

Location	50 Moxon Street Barnet EN5 5TS	
Reference:	18/4442/FUL	Received: 17th July 2018 Accepted: 18th July 2018
Ward:	High Barnet	Expiry 12th September 2018
Applicant:	Berkshore Ltd	
Proposal:	Additional storey at third floor level to provide 7 x 2 bed self-contained flats with terrace area. Associated cycle store, refuse and recycling store.	

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Alteration to Traffic Regulation Order - £2000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

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

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

Drawing PL-001 - Site Location Plan

Drawing PL-010 - Existing Ground Floor Plan

Drawing PL-011 - Existing First Floor Plan

Drawing PL-012 - Second Floor Plan as Existing

Drawing PL-013 - Third Floor Plan as Existing

Drawing PL-020 - Existing Sections

Drawing PL-031 - Existing North and South Elevations

Drawing PL-032 - Existing East and West Elevations

Drawing PL-050 Rev 2 - Proposed Site Plan

Drawing PL-102 Rev 2 - Proposed Second Floor Plan

Drawing PL-103 Rev 3 - Proposed Third Floor Plan

Drawing PL-104 Rev 2 - Proposed Roof Plan

Drawing PL-153 - Proposed Third Floor Plan (Coloured)

Drawing PL-301 Rev 3 - Proposed North & South Elevations

Drawing PL-302 Rev 3 - Proposed East & West Elevations

Drawing PL-401 - Preventing overlooking - Cross sections

Planning Statement, Jones Lang Lasalle, 20 July 2018

Design & Access Statement, RnH Architects, Revision 02, 10.09.2018

Energy and Sustainability Statement, Hodkinson, July 2018.

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

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

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

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

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

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

4 Before the residential development hereby permitted is first occupied, the change of use of the existing building to B1 business use as approved by planning permission Reference 17/0355/FUL shall be implemented.

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

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

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

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

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

6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

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

7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is first occupied details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements

and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

8 Prior to occupation of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards.

The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

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

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

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

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

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

This sound insulation shall ensure that the levels of noise generated from the adjoining B1 use as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

13 Other than the areas indicated on drawing PL-103 Rev 3 as amenity terrace areas, the existing and proposed flat roof areas of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the

Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

15 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

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

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

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

17 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

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

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

21 a) No additional external lighting shall be installed and used unless details of the appearance and luminance of the proposed lighting have first been submitted to and approved in writing by the Local Planning Authority.

b) Any additional external lighting shall thereafter be implemented and retained in accordance with the approved details.

Reason: To safeguard the residential and visual amenities of the site and wider area in accordance with Policy CS NPPF 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.

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 8 January 2019, unless otherwise agreed in writing, the Planning Performance and Business Development Manager REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the road traffic order. The proposal would therefore not address the impacts of the development, by causing a significant risk to highway safety and the free flow of traffic in the area due to difficulties in finding a parking space, consequent extended journey times and potentially parking inappropriately, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted 2016).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £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.

Relief or Exemption from CIL:

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

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

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

Please

visit

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

- 3 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 4 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 5 The submitted Construction Method Statement shall include as a minimum details of:
- Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- Confirmation that an asbestos survey has been carried out.

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

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

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

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

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

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

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

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

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

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

- 8 The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.

Officer's Assessment

1. Site Description

The application site is located within the Hadley Manor Trading Estate, towards the eastern end of Moxon Street on its southern side.

Total floor area of the existing building is 2,697 sq.m. over three stories with a building footprint of 1,361 sq.m. and plot size of approximately 2,173 sq.m.

An internal access road is routed around the other three sides of the building. Due to the steep gradient of this part of Moxon Street, the road frontage varies between one and three stories in height on its street frontage.

The ground floor as shown on the existing drawings consists mainly of access into the building on its eastern side, together with a sheltered loading / unloading area which is beneath the projecting first and second floors at the eastern end of the building.

The habitable areas of the building are the first and second floor, and due again to the gradient of the street, both have separate street level entrances.

At roof / third floor level there is currently a large roof lantern / clerestory window structure (measuring approximately 40m in length, 7.5m wide and 1.8m in height). This serves to provide natural light to the second floor below.

