

5. Provision of travel plan costs

- (a) Travel Plan monitoring contributions of £5,000; and
- (b) Travel Plan Incentives for future occupiers to the value of £10,251.
- (c) Highway Safety measures contribution - £10,000

6. Provision of Skills, Employment, Enterprise and Training appropriate to the site:

- 5 apprenticeships
- 45 site visits

7. Provision of £8,950 towards off-site amenity space and a play provision contribution of £3,378.24.

8. A financial contribution towards carbon off-setting of £47,434 in order to achieve net zero carbon dioxide emissions from the residential component of the development.

9. Meeting the Council's costs of monitoring the planning obligation - £3000.

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:

HTA-A_XX-D1_DR_001 Revision 2, HTA-A_XX-D1_DR_002 Revision 2, HTA-A_XX-D1_DR_003 Revision 2, HTA-A_XX-D1_DR_0010 Revision 2, HTA-A_XX-D1_DR_0011 Revision 2, HTA-A_XX-D1_DR_0012 Revision 2,

HTA-A_XX-D1_DR_0150 Revision 11, HTA-A_XX-D1_DR_0151 Revision 10, HTA-A_XX-D1_DR_0152 Revision 10, HTA-A_XX-D1_DR_0153 Revision 9, HTA-A_XX-D1_DR_0155 Revision 6,

HTA-A_XX-D1_DR_3000 Revision 4, HTA-A_XX-D1_DR_3001 Revision 3, HTA-A_XX-D1_DR_3002 Revision 3, HTA-A_XX-D1_DR_3005 Revision 3, HTA-A_XX-D1_DR_3006 Revision 3, HTA-A_XX-D1_DR_3007 Revision 3, HTA-A_XX-D1_DR_3008 Revision 3, HTA-A_XX-D1_DR_3009 Revision 3, HTA-A_XX-D1_DR_3011 Revision 3, HTA-A_XX-D1_DR_3012 Revision 4, HTA-A_XX-D1_DR_3013 Revision 3, HTA-A_XX-D1_DR_3014 Revision 3, HTA-A_XX-D1_DR_3016 Revision 3, HTA-A_XX-D1_DR_3018 Revision 3,

HTA-A_XX-D1_DR_3021 Revision 3, HTA-A_XX-D1_DR_3022 Revision 1, HTA-A_XX-D1_DR_3023 Revision 1, HTA-A_XX-D1_DR_3024 Revision 1,

HTA-A_XX-E1_DR_120 Revision 2, HTA-A_XX-E1_DR_0121 Revision 2, HTA-A_XX-E1_DR_0200 Revision 10, HTA-A_XX-E1_DR_0201 Revision 10, HTA-A_XX-E1_DR_0205 Revision 9, HTA-A_XX-E1_DR_0206 Revision 8,

HTA-A_XX-E1_DR_0210 Revision 2, HTA-A_XX-E1_DR_0211 Revision 4, HTA-A_XX-E1_DR_0212 Revision 3, HTA-A_XX-E1_DR_0213 Revision 4, HTA-A_XX-E1_DR_0250 Revision 6,

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. An asbestos survey shall also be carried out and submitted as part of this condition.

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.

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 and equipment 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, with including contact details to be shown on site hoarding;
- xi. Confirmation that a competent banksman shall be employed at all times to manage the construction traffic in and out of the site to ensure highway and pedestrian safety;
- xii. Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- xiii. Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999;
- xiv. Proof within the contractor's specification that all NRMM will be registered on the local government website;
- xv. Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- xvi. 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;

xvii. Confirmation that there shall be no bonfires or burning of rubbish at the site.

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 above ground 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 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.

6 The proposed development shall be implemented in accordance with the findings and recommendations of the air quality assessment report by Ardent (March 2018), submitted in support of the application, containing air pollution mitigation measures, including the mitigation of construction dust impacts, and air quality neutral (transport) based on the findings of the report. The approved mitigation scheme shall be implemented in its entirety before any of the development is first occupied or the use commences and retained as such thereafter.

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

7 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 above ground works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

9 a) No above ground works 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 any plant as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

10 a) Prior to any above ground works, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014. The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

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

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan 2016.

11 (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

12 No above ground works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) 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;

b) 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

c) 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).

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 underground piling and foundation works 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 existing underground services, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

14 a) No above ground works hereby approved shall be commenced until a biodiversity strategy, to include habitat improvement measures to be implemented in conjunction with landscaping and the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority. Unless works commence at the site less than three years from the date of the extended preliminary ecological appraisal survey that was carried out on 3rd July 2017, the details to be provided under this condition shall include details of an updated survey of the land and buildings.

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

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

15 a) Prior to any construction works above finished ground floor level being undertaken, a scheme of hard and soft landscaping, including details of existing species (to include wildlife-friendly varieties where possible), planting heights and grades, densities, positions and ground preparation (including volumes of soil and / or other growing media) for soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority.

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 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 following details shall be included:

a) Demonstration that discharge of surface water runoff shall be 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).

b) Confirmation that 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.

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).

17 a) No above ground works shall take place until details of the materials to be used for the external surfaces, which shall include details of brick detailing and recesses, green walls, fenestration including exterior doors, roof cladding, rainwater goods, privacy screens to screen views to neighbouring properties from exterior access walkways serving flats in Block B (material finish and position) and hard surfaces for all outside areas, 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 and privacy screens shall be retained in the agreed position thereafter.

Reason: To safeguard the character and visual amenities of the site, adjoining occupiers 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.

18 a) No above ground works shall commence until specifications and maintenance details of the proposed green roofs and green walls have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs and green walls 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.

19 a) No above ground works shall take place until details of the appearance, materials and opening mechanism for any electronically controlled access gates and appearance and materials for other 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.

20 Prior to the first occupation of any building within the development, the buildings 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 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such 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 2016 and the 2016 Mayors Housing SPG.

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

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

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy 6.13 of the London Plan 2016.

