

**LOCATION:** Unit 4  
Hyde Estate Road  
London  
NW9 6JX

**REFERENCE:** 19/4661/FUL Validated: 21.08.2019

**WARD:** Colindale Expiry: 20.11.2019

**APPLICANT:** St George City Ltd and Sainsburys Supermarkets Ltd

**PROPOSAL:** Full planning application for the comprehensive phased redevelopment of existing supermarket site comprising phased demolition of existing store and Petrol Filling Station and construction of a mixed-use development comprising a replacement Sainsburys store of 8,998 sqm GIA (Use Class A1), 1,309 residential units (Use Class C3) and 951 sqm GIA flexible commercial space (Use Class A1 to A4, B1, D1 and D2) in buildings ranging from 4 to 28 storeys. Enabling works phase to comprise demolition of PFS, amendments to existing supermarket including the construction of new temporary entrance, highways works, amendments to car park and access arrangements and other associated works.

Phase 1 to comprise construction of new supermarket including basement, car and cycle parking, plant and servicing areas, 770 residential units and podium level amenity space. Phase 2 to comprise the demolition of existing supermarket and other associated works, 539 residential units, flexible commercial space, basement, car and cycle parking, public open space, landscaping, vehicular and pedestrian routes, servicing and access arrangements and other associated works.

The application is accompanied by an Environmental Statement and an addendum dated November 2019.

## **RECOMMENDATION**

### Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

## Recommendation 2

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

- Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant (if necessary, can clarify that this will be an external party – Sharpe Pritchard).

- Enforceability

All obligations listed to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

- Indexation

All financial contributions listed to be subject to indexation.

- Residential Travel Plan (RTP)

- Full RTP that is ATTrBuTE and TRICS compliant to be submitted for approval at least 3 months prior to occupation of all 2 phases that meets the TFL TP guidance criteria.
- TRICS compliant monitoring within 4 months of 1st occupation and then in years 1, 3 and 5 and then every other year until 5 years after 1st occupation of the final unit.
- RTP to be updated and resubmitted for approval within 2 months of each period of monitoring
- RTP Champion in place at least 3 months prior to occupation and for the lifespan of the RTP until the RTP Review 5 years after 1st occupation of the final unit approved.
- £300 per unit RTP Incentive Fund for residents to select 2 out of 3 travel incentives – bike voucher, Oyster card, car club membership/use (up to maximum of £392,700)

- RTP monitoring fee of £25,000;
  - Car club – in operation with a mechanism to add further vehicles if usage is recorded at 75% or above
- Commercial Travel Plan
- Commercial Travel Plan Statement that is ATTrBuTE and itrace compliant to be submitted at least 3 months prior of any commercial unit over 600 sqm in size
  - itrace compliant monitoring within 4 months of 1st occupation and then in years 1, 3 and 5 and then every other year until 5 years after 1st occupation of the final commercial unit.
  - CTP to be updated and resubmitted for approval within 2 months of each period of monitoring
  - CTP to be overseen by a CTP Champion to be in place within each commercial unit
  - CTP monitoring fee £25,000
- Employment and Enterprise

The applicant would be expected to enter into a Local Employment Agreement with the Council in order to provide an appropriate number of employment outcomes for local residents. The number of outcomes (apprenticeships, work experiences, end use jobs etc) would be associated with the value of the development and would be based upon the formula set out within Appendix B (Calculating Resident Outputs for Development Schemes) of the Barnet Delivering Skills, Employment, Enterprise and Training SPD. Based, on the scheme value – the following outcomes would be secured:

<b>Non-Financial Obligation</b>	<b>Outputs</b>
Progression into Employment (unemployed under 6 months)	22
Progression into Employment (unemployed over 6 months)	21
Apprenticeships (minimum NVQ Level 2)	54
Work Experience	70
School/College/University Site Visits	633

School/College Workshops	348
Local Labour	30%
Local Supplier Requirements	6
Construction Training Initiative	Applicable

Any outcomes not delivered would be subject to a financial contribution of £20,000 per apprenticeship and £5,340 for every other employment outcome.

- Affordable Housing

Affordable housing to be provided in line with the approved affordable housing schedule set out below:

Tenure	No of Homes	Hab Rooms	% by Hab Rooms	% by Units
London Affordable Rent	101	343	35%	33%
London Living Rent	56	816		
Shared Ownership	243			
Intermediate Rent	30			
<b>TOTAL AFFORDABLE</b>	<b>430</b>	<b>1159</b>	<b>35%</b>	<b>33%</b>

Early stage review mechanism to be secured to be triggered if scheme not implemented within agreed timescale. The formula for this is set out within the Mayor's Affordable Housing SPG.