The site is immediately adjacent to, although outside, the Chipping Barnet Town Centre boundary, and is located 230m from the High Street and just under 800m from the High Barnet Northern Line station. Also nearby is the Wood Street Conservation Area, which takes in much of the High Street and adjacent areas, with its closest point approximately 75 metres from the application site.

While the portion of Moxon Street immediately adjacent to the town centre is in a mix of residential and business uses, the approaches to the application site along the central part of Moxon Street is more predominantly residential. 48A Moxon Street is the closest residential property, located on the southern side of Moxon Street immediately west of the application site, while 39 Moxon Street and 8 - 18 South Close are located on the opposite (northern) side of the street. Hornbeam Court and Blackthorn Court are two x four storey apartment buildings directly to the south of the site, taking their access from Laburnum Close.

Also within the Trading Estate boundaries, Hadley Wood Hospital adjoins the site on its eastern side, and there are two commercial properties beyond that, adjacent to the eastern end of Moxon Street (a car dealership and Howdens Joinery).

The existing building is currently vacant and the lawful use of the site is B8 (storage and distribution). Planning permission was granted in July 2017 for change of use to B1 business use, although this has not yet been implemented.

2. Site History

Relevant planning history for the site is as follows:

Reference: 17/6982/NMA
Decision: Approved subject to conditions
Decision date: 22.12.2017
Description: Non-material amendments pursuant to planning permission reference 17/0355/FUL dated 10/07/2017 for Change of use and reconfiguration of the building to provide Class B1 use with associated parking. Amendments include to amend the permission with respect to Condition 10 to amend the use class restriction of B1(a) and allow all Class B1 uses.

Reference: 17/0355/FUL
Decision: Approved following legal agreement
Decision date: 10.07.2017
Description: Change of use and reconfiguration of the building to provide Class B1 use with associated parking

Reference: 16/5605/FUL
Decision: Withdrawn
Withdrawal date: 08.12.2016
Description: Change of use and reconfiguration of the building to provide a flexible use comprising of offices (Class B1a) and/or storage and distribution (Class B8) and associated parking.

Reference: N02454B
Decision: Approved subject to conditions
Decision Date: 06.08.1997
Description: Erection of glazed entrance screen to front elevation.

Reference: N02454A
Decision: Approved subject to conditions
Decision Date: 29.01.1979
Description: Portakabin to be used as office.

Reference: N02454
Decision: Refused
Decision Date: 23.09.1970
Description: Office extension

3. Proposal

The application as amended seeks permission for an additional storey at third floor level to provide 7 x 2 bed self-contained flats with terrace areas along with associated cycle store, refuse and recycling store.

As originally submitted, the application proposed an additional storey at third floor level to provide 9 no. flats (5 x 3 bed, 2 x 2 bed and 2 x 1 bed).

Officers considered the footprint of the structure proposed originally to be overly large, lacking sufficient setbacks from the elevations of the existing building necessary to mitigate visual impact and potential for overlooking. Concerns were also expressed in relation to the single aspect nature of the units and the position of some of the amenity terraces and windows.

Therefore, during the course of the application, amendments were sought by Officers resulting in revised drawings being provided on 10th September 2018.

The changes to the original scheme as shown on the amended final drawings can be summarised as follows:

- Number of units reduced from 9 no. (5 x 3 bed, 2 x 2 bed, 2 x 1 bed) to 7 no. 2 bed units.
- All units now dual aspect.
- Setbacks increased from all sides of the existing building so that all habitable room windows and amenity terraces are over 21m from facing habitable room windows and over 10.5m away from neighbouring gardens (48a Moxon Street).
- Amenity terrace and windows removed from west end elevation facing 48a Moxon Street.
- Green roof, landscaping and planting added.

The final scheme can be described as follows:

The existing roof lantern / clerestory window structure (measuring approximately 40m in length, 7.5m wide and 1.8m in height) would be removed.

The proposed additional storey comprising 7 x 2 bed flats would measure approximately 49m in length, 10m wide with a maximum height of 3.5m.

The additional storey would be set in from the original building below by approximately 4m at the front (north) and east elevations, approximately 7m from the rear (south) elevation and approximately 6m from the west elevation.

Access would be via the existing second floor entrance from Moxon Street where the existing staircase will be extended upwards and a lift added. The second floor entrance would provide a lobby along with internal refuse/recycling and bicycle stores.