23 Prior to the first occupation of the development, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. Location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On-site parking controls and charges;
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces marked with a British Standard disabled symbol.
- vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation.
- vii. The access to the parking area from public highway

The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved. The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

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

24 Before the development hereby permitted is occupied, secure cycle storage shall be provided in the locations shown on the approved drawings, in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

25 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

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

26 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Local Planning Authority and works shall only be carried out in accordance with the approved plans.

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

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.

27 a) All units within the relevant buildings 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 the exception of the flats that are identified on the approved drawings to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations (with a total of four flats to meet Part M4(3) standard across the whole development).

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 buildings shall not be occupied until details of the electronically controlled access to the buildings have been submitted to and approved in writing by the Local Planning Authority and the approved details have been implemented. The approved details shall be retained thereafter.

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.

29 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 October 2016).

30 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 commercial unit in Block A shall be used for Class A1 and A2 uses only, and may not be changed to any other 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).

31 a) Before the development hereby permitted is first occupied, details of the subdivision of the ground floor amenity area(s) together with any provision for direct access from adjacent flats in Block A shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include clarification of the areas within the development which are for the communal use of all residents.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD.

32 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 2016.

33 The ground floor commercial use hereby permitted shall not be open to members of the public before 7 a.m. or after 8 p.m. on weekdays and Saturdays or before 8 a.m. or after 6 p.m. on Sundays and Bank and Public Holidays.

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

34 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

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

35 No construction shall take place until details of access and facilities for Fire and Rescue Services have been submitted and approved by the Local Planning Authority.

Reason: To ensure a satisfactory standard of design, in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

36 The commercial unit in Block A may only be used for food preparation if it has first been demonstrated that flues and ventilation equipment will be accommodated within the approved building.

"If kitchen extraction units are proposed, these may only be brought into use after a detailed assessment for any kitchen extraction unit serving any use of the commercial unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority."

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

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

37 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

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

38 a) No flat shown on the approved drawings as having a balcony, a roof terrace and / or an external walkway that is for the sole use of that flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and where applicable have been installed in their entirety: (i) details of privacy screens, including details of materials and appearance of the screens, or (ii) for those flats where the balcony, roof terrace or sole access walkway will not significantly overlook any neighbouring residential property or properties, sufficient drawings that demonstrate that is the case. b) For the flats where privacy screens are required, the screens shall be permanently 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 October 2016).

39 Prior to occupation of the development, vehicular parking onsite, including disabled parking spaces, as shown on Drawing No. HTA-A_XX-D1_DR_0150 rev.11 submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

40 No works on public highway including creation or modification of a vehicular access 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 278/184 of the Highways Act, for works affecting public highway including modification 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 the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

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

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

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 4th August 2019, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include mitigations and provision for appropriate provision of Skills, Employment, Enterprise and Training, Carbon offsetting, public amenity space mitigation, affordable housing review mechanisms and on street parking restriction measures and other highway compensatory measures. As such, the proposed development would fail to 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 2 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 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 (updated to £60 from 1/4/19) on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays

affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 7 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 8 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

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

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding

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

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

- 10 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.

- 11 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.

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

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

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

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

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

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

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

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

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5)

Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 14 The report submitted to the LPA should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance - Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007); 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

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.

- 15 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 16 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 17 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Officer's Assessment

1. Site Description

The application property is approximately 0.19 hectares in area, L-shaped in plan form with frontages to both Ballards Lane and Gruneisen Road. The site wraps around the rear and south-western side boundaries of 197 and 201 Ballards Lane, which accommodates a three-storey apartment building known as Hartnell Court. The site currently accommodates a three-storey flat roofed building which is set back from the neighbouring buildings to either side, with the exception of the projecting single storey entrance onto Ballards Lane, which is built out to the line of the adjoining two-storey building at 191 Ballards Lane. Vehicular access is from the Gruneisen Road frontage.

The surrounding area is mixed in character. The southern part of the site is within the Church End Town Centre. The adjacent two-storey premises at 191 Ballards Lane are currently vacant at ground level, with a gym on the first floor. The rear of that building is separated by the gardens and private amenity space belonging to a three-storey apartment building, Wentworth Lodge, which is to the west and rear of the application site. On Gruneisen Road there is a single storey automotive repair workshop directly adjoining to the north-west, and there are two and three storey terraced houses to the opposite side of Gruneisen Road (numbers 2-12). Some of these are divided into flats. As noted above, Hartnell Court occupies the corner site on Ballards Lane and Gruneisen Road. Victoria Park is located on the opposite side of Ballards Lane.

2. Site History

18/2039/FUL - Redevelopment of the site comprising the erection of two residential buildings of up to five storeys providing 47 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car parking for 24 vehicles and 87 cycle spaces, recycling and refuse areas, associated amenity space, landscaping and associated development. Refused 26 July 2018 for the following reasons;

1. The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (2016), contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012).

2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to secure a Travel Plan and associated monitoring, an extension to the Controlled Parking Zone and prevent residents from obtaining parking permits, would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to Policy DM17 of the Adopted Barnet Development Management Policies (2012) and Policy CS9 of the Adopted Barnet Local Plan Core Strategy (2012).

3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Adopted Development Management Policies (2012), the

Adopted Affordable Housing SPD (2007), the Adopted Planning Obligations SPD (2013) and Policy 3.12 of the Mayor's London Plan (2016).

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Adopted Local Plan Core Strategy (2012), Policy DM14 of the Adopted Barnet Development Management Policies (2012), the Adopted Skills, Enterprise, Employment and Training SPD (2014), and the Adopted Planning Obligations SPD (2016).

5. The proposed development provides inadequate outdoor amenity and play space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off-site amenity and playspace. The proposal would therefore not address the impacts of the development, contrary to Policy 3.6 of the the Mayor's London Plan (2016), Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

6. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the Mayor's London Plan (2016), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

17/5250/FUL - Redevelopment of the site comprising the erection of two residential buildings up to 6 storeys high providing 52 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car and cycle parking, recycling and refuse areas, associated amenity space and landscaping (amended from 54 residential units as submitted). Refused 10 January 2018, for the following reasons:

1. The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy 2012.

2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.

