the amended drawing now being considered. The existing building height is approximately 9.3m. While the refused proposals was considered to be unsympathetic to and disproportionately tall in the streetscape of buildings to either side at Bittacy Hill and Dollis Road, the reduced scale in this proposal is considered to result in an acceptable relationship with the surroundings.

Overall, while the changes from the refused scheme are nuanced and in the case of Building A, relatively small, the reduced bulk that has resulted from reduced building width and height, would result in a much less imposing building than in the refused scheme. Relationships with 22 Bittacy Hill to the north, as well as to numbers 2-20 where spacing between the buildings has been increased are therefore considerably improved in comparison with the refused proposal. Changes for Houses 1, 2 and 3 are also considered to result in improved relationships with the neighbouring properties, and Building C relates much more appropriately in scale to those to either side of it on the street frontage. On balance, it is considered that this part of the reason for refusal has been sufficiently addressed, such that the objections in the refusal are no longer sustained.

## Reason 2

Proximity to 2 - 20 Bittacy Hill and 2 - 5 Abercorn Close and their gardens was considered to result in unacceptable overlooking and loss of privacy to neighbouring occupiers. Separation from the rear facing windows at flats at 12-20 Bittacy Hill has increased to a minimum of 16m. It is noted however that new balconies have been introduced on this side of Block A, and this would only be acceptable with the use of frosted glass or other screening to minimise any overlooking from these balconies. This requirement is set out in one of the recommended conditions.

With regard to Building Group B, in the refused scheme the northern-most dwelling would have faced 2 Abercorn Close with a first-floor window-to-window distance of 17m. This would have been under the minimum acceptable separation as set out in the Council's adopted Residential Design Guidance SPD. Reorienting a group of three houses in this part of the site eliminates this overlooking and also removes the overlooking into the rear garden at number 3. Houses 1-3 results in their rear elevations facing this property, the separation distances would range from approximately 7m to 10m to the neighbouring bungalow at 'The Albany'. While this is under the distance noted from the SPD above, it is an improvement both on the separation from the existing workshop and the refused scheme, and would be further mitigated by permanent frosting of the rear-facing first-floor bedroom window in each of three dwellings to a minimum level of 1.7m above finished floor level.

As in the refused scheme, three of the 'mews' houses would have terraces at roof level. However, any overlooking to neighbouring properties outside the development would be avoided as direct views from them would be to the flank wall of Building A, adjacent car parking and amenity space beyond that. It is now noted that the high walls at the rear of these roof terraces, towards Mallow Mead, are to an amenity space. Given that they will be to the north-west of this space and on the line of the wall of an existing workshop / office building at the site, this is considered to be an acceptable relationship.

Subject to conditions as recommended in this report, it is considered that the redesigned scheme results in an acceptable balance between providing acceptable standard of accommodation for future residents while protecting the amenities of existing occupiers, and it is considered that the incremental improvements in the scheme as compared to the refused application is sufficient to be able to lift the objections.

### Reason 3

The external amenity space standards in the development vary considerably through the development. Reorientation of the houses at the northern end of the site results in larger gardens for some, although those closer to the middle of the site are smaller than in the previous scheme. Gardens for the ground floor flats in Building A are generous in size although as noted in the previous application they will be overshadowed for much of the day. However, all units have, at minimum, a 5 sq.m. balcony, and some are larger. Most of the 'mews' house have areas of amenity space that comply with the Council's SPG minimum requirements; in the case of Houses 6, 7 and 8 these are in the form of roof terraces. As noted above, impacts on neighbours from terraces at this level have been considered and are acceptable. Progress has been made with ensuring that the development will make a financial contribution towards off-site amenity provision. The Council's Green Spaces Co-ordinator advises that the sum for this is £2834 for off-site play space, while the shortfall in amenity space of 80 sq.m. across the development generates a requirement for an off-site payment of £5450. Subject to this being provided through a section 106 agreement, it is considered that the third reason for refusal will be adequately addressed.

### Reason 4: Provision of affordable housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policies CS4 of the Core Strategy and DM10 of the Development Management Policies DPD, with the latter policy



setting a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more (to be calculated in terms of habitable rooms or floorspace).