7 no flats are proposed (total 24 habitable rooms) as follows:

Flat 1 - 76 sq m (2b, 4p over 1 storey, 4 habitable rooms)
Flat 2 - 62 sq m (2b, 3p over 1 storey, 4 habitable rooms)
Flat 3 - 61 sq m (2b, 3p over 1 storey, 3 habitable rooms)
Flat 4 - 61 sq m (2b, 3p over 1 storey, 3 habitable rooms)
Flat 5 - 61 sq m (2b, 3p over 1 storey, 3 habitable rooms)
Flat 6 - 65 sq m (2b, 3p over 1 storey, 4 habitable rooms)
Flat 7 - 70 sq m (2b, 4p over 1 storey, 3 habitable rooms)

The following Amenity space is proposed:

Flat 1 - Terrace 20 sq m
Flat 2 - Terrace 17 sq m
Flat 3 - Terrace 15 sq m

Flat 4 - Terrace 15 sq m
Flat 5 - Terrace 15 sq m
Flat 6 - Terrace 20 sq m
Flat 7 - Terrace 56 sq m

Total = 158 sq m.

All amenity terraces are south/east facing.

No car parking is proposed.

Materials and privacy screen details are shown indicatively on the drawings, however both of these matters are subject of a planning condition requiring submission and approval of further details.

A Green Roof, Landscaping and planting is proposed.

4. Public Consultation

Consultation letters were sent to 200 neighbouring properties on 24.07.18.

The same properties were re-consulted on 28.09.18 for 14 days following receipt of amended drawings.

Eleven (11) objections were received following the original consultation. The comments received can be summarised as follows:

- Fails to reduce carbon dioxide emissions
- Will increase on-street car parking demand
- No affordable housing
- Additional demand on drainage and sewage
- Overlooking
- Noise and disturbance from building works
- Loss of outlook
- Loss of sunlight and daylight.

Seven (7) further objections were received following the second consultation. Comments received (that are not covered in the original list above) can be summarised as follows:

- Impact on character of the building and surrounding area
- Existing building is used as a yoga studio
- The reduction in footprint is appreciated, however the proposal will still result in loss of light and outlook
- Increase in traffic
- Amended scheme has addressed some issues but has not gone far enough
- Building should remain in business use
- Noise pollution from roof terraces, especially during summer.

5. Planning Considerations

5.1 Policy Context

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2036. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Draft London Plan 2017

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM14, DM17.

The Council's approach to development proposals as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Core Strategy Policy CS9 seeks to promote walking and cycling, alongside other strategic transport objectives. Policy DM14 seeks to protect existing employment space, and to promote B1 office space in town centre and edge of centre locations.

The Hadley Manor Trading Estate is identified as a Locally Significant Industrial Site in Appendix 7, Map 7 in the Development Management Policies DPD.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential accommodation is acceptable in principle;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings; and
- Whether the proposal would result in any detrimental impact on the highway network.
- Environmental Health considerations.

5.3 Assessment of proposals

Whether the principle of residential accommodation is acceptable

The site is located within the Hadley Manor Trading Estate which is identified as a Locally Significant Industrial Site in Appendix 7, Map 7 in the Development Management Policies DPD.

The existing building is currently vacant and the existing lawful use of the site is B8 (storage or distribution). Planning permission was granted in July 2017 (Ref: 17/0355/FUL) for change of use to B1 business use, although this has not yet been implemented.

Chapter 15 and Policy DM14 of the Development Management Policies DPD relates to 'New and existing employment space'.

Policy DM14 a) i) states that proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site to a non B class use will not be permitted. Part a) iv) states that proposals to redevelop or re-use an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

The planning application proposes an additional storey on top of the existing three storey building which would remain in employment use and as such would not result in a significant loss of employment floorspace (the only change of use being the second floor

entrance lobby area of approximately 100 sq m which would become communal space for the residential units above).

The existing employment floorspace at ground, first and second floor levels could still be accessed from the existing and approved ground and first floor entrances and a new entrance door to the second floor from the west end elevation.

The application proposes the introduction of a residential element to the existing building and this would result in a mixed use building comprising B1 business uses at ground, first and second floor levels, with residential at third floor level.

Whilst the approved B1 use has not yet been implemented, the applicant has advised that this change of use (from B8 storage or distribution) will be implemented and a planning condition is proposed requiring the change of use from B8 to B1 to be implemented before the proposed residential units are first occupied.