3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

On the 18th December 2018 a Hearing was held at Hendon Town Hall in relation to applications 18/2039/FUL & 175250/FUL. In a decision issued on 14th January 2019 the Inspector dismissed both appeals, upholding the council's concerns in relation to the impact on the character and appearance of the area.

15/05583/FUL - Demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level. Refused 11 November 2016

The application was refused for two reasons, which can be summarised as:

1 The lack of any on-site dedicated car parking would have a harmful impact on highway and pedestrian safety and the free flow of traffic; and have a detrimental impact on residents in a scheme of this size and height, as well as the amenities of neighbouring occupiers. 14th January 2019 the Inspector dismissed both appeals.

2 The proposal's height, massing, siting, scale, and density would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality.

The site has also been subject to the following applications:

18/0577/ADV - 1no banner sign to front elevation. Approved subject to conditions 29.03.2018.

17/5121/PND- Demolition of former police station building comprising 3 storey office building and basement. Prior Approval Required and Approved 01.09.2017

F/00030/13/LIC Replace 3no. existing antennas with 3no. new antennas and the installation of 2no. 0.3m transmission dishes and 2no. equipment cabinets on the roof. Exempt 05.03.2013

F/00003/08/LIC - Installation of telecommunications equipment. Exempt 22.04.2008

C11571C/03 Installation of telecommunication equipment on roof. Exempt 05.12.2003

3. Proposal

This is a revised application following the dismissal of the appeals in January. Once again two blocks of accommodation are proposed. The building facing Ballards Lane (Block A) would be reduced to four storeys in height with a recessed top floor. Block B, facing Gruneisen Road would be three storeys in height, scaling up to four storeys towards the rear. The existing building would be demolished to make way for the new development which would provide a total of 41 residential units with an A1 use proposed on the ground floor of Block A of 161 sq. m.

As with the previous scheme, vehicular access would be gained from Gruneisen Road, and the space between the buildings would be largely taken up by car parking at ground level, providing 20 spaces. Landscaping would be provided at the rear of Block A. Further landscaping of the site is proposed by way of a green wall on the flank wall of Block B, adjacent to the vehicular access, and with green roofs for both buildings.

Accommodation provided would be as follows:

Block A would accommodate 22 flats. The mix in this building would comprise 12no. one-bedroom and 10no. two-bedroom flats.

Block B would accommodate 19 flats comprising 6no. studio flats, 8no. one-bedroom and 5no. two-bedroom flats. As a change to the previous proposals, a two-bed unit has been added to the ground floor of Block B.

4 units will be specifically adaptable for wheelchair units.

Amenity space would be provided for some flats in the form of balconies or terraces. In addition the two ground floor units in Block B would have small areas of private amenity space and the ground floor flats at the front of Block B would have small front gardens, although these would not constitute private amenity space. An area to the rear of flats at Block A could be sub-divided to provide amenity areas to serve two ground floor units.

Refuse and recycling stores would be provided within both buildings, at the rear of Block A and on the street frontage for Block B. 66 cycle spaces would be provided within the buildings. Both blocks include green roofs and a green wall is also proposed on the flank/eastern elevation of Block B, where it fronts Gruneisen Road.

The buildings would be finished in brick with the fourth floor of Block A, set back and finished in metal cladding. Block A would continue the frontage of the building line to the south west along the front elevation.

4. Public Consultation

Consultation letters were sent to 580 neighbouring properties. 35 responses have been received, comprising 22 letters of objection, 13 letters of support and two further representations.

Support Comments

- The Developer has addressed the issues raised by the Inspector at the Public Enquiry on the previous applications.
- This development will provide much needed housing in Ballards Lane
- Police Station is an eyesore which has been vacant for some time.
- The building is longer overbearing on its surroundings, and there is a clear need for the site to be cleared and redeveloped.
- The proposed level of parking is adequate.
- As a local shop owner I welcome the potential for new customers on our high street
- This will improve our community as well as economy.
- Monetary contributions will be secured to improve the area.

Objection Comments:

- Still inadequate parking and concern the development will increase parking stress in the area.
- There is a lack of affordable housing with this scheme.
- The building is overbearing and unattractive.
- I also do not see the need for more retail space surely it would better to have more flats as this where the demand is.
- The building should be set back in line with the adjacent shops.
- The scheme is still excessively high and an over-development of the site.
- Local roads are already over capacity.
- The proposal will result in loss of sunlight to adjoining properties.
- The area has low water pressure.
- The loss of privacy for all residents of Wentworth Lodge will have a negative impact on all who live here causing overlooking.
- The design is still too 'blocky' and out of keeping with the existing housing stock.
- The other buildings in this location are three stories high not four.
- The impact it will have on this part of Ballards Lane and the surrounding streets is detrimental to the environment making local streets noisier, more polluted and more congested.
- The scheme will dwarf properties on Gruneisen Road.
- Cycle parking racks will not be used and there will be parking stress locally.
- The amended Development proposed would still significantly overshadow our property, block daylight and reduce sunlight.

Neutral Comment:

- Best that something happens to the site so long as construction traffic and noise issues are addressed as I work from home and live close to the site.

4.1 Consultation Responses

Highways Officer: - No objections, subject to conditions and S106 contributions.

Environmental Health: - No objections, subject to conditions.

Lead Local Flood Authority: - Further information was requested on sustainable drainage. This has been provided by the applicant in the form of an Addendum to the Flood Risk Assessment that was submitted with the application. A further consultation comment is currently awaited, and any received will be noted in the Addendum report.

Transport for London - No objection on the information provided subject to conditions.

Historic England: - No further assessment or conditions are necessary.