The application provided a detailed viability assessment which makes a case that the development would not be viable with the provision of affordable housing. An independent review of the applicant's assessment was carried out on the Council's behalf, although agreement was not reached on the viability issue. However, the application has offered eight shared ownership units as on-site affordable housing comprising flats in Buildings A and C. This comprises 25% of the net saleable floor area of the development and while this is welcomed, it falls some way short of minimum 40% proviso required in Policy DM10. In line with the London Affordable Housing Viability SPG published in August 2017, it is considered that this proportion of shared ownership units can be accepted provided that the section 106 agreement to secure the units also provides a review clause. The review would require a post-development review of viability, to ensure that if the profitability of the scheme is sufficiently improved on the level projected in the viability assessment then an additional financial contribution towards provision off-site housing would be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision.

The Council's Housing Enabling Team has requested that the shared ownership units be offered to prospective buyers with an initial 25% share and this has been agreed to by the applicant and their prospective partner RSL.

For the above reasons, it is considered that the completion of a section 106 agreement would overcome the fourth reason for refusal of the 2016 application.

Reason 5: Lack of cycle storage and provision for Car Club membership

The Highways Officer has advised that for this scheme, a minimum of 35 secure cycle spaces are required for the residential component of the scheme to meet London Plan standards. Additional cycle storage will be required for the use of employees in the office and retail units. As only 21 are proposed, additional cycle storage is therefore required. Additional cycle storage could be provided on the south-eastern side of Block A, adjacent to the access road, and it is also noted that space that would have been used for the access path to Abercorn Road is also available for other uses within the amended layout now being considered. While this land is shown in the amended plans as part of the garden for Mews House 1, it is considered that an additional sensitively design could be provided within this space without adversely impacting on the occupiers of existing and proposed dwellings (this space is currently occupied by one of the smaller employment buildings, which would be demolished as part of the scheme). The recommended condition requires further details to be submitted and approved to show complying levels of cycle storage, prior to the commencement of the development.

The fifth reason for refusal in the 2016 decision also related to lack of provision for Car Club membership. This would need to be provided within a section 106 agreement. The recommendation for approval is subject to this being achieved, but provided that this is done, the fifth reason for refusal of the 2016 application would therefore be overcome.

Whether there are any other issues which are materially different from those considered when the 2016 application was assessed.

- Whether the redevelopment of the site is acceptable in principle

The applicant's Planning Statement describes the north-western part of the site as former rear garden land at 2 - 20 Bittacy Hill. As such, this part of the site is not brownfield land, but may be developed subject to being of a character appropriate to the area. The remainder of the site is more properly described as brownfield land. For this area, Policy DM14 in the Development Management DPD protects B Class uses unless it can be demonstrated that it is no longer required for business purposes. The application has set out a case that the site is not suitable for business purposes but no evidence that marketing of the site was carried out, in accordance with LBB policy DM14, has been submitted. While the previous application was not refused on grounds of loss of employment space, this issue has therefore been further assessed during the course of this application.

As amended, the application would result in the following changes to the non-residential floorspace at the site:

- A1 unit - an additional 39 sq.m. would be provided;
- B1 use - there would be a net loss of 34 sq.m., including new provision in Building C;
- B2 use - 554 sq.m. would be lost.

The loss of B1 floorspace is relatively minor, and balanced to some extent by the additional retail floor space, which would help to reinforce the viability of the local shopping centre within which Building C is located. The loss of B2 floorspace is not supported by Policy DM14, although it is noted that employment densities for office floorspace are higher than would be achieved in the Class B2 floorspace that would be lost, so that the loss of employment there would be significantly less than would be the case if employment was even across all of the B1 / B2 space being lost. On balance, the loss of employment land would be justified only if appropriate mitigation for training and employment is provided, either on site or by way of a commuted sum for off-site provision, is made. In this case, the following provision should be made, either on-site during construction or off-site as a commuted sum:

- o One Apprenticeship Placement for one year (or commuted sum equivalent at £22,000);
- o Progression into Employment programme (or commuted sum equivalent at £10,680).

Recommendation II(9) above provides for this on- or off-site provision to be included in the section 106 obligation that would be required if the application is to be supported. Taking into account that the site is surrounded by residential development on all sides and that if redeveloped for employment purposes it is likely that a significant loss of residential amenity could result from increased noise and potentially heavy vehicle traffic, it is considered that the provision of B1 office space in this revised proposal and the mitigation outlined above would be sufficient in this case to justify the loss of the bulk of this site for employment uses. No objection is therefore raised on this issue.