The reason for this condition is in order to protect the residential amenity of future occupiers of the residential units. B1 business uses are generally considered to be compatible with neighbouring residential uses, whereas B8 storage or distribution uses are not. It would therefore not be appropriate to locate residential dwellings above an operational B8 use.

Planning permission 17/0355/FUL (change of use from B8 to B1) includes a condition requiring details to be submitted of any 'after hours' use of the proposed B1 use. After hours being defined as any hours outside of 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours on Saturdays, and in addition after hours use is defined to include Sundays and Public Holidays. This condition further protects the residential amenity of the future occupiers of the flats proposed by the current application.

In summary, it is not considered that the proposed development conflicts with the requirements of policy DM14 and there is no objection in principle to the proposed additional storey to provide residential accommodation above the B1 business floorspace below.

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

Currently at third floor / roof level there is a roof lantern / clerestory window structure (measuring approximately 40m in length, 7.5m wide and 1.8m in height). This would be removed as part of the proposal and replaced with the additional storey.

Whilst the additional storey would be larger (measuring approximately 49m in length, 10m wide with a maximum height of 3.5m) than the glazed structure, the proposed additional storey would be well set in from all sides of the existing building below limiting its visual impact from Moxon Street and from the wider surrounding area. As amended the proposal is considered to be a suitable subordinate addition to the existing building.

Furthermore, it is noted that there are examples of 4 storey residential buildings in the immediate surrounding area (Hornbeam Court, Blackthorn Court and Clementine Court to the south) and the houses opposite to the north (South Close) are three storeys. As such the proposal for a fourth storey to 50 Moxon Road would not be out of character with the surrounding area.

Suitable building materials will be agreed by way of planning condition.

A Green Roof and planting is proposed at third floor level along with landscaping at ground floor level and this will serve to enhance the appearance of the proposed development.

In summary, it is not considered that the proposed development would cause unacceptable harm to the character or appearance of the existing building, street scene or surrounding area and is therefore acceptable in this respect.

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

The proposed additional storey is set well in from all sides of the existing building below and as such it is not considered that the proposal would result in a harmful loss of sunlight daylight to any neighbouring residential properties.

Similarly, due to the subordinate nature of the proposed additional storey it is not considered that the proposal would result in an unacceptable loss of outlook or impact on visual amenity to the occupiers of any neighbouring properties.

Whilst no car parking is proposed, the applicant will be required to enter into a legal agreement preventing future occupiers of the proposed flats from applying for residents parking permits. This will ensure that no additional demand for on street car parking within the CPZ arises.

Overlooking

West - the western end of the proposed additional storey would be set in by 5.6m. The proposed western flank wall would be a minimum of 11m from the flank wall and rear garden of 48a Moxon Street. This separation distance to the rear garden exceeds the minimum 10.5m to a neighbouring garden required by the Residential Design Guidance. Whilst there are secondary windows in the flank of 48a, no windows are proposed within the west elevation. There is no amenity terrace to the west of the proposed addition and the western end of the south facing terrace to Unit 1 will include a 1.8m privacy screen to ensure no overlooking of No 48a's rear garden would occur.

North - the front/northern elevation of the proposed additional storey would be set in from the front elevation by 4.2m. The separation distance between the north facing habitable rooms of the proposed flats and the nearest facing habitable rooms of the houses on South Close would be over 30m. The flats would be accessed by a walkway in front of the structure, however this walkway would be over 25m from the facing South Close habitable room windows, which is in excess of the minimum 21m separation distance between facing habitable room windows stipulated by the Residential Design Guidance. There is also existing screening in the form of mature street trees and proposed planting and a 1.5m high balustrade would also ensure no loss of privacy arises.

East - the eastern end of the proposed additional storey would be set in approximately 4m from the eastern elevation. The amenity terrace for Unit 7 would be located further to the east. Views from the East facing habitable room windows and roof terrace are over the hospital and Trading Estate and therefore no overlooking of residential habitable rooms would occur in this direction.

South - the rear/southern elevation of the proposed additional storey would be set in from the rear elevation by 7m. The south facing habitable room windows and amenity terraces

would be a minimum of 21m from the facing habitable room windows of Hornbeam Court and Blackthorn Court. Privacy screening to the terraces would also further mitigate potential for mutual overlooking.