Thames Water - No objection to the proposal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework 2019 & National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The National Planning Policy Framework (NPPF) was published on 19 February 2019. 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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. Relevant policies include the following;

- Relevant London Plan Policies:

3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 3.9 (Mixed and Balanced Communities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.10 (Urban greening), 5.11 (Green roofs and development site environs), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.15 (Water use and supplies), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Lifetime neighbourhoods), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.18 (Protecting open space and addressing deficiency), 7.19 (Biodiversity and access to nature), 8.1 (Implementation), 8.2 (Planning Obligations), 8.3 (Community Infrastructure Levy)

Draft London Plan

Whilst capable of being a material consideration, at this early stage 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 (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), CS6 (Promoting Barnet's town centres), CS8 (Promoting a strong and prosperous Barnet), CS9 (Providing safe, effective and efficient travel), CS10 (Enabling inclusive integrated community facilities and uses), CS11 (Improving health and 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), DM11 (Town centres), 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 SPG
- Control of Dust and Emissions during construction and demolition SPG

London Borough of Barnet Supplementary Planning Documents

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.

Skills, Enterprise, Employment and Training SPD

- Provides detailed guidance on financial and non-financial provisions to be made within larger developments for Employment and Training.

Planning Obligations SPD

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Other relevant planning documents

London Borough of Barnet Characterisation Study

- 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 main issues for consideration relate to whether the previous concerns as outlined under application 18/2039/FUL, and amounted to 6 reasons to refuse consent, have been overcome. The matters have been the subject of an Appeal Determination and this represents a material consideration of significant weight. Other potential key issues that may have arisen due to the differences in the previously refused and currently proposed scheme must also be assessed and whether previous elements considered acceptable remain so.

5.3 Assessment of proposals

Impact on the character of the area

The council's first reason for refusal under application 18/2039/FUL stated the following;

1 The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance

of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (2016), contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012).

The Inspector upheld the council's concern, and discussion around the character and appearance of the area, and the challenge of redeveloping the site, were to the forefront of deliberations.

The general principle of redeveloping the site and the incumbent benefits of bringing an under-utilised site back into beneficial use in providing much needed housing provides a common ground. The previous concern of the committee was that essentially the amount of development was excessive and this manifested itself most clearly in the scale and massing of the built form, conflicting with the local character immediate to the site.

There are two blocks of development which will adopt a position within two distinctly separate streetscenes. Each is discussed below.

Block A

The Inspector considered that a development of 6 Storeys (17/5250/FUL) or 5 Storeys (18/2039/FUL) was excessive and that the predominant character of Ballards Lane was of 2-3 storey development. In particular the overall height of the appeal schemes and the forward projection, continuing the front elevation of the town centre buildings to the south west, as opposed to the setback building line of the residential blocks to the North East, was of particular concern.

To address the concerns the building has been reduced in height to provide a four storey development on Ballards Lane and the same building line arrangement, discussed above, would also be employed in the overall design. A judgement is therefore required as to whether the overall reduction results in an appropriate development to front Ballards Lane.

The buildings footprint would not materially alter and therefore the structure would adopt a similar relationship forward of Martin Gerrard House and above the adjoining site to the south west. The Inspector stated;

..."This would result in a considerable amount of the new buildings projecting above and being visible above the 2 storey supermarket/gym to the south-west. More significantly, the proposals would project significantly forward of Martyn Gerrard House/Hartnell Court. Both proposals would also be taller than this office/residential building. Due to the considerable forward projection and the greater height of both proposals, I consider that the proposed buildings (the frontage buildings in Appeals A and B) would appear unacceptably large and dominant.

The positioning of the building would be unaltered; the overall scale would be reduced. It is evident the Inspector considered the building excessive in this setting, arguably requiring that the building needed to be reduced in height and set in from the pavement, or, that either measure could potentially address the concern. The council are always mindful that sites for redevelopment, and their contribution to meet housing need, requires a careful balancing exercise of protecting local character whilst always seeking to maximise the benefit of redevelopment. It is considered that the revised scheme strikes a reasonable balance. The forward projection of the building to follow the building line of retail units is not considered a fatal flaw. The retention of this relationship is compensated by the

reduction in height of the building. A four storey building, with the fourth floor set back from the front elevation, is not wholly out of character and retains a less dominant relationship with Martin Gerrard House, three storeys to the front, albeit with a fourth floor setback. The relationship with the gym/supermarket building to the south west also benefits from the reduction in height and it is not considered that the variation in building height on this relationship seriously jars within this setting.

The scheme proposes a high quality build with materials that are evident within the wider area. It is considered that a suitable balance has been struck and the proposed scheme would bring some visual interest to the streetscene and would have regenerative benefits, given the current state of the site. Whilst the dilapidated state of the site does not in itself justify any redevelopment, it is clear that a reuse of the site would bring many benefits and in officers view a scheme which would assimilate successfully into this setting would be provided. The proposal therefore accords with the relevant local, regional and national guidance, in particular that local character is respected, whilst allowing scope for innovation and variation.

Block B

Block B under application (18/2039/FUL) was a reduced development from the four storey block fronting Gruneisen Road, as proposed under application 17/5250/FUL to three storeys. The Inspector considered the four storey scheme to be bulky and out of scale in the residential setting of this road. In relation to the 3 storey scheme, it was stated that whilst there was still some contrast, this would not be harmful to the character and appearance of the area. The current three storey proposal is a more contemporary brick built development, but this will offer a suitable contrast to the more historic terrace properties opposite, whilst not dominating the setting. The contrast is welcomed and there is no necessity to slavishly follow the Victoria terraces with a pastiche development.

Conclusions regarding Reason 1

It is therefore considered that the proposed development overcomes previous concerns, which were upheld at appeal. The proposed scheme is a well-designed, housing led, scheme. The aesthetic finish, including the proposed green wall, can be controlled by condition, ensuring an appropriate appearance. The first reason for refusal, in the view of officers, has been overcome.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

The second reason for refusal stated the following;

2 The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to secure a Travel Plan and associated monitoring, an extension to the Controlled Parking Zone and prevent residents from obtaining parking permits, would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to Policy DM17 of the Adopted Barnet Development Management Policies (2012) and Policy CS9 of the Adopted Barnet Local Plan Core Strategy (2012).