#### Impact on the highways network

The proposed development provides 21 parking spaces, which includes one on-site space for a new Car Club and three disabled spaces. As required in the London Plan, 20% of the spaces will have active electric vehicle charging points and a further 20% will have passive provision. A draft Travel Plan has also been provided, and while not a requirement for a development of this size it can be used to manage the car club offer and in addition can be applied to the increased office space now proposed within the development in the scheme as amended.

Based on the site's accessibility level, PTAL 2, the Council's Highways officer has advised that between 12 and 29 car parking spaces would need to be provided to fully comply with the Council's Parking standards. The provision of 21 spaces is therefore considered to be acceptable in Highways terms. The inclusion of a car club bay and Travel Plan would assist in mitigating any likely overspill onto the public highway.

Several neighbour letters raise issues regarding traffic congestion, impacts on pedestrian and traffic safety and limited parking. The Highways Officer's has not objected to the proposal with regards to these issues. As noted in regards to the fifth reason for refusal additional cycle storage would be secured through the recommended condition, and Car Club provision would need to be provided for in a section 106 agreement, as noted in Recommendation II. This mechanism would also secure the Travel Plan for the site. A condition is also recommended to provide for refuse and recycling storage at the development, along with a refuse collection plan to ensure that where necessary, refuse bins are moved to a central collection point on collection days.

Residents' concerns regarding construction impacts will be provided for through an appropriate condition requiring a Demolition and Construction Management Plan. It is noted that residents' concerns about the potential for overspill car parking in Abercorn Road are addressed by the removal of a direct access between the site and Abercorn Road in the revised proposals now under consideration.

#### Impacts on protected wildlife

It is noted that the existing buildings are disused and that while some are in a good standard of repair, others are less so. Some of these may be attractive as bat roosts and / or hibernation sites. The north-western part of the site remains as rough open ground and could be attractive for a range of ground-dwelling species. National level Planning Practice Guidance advises that Local Planning Authorities should require ecological surveys where there is a reasonable likelihood of a protected species being present and affected by development. As there is potential of wildlife within the site, a condition requiring a pre-development survey to identify any requirements for protection and mitigation, along with an ecology strategy to improve biodiversity at the site is included in the recommendations in this report. An objection provided in response to the latest consultation has suggested additional boundary planting to mitigate loss of wildlife habitat, and this can be provided through the recommended conditions.

#### Impacts on trees

The tree survey provided with the application advised that all but one of the trees within the site would be removed. Trees adjacent to boundaries within neighbouring sites would remain, and will need to be protected during construction to ensure that impacts on root systems from excavation and ground compaction are avoided and / or mitigated. This is provided for by the recommended conditions.

As already noted, some adjustments to the layout of shared amenity space will be required to provide the balance of cycle storage and this will also be required for the provision of with refuse and recycling stores, and if this presents an opportunity for retention of further trees of reasonable quality then this should be taken.

#### Building sustainability and site drainage

The sustainability statement submitted for the scheme set out intentions for building sustainability within the scheme. In order to secure meaningful provision, conditions require further details of on-site renewable energy provision and biodiversity improvements, and require water saving devices to ensure that the development is water efficient.

The Council as Lead Local Flood Authority (LLFA) has requested the provision of a detailed drainage strategy, and this is also covered by the recommended conditions.

#### Community Infrastructure Levy and Section 106 provisions in the scheme

The development is liable to the Community Infrastructure Levy (CIL), which has been calculated at £56,805 payment under the Mayoral CIL and £219,105 payment under the London Borough of Barnet CIL (prior to indexation).

In addition, the section 106 provisions for the scheme would secure the following in-kind and financial contributions as part of the development:

- (i) Provision of eight flats as identified on Plan numbers (to be advised) as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
- (ii) Provision of a review of development viability for the approved development (including residential and non-residential units), with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the purpose of contributing towards off-site affordable housing.
- (iii) Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development.
- (iv) Provision of monitoring costs for a travel plan.
- (v) Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.
- (vi) Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.
- (vii) Costs for any off-site provision of meeting SEET obligations - £47,306.
- (viii) Meeting the Council's costs of monitoring the planning obligation - £3000.

#### 5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above. On balance, it is considered that the amendments in this proposal as compared to the refused scheme and the requirements set out in recommended section 106 clauses and conditions are sufficient to address these concerns. The support of some neighbouring businesses is noted, and the viability of local shops would be improved by the additional customer base that would result from the development.

#### 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of the 2016 application, subject to the recommended conditions and to a section 106 agreement covering the matter set out in Recommendation 1.