In summary, it is not considered that the proposed development would have a harmful impact on the residential or visual amenities of the occupiers of any neighbouring properties and is therefore acceptable in this respect.

Whether the proposal would provide suitable living conditions for future occupiers of the proposed dwellings

All of the proposed flats are dual aspect.

All of the proposed flats meet the minimum London Plan space standards (2 bed 3 person over a single storey - minimum 61 sq m and 2 bed 4 person over a single storey - minimum 70 sq m) as follows:

Flat 1 - 76 sq m (2b, 4p over 1 storey, 4 habitable rooms)
Flat 2 - 62 sq m (2b, 3p over 1 storey, 4 habitable rooms)
Flat 3 - 61 sq m (2b, 3p over 1 storey, 3 habitable rooms)
Flat 4 - 61 sq m (2b, 3p over 1 storey, 3 habitable rooms)
Flat 5 - 61 sq m (2b, 3p over 1 storey, 3 habitable rooms)
Flat 6 - 65 sq m (2b, 3p over 1 storey, 4 habitable rooms)
Flat 7 - 70 sq m (2b, 4p over 1 storey, 3 habitable rooms)

Total 24 habitable rooms.

All bedrooms meet the required minimum sizes and all habitable room windows would enjoy a good level of outlook.

Amenity space is provided in the form of south/east facing roof terraces as follows:

Flat 1 - Terrace 20 sq m
Flat 2 - Terrace 17 sq m
Flat 3 - Terrace 15 sq m
Flat 4 - Terrace 15 sq m
Flat 5 - Terrace 15 sq m
Flat 6 - Terrace 20 sq m
Flat 7 - Terrace 56 sq m

Total = 158 sq m.

The amenity space provision exceeds the minimum requirement of 120 sq m based on 5 sq m per habitable room.

In summary, it is considered that the proposed development would provide suitable living accommodation for future occupiers of the proposed units.

Transport, parking and highways matters

The site is located just outside of the Chipping Barnet Town Centre. The Public Transport Accessibility Level (PTAL) for the site is 4 which is considered good.

The site location is within a Controlled Parking Zone (CPZ), which operates 8 a.m. to 6.30 p.m. Monday to Saturday. Some spaces on Moxon Street use a pay-by-phone payment system, and there is an off-street free car park for up to 1 hour also. For stays of over one hour there is a charge with a maximum stay of 4 hours.

No car parking is proposed.

The proposed 7 no. 2 bed units would require parking provision of between 7.0 and 10.5 spaces based on the requirements of Policy DM17.

The Highways department advises that, taking the following into consideration:

- The site is located in a Town Centre location and with local amenities;
- The site is within a PTAL rating of 4; and
- The site is within a Control Parking Zone (CPZ);

the proposed development is acceptable on highway grounds subject to permit exemption for the occupiers of the new development. A contribution of £2,000 would be required towards the amendment of the Traffic Management Order (TMO). This would be secured by way of S106 legal agreement.

Subject to completion of the legal agreement and to the conditions recommended in the Highway Officer's comments, there is no objection to the proposal on Highways grounds.

The applicant has confirmed that they are prepared to enter into a legal agreement.

Health considerations

The Environmental Health department was consulted on the proposal and responded to state that it has no objection, subject to a condition requiring the change of use of the floors below to B1 to be implemented prior to the proposed residential units being occupied, along with conditions relating to noise mitigation, construction management and contaminated land.

Access for Fire Service

A consultation response was received from the London Fire Commissioner. The response states that the Commissioner is not satisfied with the proposals as insufficient information has been provided in relation to access and facilities for fire fighters, as set out in Section B5 Approved Document B of Building Regulations (Access for Fire Service).

The letter also states that the London Fire Brigade promotes the installation of sprinkler suppression systems in new developments.

In the event that planning permission is granted, full details in relation to access and facilities for fire fighters will be agreed at Building Control stage in due course.

An informative will be added to any planning permission issued advising the applicant that the London Fire Brigade promotes the installation of sprinklers.

5.4 Response to Public Consultation

The comments raised by the objectors have been addressed elsewhere in this report and by way of the proposed planning conditions and legal agreement.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality of the living accommodation is satisfactory.

This application is therefore recommended for Approval, subject to conditions and completion of the legal agreement.