Making the development acceptable in planning terms from a highway perspective, involved some discussion on these matters at the Appeal Hearing. The Inspector had

concerns that the six figure request for Controlled Parking Zone (CPZ) works was excessive and did not meet the CIL 123 Regulation tests.

CPZ Contribution

Highways officers have once again made comment on the revised planning application. Following negotiation with the applicant the CPZ figure has been revised down to £45,000 with an additional £10,000 towards road safety measures. Contributions include £2,022 to amend the Road Traffic Order and £10,251 in Travel Plan Incentives (£250 per unit) with a £5,000 figure for plan monitoring.

Parking

Maximum standards set out in Development Management DPD, Policy DM17 indicate that a maximum of 1 - 1.5 spaces per unit are needed for 2-3 bedroom units and a maximum of less than 1 space per unit for studios and 1 bedroom units.

For the 16 one bedroom and studio units this equates to 0 - 24 spaces and for the 15 two bedroom units proposed this equates to 15-22.5 spaces. This equates to a range of parking provision of between 15 to 64.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies, policy DM17. Highways are of the view that given the good accessibility of the site, presence of a CPZ and car ownership levels (average of 0.6 per household) in the area, the proposed parking provision will meet the parking needs of the site. However to discourage any future growth in car ownership and potential parking overspill, it is requested that residents of the development are denied the right to purchase a CPZ permit.

Highways officers originally suggested that a parking beat survey could be undertaken by the applicant. However the previous survey was conducted 18 months ago and with no significant change in the area and no noteworthy approved applications in the vicinity that would have a significant impact on local parking conditions, and the fact that restrictive measures, including a restriction on parking permits through S106, it is considered the original surveys are still valid.

Previous surveys (2017) indicated that there is sufficient on-street parking available within the identified area during night times and at the weekends to accommodate any potential overspill parking. However, the survey showed that the roads in closer proximity to the site suffer from greater parking stress than roads further away from the site. It is noted that the site is located on the edge of a one Hour Controlled Parking Zone (CPZ), near roads with uncontrolled parking, and that overspill parking could further exacerbate the parking pressure. In order for this to be acceptable, the developer would need to provide financial contributions towards the future review and implementation of a review of the existing CPZ, including provision for the amendment of the Traffic Management Order for the future residents of the development to be exempted from purchasing CPZ parking permits, as discussed above.

The provision of 2 disabled bays is acceptable and meets London Plan standards. Electric vehicle charging points shall be provided in accordance with London Plan standards (ie. 20% active and 20% passive). Hence, provision of 4 active charging points and 4 passive provision for future use is requested and Highways would raise no issue with securing this by way of a condition.

Highway Safety

A review of Crashmap (an online accident database) indicated that there were 9 slight accidents within a 100 metre radius of the site in the last three years. 2 were serious and 7 were slight. None were fatal and none involved motor or pedal cycles. The number of accidents recorded on the stretch of Ballards Lane between The Ridgeway and Seymour Road, together with the reported serious collision at the junction of Ballards Lane and Gruneisen Road suggests an underlying road safety problem. Although the level of trip generation from the development is expected to be low, it is likely to increase potential pedestrian/vehicle conflicts which could increase road safety risks. A contribution of £10,000 is therefore sought to investigate and implement road safety and public realm improvements in this section of Ballards Lane.

Highways officers would request that the applicant increases the proposed financial contribution towards Travel Plan incentives from £6150 to £10,251 to take account of the fact that the minimum travel plan monitoring period is 5 years.

Access and Servicing

Vehicle access to the development will be from Gruneisen Road via a new crossover largely in the same location as the existing access. Therefore the vehicle access arrangement shown on Dwg No. 187531 -001 is acceptable.

Highways officers would highlight that modifications to this access would require Highways approval and the applicant will be required to obtain a S184 licence to carry out the works. This can be conditioned.

Pedestrian and cycle access to the site are located on the ground floor providing direct access to street level. The proposed access arrangements are acceptable.

Refuse store are provided on the frontage of both Ballards Lane and Gruneisen Road. It is proposed that the site is serviced on street and this is acceptable as development is residential led and unlikely to generate a significant amount of lorry movements, most of which are likely to take place during the off-peak period. It is estimated that the residential element will generate about 15 trips a day and the commercial 1-2 trips a day.

Conclusion on Highways

Therefore in order to be acceptable in highway terms the following are requested to be agreed and provided through a S106 Agreement;

CPZ Review Contribution - £45,000

Travel Plan Incentives - £10,251

Travel Plan Monitoring - £5,000

TMO amendment to exempt all occupants from permits - £2,022

Highway Safety measures contribution - £10,000

Any grant of permission should be subject to securing the above through a suitably executed agreement.

Whether the proposals make sufficient provision for affordable housing.

The third reason for refusal stated the following;

3 The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Adopted Development Management Policies (2012), the Adopted Affordable Housing SPD (2007), the Adopted Planning Obligations SPD (2013) and Policy 3.12 of the Mayor's London Plan (2016).

Policy DM10 of the Development Management Policies Document states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units. The applicant has provided a Viability Assessment (Quod March 2019) which has been independently reviewed on the Council's behalf (BNP Paribas April 2019). The applicant's assessment concludes that the scheme will provide a development deficit of £ 1,960,614 (Quod). The council's advice suggests a development deficit of £1,193,178. Whilst there is a difference in the deficit, not surprisingly, the advice received is that the further reduced scheme could not contribute to affordable housing, either on or offsite. This is taking into account the Quod assessment and the council's independent appraisal by BNP Paribas.

The applicant has submitted a draft S106 agreement which proposes a two stage review of the scheme. The council, in line with the Mayor's SPG guidance had previously requested a three stage, including late stage, review. The reviews proposed by the applicant would be triggered if:

- o The Development is not commenced within 15 months from the date of the Planning Permission, OR
- o The Development does not reach 'Substantial Implementation' within 24 months of the date of the Planning Permission.