Nomination rights to be granted to LBB for all affordable rented accommodation.

- Carbon Offset Contribution

A carbon offset contribution of £1,346,119 be secured in accordance with the Mayor of London's Zero Carbon target for new developments if the development fails to achieve the necessary carbon reductions. The formula for calculation of the contribution is as follows: *(CO2 emitted from the development (tonnes) per year) minus (CO2 target emissions (tonnes) per year) x £1800*. This payment would be phased in installments with payment triggers linked to the development.

- Transport/Highways and Public Realm

A contribution of £60,000 would be made towards a feasibility study in respect of a new Queens Road entrance to Hendon Station Underground Station.

A footway improvement scheme for the area of footway to the front of the site down to and including the junction of the A5/Garrick Road, linking to the boundary of the West Hendon public realm enhancements. Alternatively, the applicant shall make a financial contribution, commensurate with a costed scheme of improvement agreed with the LPA.

The junction of the Hyde Estate Road/A5 would also be reconfigured to facilitate the development delivered through Section 278. The detailed design of the junction would be agreed through the S278 process. A S278 agreement would also be entered into in respect of pedestrian and cycle improvements to the front of the site.

A wayfinding strategy from the site to Hendon Station and West Hendon Playing Fields would also be required with a scheme including Legible London signage (or similar) to be agreed with the LPA and thereafter delivered.

- Bus Service Contribution

A contribution of £900,000 to provide additional bus services in the vicinity of the site. First payment of £450,000 to be made on occupation of the 550th residential dwelling. Second payment of £450,000 to be made on occupation of the 1,000th residential dwelling.

- Traffic Management Order

A contribution of £2000 towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs.

- Silk Stream Boundary

Scenario 1 – boundary treatment details as approved are agreed with CRT (subject to separate agreement with CRT)

Scenario 2 – agreement is not reached with CRT in which case revised boundary details are submitted to LBB for approval and implemented in accordance with these new details.

- Safeguarding of Bridge Landing Point

A landing location within the site shall be safeguarded for a potential future bridge connection across the Silk Stream.

- Commercial Units

A mechanism for promoting the occupation of the flexible use commercial units shall be secured, with triggers linking occupation to agreed stages of development.

### Recommendation 3

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Head of Development Management or Head of Strategic Planning to approve the planning application reference 19/4661/FUL under delegated powers, subject to the conditions set out within Appendix 2 of this report.

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

## **MATERIAL CONSIDERATIONS**

### **Relevant Planning Policy**

#### **Introduction**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan.

These statutory development plans are the main policy basis for the consideration of this planning application.

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

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

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

## **The London Plan**

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

### Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

### London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

### London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) and 3.13 (Affordable Housing Thresholds).

### London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

### London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

### London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

### London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise) and 7.18 (Protecting Local Open Space and Addressing Local Deficiency).

### Implementation, Monitoring and Review:

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

## **Draft Replacement London Plan**

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.



The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor has subsequently declared in December 2019 it's 'intention to publish', accepting some but not all of the Inspector's recommendations as part of the Intend to Publish London Plan 2019 (dated December 2019). . As not all of the Inspector's recommendations have been accepted. It is for the Secretary of State to decide whether the DLP can proceed to adoption.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound. Nevertheless, the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

### **Barnet Local Plan**

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

#### Core Strategy (Adopted 2012):

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

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

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 Promoting Barnet's Town Centres

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)  
CS14 (Dealing with our waste)  
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)  
DM02 (Development standards)  
DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM05 (Tall Buildings)  
DM06 (Barnet's Heritage and Conservation)  
DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM11 (Development principles for Barnet's town centres)  
DM13 (Community and education uses)  
DM14 (New and existing employment space)  
DM15 (Green belt and open spaces)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)  
Residential Design Guidance (April 2013)  
Planning Obligations (April 2013)  
Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Sustainable Design and Construction (May 2006)  
Health Issues in Planning (June 2007)  
Wheelchair Accessible Housing (September 2007)  
Planning for Equality and Diversity in London (October 2007)  
All London Green Grid (March 2012)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Affordable Housing and Viability (2017)

**National Planning Guidance:**

National planning policies are set out in the National Planning Policy Framework (NPPF) (2019).