The review triggers are intended to ensure that, if the profitability of the scheme is sufficiently improved on the level projected in the applicant's viability assessment, an additional financial contribution towards provision of affordable housing would then be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision.

The applicant has previously referred, during the appeal, to a recent High Court decision where four retirement house-builders took the Mayor to the High Court challenging the Mayor's Affordable Housing Viability (SPG McCarthy and Stone Retirement Lifestyles Ltd and others versus Greater London Authority (ref. EWHC 1202, 23 May 2018)). Within the decision, the judge noted that the SPG requires that all sites of over ten homes should be subject to at least three viability appraisals. The Judge referred in the decision to the Mayor's SPG as not aligning with the London Plan and therefore being unlawful in one respect. The applicant also provided a legal opinion which makes a case that the requirement for any late stage viability review would therefore be unlawful.

Under the previous application and appeal process the council sought its own legal opinion from counsel. This supported the conclusions of the applicant's advice. Pertinent paragraphs of the advice on late stage reviews include;

.....I am in agreement with senior counsel's opinion that the Council would err in law if it were to seek to rely on the Mayor's SPG to impose a three stage viability review (or, indeed, any late-stage review that did not align with the London Plan) upon the Applicant. If the Council relied on a part of the SPG that has now been declared unlawful to impose the Requirement, its decision would be susceptible to legal challenge on grounds that the Council had had regard to an irrelevant consideration.

.....Furthermore, having regard to the decision in *McCarthy and Stone*, it appears that the Requirement - by requiring a viability re-appraisal on the basis of "occupation of 75% of the residential units at the site (or two years after the date of the permission, whichever occurs first)" - would be inconsistent with the London Plan. It would, therefore, constitute a breach of the development plan.

In light of this, it may be prudent for the Council to agree to the proposed s106 review mechanism being offered by the Applicant, assuming that a suitable agreement can be reached on what "substantial implementation" is defined as.

The draft London Plan is currently undergoing its Examination in Public and once adopted may well provide a mechanism for the late stage review of schemes that are similar to the application through its adopted policy. However under present circumstances the two stage review proposed is considered the correct procedure to follow on viability.

The most recent application, considered at appeal, included the provision of 3 shared ownership units on site, together with the review mechanism set out above. Following consideration of the viability assessment for this scheme, which includes 6 fewer units, it is accepted by officers that this scheme cannot provide affordable housing and this is the advice of the council's retained specialist advisors. However, in the event that the permission is not implemented within the timescales set out, the review mechanism secures a contribution towards affordable housing in the event that there is any uplift in development value.

It is the view of officers that the agreement to the above review mechanism is sufficient to overcome the third reason for refusal.

Whether the proposals make sufficient provision for apprenticeships and skills training

The fourth reason for refusal stated the following;

4 The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Adopted Local Plan Core Strategy (2012), Policy DM14 of the Adopted Barnet Development Management Policies (2012), the Adopted Skills, Enterprise, Employment and Training SPD (2014), and the Adopted Planning Obligations SPD (2016).

The Council's Skills, Employment, Enterprise and Training SPD sets out mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy. This is provided for in part by the Skills, Employment, Enterprise and Training framework (SEET), which is intended to ensure that development provide new job opportunities through construction and / or end use. This can be provided either on site and / or by way of a commuted sum for off-site provision. This provision would need to be provided for in a section 106 obligation and as detailed in the "Delivering Skills, Employment, Enterprise and Training for Development SPG" (October 2014).

The SEET team advise that under the SPD Employment and Training Conditions/Obligations the development triggers the following SEET requirements (as summarised from the formal SEET Consultation response);

Table 1 - Non-Financial Obligations

<u>Contribution</u>	<u>Amount</u>
Progression into Employment	3
Progression into Employment (over 6 mths)	2
Apprenticeships	4
Work Experience	8
Site Visits	45
School Workshops	36
Local Labour Requirement	30%
Reasonable Endeavours to use Local Supplier chain	2

Commutated sum contributions would be as follows;

Local Employment contribution	£ 26,033	Subject to Indexation
Apprenticeship contribution	£ 117,000	Subject to Indexation

Total LEA payment in lieu £143,033

The Applicant has the following options within SPD Employment and Training Conditions/ Obligations, as follows;

- o Can opt to pay the LEA Financial Contribution of £143,033, thereby having no conditions/ obligations to provide Employment and/ or Training during the lifecycle of the build phases and as defined in Table 1 (Non-Financial Obligations)
- o Alternatively, discharge the Non-Financial Obligations as defined in Table 1

The applicant has indicated a desire to meet the non-financial obligations. However the advice from the council's viability advisors is that the scheme is running at a £1,193,178 deficit and as such is unviable. The council's Supplementary Planning Document "Delivering Skills, Enterprise, Employment and Training for Development through Section 106 contributions (SEET) provides commentary on viability at paras 1.15 and 1.16. This states;

1.15 In addition to the requirements highlighted in this SPD, there may be other site-specific requirements such as Affordable Housing to be addressed in the S106 Agreement. In considering all these requirements, including CIL, due regard will be made to economic viability.

1.16 Appendix A sets out how a viability assessment fits into the S106 process. The onus is on the developer to provide justification as to why it may not be possible to deliver the requirements highlighted in the SEET SPD. This should be done through a development industry standard development appraisal.

As discussed within this report, a viability assessment was carried out by the applicant, and the council's independent appraisal of this concludes that the scheme will run at a deficit. The advice received is that the requested contributions as detailed within table 1 would increase the unviable nature of the project and place an unreasonable burden.

The council are keen that any contributions which can make the development more acceptable in planning terms are secured. As discussed above, there are a number of contributions including CIL requirements which will lessen any adverse impacts. The

applicant has shown a desire to make Employment and Learning contributions and in that respect has offered the following;

- 5 apprenticeship places have been offered (as detailed in the list above)
- Site Visits (as detailed in the list above)

The council's viability advisors have indicated that a negotiated compromise would be a reasonable solution. Officers therefore advise that given the viability issues with the scheme, the above offers a reasonable compromise. These measures can be secured by Legal Agreement.

Whether living conditions for future residents would be of an acceptable standard

Amenity Space

Reason for refusal No.5 under application 18/2039/FUL stated the following;

5 The proposed development provides inadequate outdoor amenity and play space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off-site amenity and playspace. The proposal would therefore not address the impacts of the development, contrary to Policy 3.6 of the the Mayor's London Plan (2016), Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

As with the previous scheme amenity space is provided in the form of balconies, terrace areas, and private gardens for some of the ground floor flats. Members concluded that in line with SPG guidance although higher density development may not always be able to provide the requisite amount of private amenity space in such circumstances the Council normally requires a planning obligation towards off-site open space.

The level of amenity space provided for the majority of flats would not comply with the Council's SPG standards, and no playspace is provided, this is offset somewhat by the site's town centre location and the availability of public amenity space at Victoria Park, opposite the site.

Whilst the locational benefits of the site are recognised the shortfall is not insignificant and a sum towards off-site provision for playspace and the private amenity shortfall, securable through a S106 Agreement, is deemed necessary and would meet the tests of CIL Regulation 122.

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 485 square metres of amenity space would be required to serve the development (5 sq. m per habitable room). The development provides 306 sq. m of private amenity space. There is therefore a shortfall of 179sq. m and the council multiply the shortfall in provision by £50 per sq. m. Therefore the shortfall requires a contribution of £8,950 towards off-site amenity space.

Under the GLA Mayor's Play Space Calculator the accommodation schedule generates a square meterage of play space of 18sq. m which based on previous play schemes that the council cost at £187.68 per sq. m, this results in a play provision contribution of £3,378.24.

The above contributions, securable by Section 106, would address the fifth reason for refusal.

Daylight and sunlight

The daylight / sunlight study undertaken also considers the light for future residents at the development, which demonstrates that, like the previous applications, acceptable levels of amenity would be provided.

Privacy

One issue for privacy within the development relates to the use of the amenity space at the rear of Block A. Any communal use of this space would be in close proximity to the habitable room windows of adjacent flats, resulting in unacceptable impacts on the privacy of these flats. It is therefore considered that as with the previous scheme this space should be apportioned as private amenity space to the adjacent flats. It would be acceptable to provide for direct means of access between the flats and their private amenity space, and this can be agreed by condition.

In all other respects, acceptable standards of privacy for future residents would be provided, with no harmful overlooking between units.

Internal Space

The proposed units would all comply with the internal spaces standards in the Mayor's London Plan and LBB Sustainable Design and Construction SPD. Four of the flats would be wheelchair units, which is in keeping with the 10% stipulated in the London Plan standards.

Conclusions on the amenities of future occupiers

Overall, it is considered that the proposal offers a good standard of amenities for future occupiers, including future disabled occupiers. The contributions to offsite amenity space compensate for the under provision onsite and given the location, opposite the park and the difficulties of providing on site on apartment developments this is deemed acceptable.

Carbon Offsetting Contribution

The sixth reason for refusal stated the following;

6 The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the Mayor's London Plan (2016), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Under DMP Policy DM.04, major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reduction in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. The applicant has confirmed that the residential component of the development would produce net zero carbon dioxide emissions, through building efficiency measures that include individual

efficient boilers, and a financial contribution of £47,434 towards carbon offsetting in accordance with London Plan Policy 5.2 and the Mayor's Housing SPG (2016, para. 2.3.58). The sum, in lieu contribution, will be ring fenced to secure delivery of carbon dioxide savings elsewhere.

Other key issues

This leave the other key issues both as considered in the previous applications, and/or which may have arisen due to the differences in the refused and proposed schemes, to be assessed.

Loss of the Police Station

The proposals seek to demolish the existing police station building and replace it with two residential blocks. Policy DM13 relates to community uses and states that 'Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.'

London Plan policy 3.16 states that:

Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this has been considered in the previous applications involving loss of the facility. It was noted then that Policy CS12 states that LB Barnet will work with the Metropolitan Police to provide remodelling of its estate as a basis for an effective and responsive police service in Barnet.

The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016. The building is no longer used by the Metropolitan Police. Given the fact that the Metropolitan Police have already identified the site as being surplus to requirements, needs to be balanced against the benefits that the proposed housing units would provide. There is therefore no objection to the loss of the police station.

Whether the proposed commercial unit is acceptable

Policy DM11 essentially supports Class A uses within a secondary retail frontage, and the A1 use proposed for the 161 sq.m. commercial unit is considered to be appropriate. It is noted that there may be scope for a subsequent change of use to A3 or A5 use, subject to the normal policy controls and to anticipate that it is considered that internal flues and ventilation should be provided for within the interior layout of the building. A condition is recommended to provide for this.

Whether the mix of residential accommodation is acceptable

While Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet, the proposals would once again make provision for significant numbers of smaller units, including a range of studio units and 1 and 2 bedroom flats. While no 3-bedroom flats would be provided, the site is within a town centre, and therefore is suitable for delivering smaller sized units. The mix of unit sizes is therefore considered to be appropriate for this site.

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

Daylight and Sunlight

The issue of daylight/sunlight was the subject of third party representations at appeal, both through written submissions prior to the Hearing and verbal submissions on the day. In his Decision Letter the Inspector made the following point;

"...In relation to daylight and sunlight, the appellant does not seek to argue that there would be no effects arising from the scheme. It is obvious that some form of built development on the site would be likely to have an effect on neighbours in this respect. Having carefully considered the submitted assessment, I am satisfied that any reduction in daylight and sunlight would not give rise to unacceptable harm to the living conditions of neighbours".