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

**Environmental Impact Assessment Regulations (2017)**

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') requires that for certain planning applications, an Environmental Impact Assessment (EIA) must be undertaken.

The term EIA is used to describe the procedure that must be followed for certain projects before they can be granted planning consent. The procedure is designed to draw together an assessment of the likely environmental effects (alongside economic and social factors) resulting from a proposed development. These are reported in a document called an Environmental Statement (ES).

The process ensures that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the local planning authority before it makes its decision. This allows environmental factors to be given due weight when assessing and determining planning applications.

The Regulations apply to two separate lists of development project. Schedule 1 development for which the carrying out of an Environmental Impact Assessment (EIA) is mandatory and Schedule 2 development which require the carrying out of an

EIA if the particular project is considered likely to give rise to significant effects on the environment. The proposed development does not fall within Schedule 1 of the regulations.

The development which is the subject of the application comprises development within column 1 of Schedule 2 of the Regulations. The development is deemed to fall within the description of Infrastructure projects and more specifically urban development projects (paragraph 10(b)).

As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 5 hectares or 150 residential units.

Given the nature and scale of the development, it was common ground with the applicant that the application would need to be accompanied by an ES in line with the Regulations. On this basis no Screening Opinion was sought from the LPA.

An EIA Scoping Report, was submitted to the London Borough of Barnet (LBB) as the relevant planning authority by Avison Young on behalf of St. George City Ltd and Sainsbury's Supermarkets Ltd (the Applicants) in March 2019. The Report requested an EIA Scoping Opinion (under Section 13 of the Regulations) for a proposed development at Silk Stream, West Hendon (the Site). The LPA subsequently issued a Scoping Opinion in May 2019 confirming that the proposed scope of the ES was acceptable.

The current application is thus accompanied by an ES, the scope of which has been agreed by the LPA, fully in accordance with the Regulations.

## **1.0 Site Description**

- 1.1 The application site comprises of a large Sainsbury's retail supermarket, comprising 7,274 sqm GIA of retail floorspace (Use Class A1) along with a large surface car park comprising 462 parking spaces. The site also accommodates a petrol filling station with 12 pumps and a hydrogen fuelling station. The retail store incorporates a service yard to the south of the site which can be accessed from the A5. Main vehicular access to the site is from the Hyde Estate Road adjoins the A5 through a partly signalised junction.

- 1.2 The site is located to the east of the A5 in Hendon and is bounded by the Hyde Estate Road to the north and the banks of the Silk Stream to the east and south. The site has an area of 3.7 hectares.
- 1.3 The site has a Public Transport Accessibility Level (PTAL) of 3 along the border with Edgware Road (the A5) and PTAL 2 near its eastern boundary. Hendon Railway Station is located within approximately 560m of the Site with regular services to Central London and Hendon Central Underground Station is approximately 1.5km away and is served by the Northern Line, with direct routes of approximately 17 minutes direct to central London. 11 bus routes, of which three are school bus services, serve the Site and these run along Edgware Road and Kingsbury Road to Brent Cross, Colindale, Kingsbury and Hendon Central.
- 1.4 The site is not located within a Conservation Area however the site does incorporate a Grade II listed milestone adjacent to the site frontage. The heritage asset is described as follows by Historic England:
1. *5004 EDGWARE ROAD Hendon NW9 Milestone (Watford 8 London 6) TQ 28 NW 7/2 25 Yards north of junction with Goldsmith Avenue II*
  2. *Early C19. 'V' shaped, cast iron. Round headed and marked "Hendon Parish".*
- 1.5 The application site is not subject to any other land designation.
- 1.6 To the north of the site, on the opposite side of Hyde Estate Road is a Honda vehicle showroom (Use Class Sui Generis) along with a vehicle/tyre workshop (Use Class B2). Further to the north is the Colindale Telephone Exchange building which benefits from a resolution to approve an application for the comprehensive redevelopment of the site to provide 505 residential units along with a range of other flexible uses at ground floor level (application ref: 18/0352/FUL). The existing building rises to 10-12 storeys in height whilst the approved scheme would have a maximum height of 17 storeys. At the time of writing this report, the planning application is awaiting the signing of the S106 agreement after which permission will be issued.
- 1.7 Further to the north of the Telephone Exchange site is the former Homebase site which is currently undergoing redevelopment as 'The Rushgroves' (application ref: H/05828/14). The completed development will comprise of 386 residential units along with commercial and community uses at ground floor level. The development would rise to a maximum of 14 storeys adjacent to the A5 frontage.
- 1.8 To the east of the site is the Garrick Road industrial estate which is separated from the site by the Silk Stream and its trees on the banks to either side of the waterway.