An updated daylight and sunlight report accompanies the planning application (March 2019). The results of the survey, in keeping with the Inspector's deliberations, conclude that the scheme will have minimal impact on daylight or sunlight. The scheme would have an acceptable level of impact from this perspective. As the previous report to committee advised;

The guidance notes that all of the BRE standards are not always achievable in urban areas, and it is noted that any development that is capable of delivering a viable scheme for the redevelopment of the site is likely to result in more urban characteristics for the area as a whole. In this context a marginal non-compliance with BRE standards is not considered to be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing to the area.

Outlook, visual impacts and privacy

The Inspector commented as follows on this aspect of the scheme;

...Neighbouring residents expressed concerns in relation to the direct effects of the proposal on their living conditions. In relation to the distance of the proposal from the existing homes within the surrounding properties, it was confirmed that the proposal satisfies the Council's normal requirements in relation to outlook and overlooking. I was able to judge these effects at the site visit and I saw the windows of the existing properties which were referred to by neighbours. The rear of the existing site is open and it is obvious that almost any form of built development here would be seen by the existing neighbours. In my judgement, the schemes have been carefully designed in this respect, so that normal and expected outlook and overlooking standards are satisfied. In this respect, I consider that, whilst the proposals would be obvious and visible to neighbours, they would still retain an acceptable level of outlook and privacy.

During the course of previous applications the following amendments were received to address the concern in relation to potential overlooking;

- Removal of windows on the western elevation of block A to prevent overlooking of the properties adjacent to the site at Wentworth Lodge;
- Provision of screening on the western balcony on the north elevation of Block A, to reduce opportunities for oblique overlooking of Hartnell Court;
- Substitution of the balconies serving the studio units on the east elevation of Block B with angled/ projecting Juliette balconies to reduce opportunities for overlooking of Hartnell Court;
- Additional screening to the balconies on the western part of the north elevation of Block A, further reducing opportunities for oblique overlooking of residents within Hartnell Court; and
- Enclosing the stair core serving Block B to remove opportunities for overlooking.

These measures remain and it is not considered the scheme would give rise to excessive overlooking of neighbouring properties.

Noise and disturbance

The proposals involve developing a former police station site as primarily residential scheme. Taking into account the former use of the premises as a police station it is not considered that the proposals would result in a material harm in terms of noise and disturbance to neighbouring residents as a result of the development.

Light Pollution

Given the site layout, location of windows, it is not considered that harmful light pollution should result from the development. A condition could be attached to any grant of planning permission to ensure that external lighting is considered especially for the proposed communal areas, balconies, and access areas.

Conclusions on neighbour impacts

The Inspector was content that separation distances were adequate and that normal outlook conditions could be retained. As discussed, any form of development will alter the character and relationship of the site to its neighbours, but a material impact on existing amenity would not result. The above measures ensure that over the course of applications a considerate scheme has evolved which is mindful of its potential impacts on adjoining neighbours and employs measures to overcome potential issues.

Whether the proposals would have an acceptable impact on archaeology

The site is located within the 'Finchley: Nether Street & Ballard Street, Church End and Manor House' Archaeological Priority Area as identified in the LBB Development Management Policies DPD. This is an APA and is associated with Anglo-Saxon and Medieval period settlement. A Desk Based Archaeology Assessment was submitted with the application. This noted that the site has been subject to considerable disturbance in the development of the Police Station as well as prior to that, and any remains are considered to be of local significance only.

Following consultation with Historic England, the following response was received;

The archaeological evaluation carried out for the previous application revealed limited archaeological potential within the site. No further assessment or conditions are therefore necessary.

Environmental and sustainability issues

Air quality

An air quality report accompanies the planning application. The majority of the building is set back from Ballards Lane. Mitigation measures include 'mechanical ventilation system which draws air from the roof or rear of the building'. This would be acceptable to Environmental Health officers subject to conditions. Potential issues relating to dust during construction could be dealt through a construction management plan, as provided for in the recommended conditions.

Biodiversity and wildlife

Policy DM16 of the Barnet Development Management Policies 2012 advises that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity. The applicant has submitted an environmental report which sets out that a preliminary ecological appraisal including a site survey undertaken in July 2017.

The site is currently of low ecological value, with the existing assessed as having negligible potential for roosting bats and the site's location and habitats provide negligible bat foraging or commuting potential. Owing to a lack of suitable habitat and its location, it is unlikely that other protected species are present at the site. Recommendations for enhancements are made within the report which aimed at improving the ecological value of the site post-development. A condition is recommended to provide for this, but also for a further survey to be undertaken if demolition has not commenced prior within three years of the date of the survey.

Building sustainability

A sustainability report is provided with the application, which sets out proposals to ensure acceptable standards of building sustainability. This would be secured in the recommended conditions.

Whether the proposals would have an acceptable impact on local drainage

A proposed drainage strategy was reviewed by the Lead Local Flood Authority. Further information was requested and conditions would be attached to any grant of planning permission in order to ensure that the development had an acceptable impact on local drainage.

Whether the proposals would make adequate provision for accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan and LB Barnet SPDs to meet Building Regulation requirement M4(2) for 90% of the units and M4(3) for the remaining 10%. As noted above the number of wheelchair units proposed is

acceptable. A condition is recommended to secure this level of accessibility within the development.

Energy use within the development

The applicant has provided an energy strategy which indicates that enhanced insulation and photovoltaic panels can provide good energy performance with 35% reductions in CO2 emissions for the non-residential component of the development, and zero carbon for the residential component. In terms of water consumption, a condition would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan.

Section 106 and Community Infrastructure Levy

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy. In addition the matters as discussed above will need to be agreed through a suitable Section 106 Agreement.

5.4 Response to Public Consultation

The issues raised by objectors/supporters are addressed in Section 5.3 of this report.

6. Equality, Diversity and Human Rights issues

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

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

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

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

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

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the act is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a

democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The articles of the act relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

7. Conclusion

In light of the above appraisal and having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of application ref. 18/2039/FUL and the subsequent appeal Inspector's concerns. This is subject to the recommended conditions and to the completion of a section 106 agreement that provides for the matters discussed within this report. It is therefore recommended that consent is granted.