The industrial estate comprises a range of units within the B use class and is identified within the Local Plan as a Locally Significant Industrial Site.

- 1.9 To the south of the site is a Toyota vehicle showroom (Use Class Sui Generis) which is, again, separated from the application site by the Silk Stream. To the west of the site, on the opposite side of the A5 is a row of retail units with an area of off street parking to the front. Further to the north of the retail units is Hendon Magistrates Court.
- 1.10 It is clear from the site surroundings outlined above that both the existing and emerging contexts are varied in terms of building height, use, scale and footprint.

## **2.0 Proposed Development**

- 2.1 Permission is sought for the comprehensive phased redevelopment of the existing site to provide a mixed-use development comprising a replacement Sainsbury's store of 8,988 sqm (GIA) (Use Class A1), 1,309 new residential units (Use Class C3) and 951 sqm flexible commercial space (Use Class A1-A4, B1, D1 and D2). The development would comprise buildings ranging in height from 4 to 28 storeys and would be delivered in three phases.
- 2.2 The Enabling Works Phase precedes Phases One and Two and comprises site clearance and the demolition of the existing petrol filling station, amendments to the existing supermarket, highway works, amendments to car park and access arrangements and other associated work. Works to the existing store include partial demolition and construction of a new entrance to enable the store to continue trading whilst the new store is constructed. Once the new store is operational, the existing store will be demolished. The Transitional Store will comprise 6,946 sqm GIA and 138 car parking spaces will be provided throughout the Enabling Works Phase, during the construction of Phase One.
- 2.3 Phase One comprises the construction of the new supermarket including basement, car and cycle parking, plant and servicing areas, 770 residential apartments, podium level amenity space and construction of the Transitional Store entrance.
- 2.4 Phase Two comprises the demolition of the existing Sainsbury's supermarket, construction of 539 residential apartments, flexible commercial space, car and cycle parking, public open space, landscaping, vehicular and pedestrian routes, servicing and access arrangements and other associated works.

### Land Uses

2.5 In terms of the proposed land uses, the development would deliver the following:

Land Use	Gross External Area (GEA) (sqm)	Gross Internal Area (GIA) (sqm)	Net Internal Area (sqm)	No. of Residential Units
Residential (C3)	120,101	109,564.5	82,053	1,309
Ancillary Residential (C3)	20,148	19,342	NA	NA
Retail Store (including car park and plant) (A1)	22,038	21,782	4,037 (excluding car park and colonnade)	NA
Flexible Commercial (A1-A4/B1/D1/D2)	1,050	951	912	NA
<b>Total</b>	<b>163,337</b>	<b>151,639</b>	<b>87,002</b>	<b>1,309</b>

2.6 Of the 1,309 homes, 35% are proposed as affordable housing calculated by habitable room, equating to 430 homes. The detailed tenure and mix is set out within the relevant section of this report.

2.7 Phase One will deliver a new Sainsbury's store of 8,998 sqm retail sales area (GIA). In total, the proposals would provide 951 sqm (GIA) of flexible commercial floorspace (Use Classes A1-A4, B1, D1 and D2). In total, six flexible commercial units would be provided throughout the Proposed Development with active commercial frontages along the ground floors, along the Edgware Road (the A5) frontage, as well as facing internally towards Silk Gardens.

2.8 The three flexible commercial units provided in Phase One will be provided at ground floor level and within the western part of the Site and are sized as follows: 72 sqm GIA, 124 sqm GIA and 105 sqm GIA.

2.9 Three flexible commercial units will be provided in Phase Two at the ground floor level of Block 09. These units total 650 sqm GIA. The most northern of these units will have entrances and active frontages which wrap around three sides of the building, which not only front the Edgware Road but also overlook Silk Garden. These flexible commercial units have the potential to be subdivided should the market demand.

## Scale and Layout

- 2.10 The Proposed Development will comprise the construction of 12 'Blocks' referred to as Blocks 01 to 12. Blocks 01 to 08 will be delivered above the Podium Block comprising the new supermarket and associated facilities. Block 12 adjoins the north-eastern elevation of the store. The podium and Blocks B01 to B08 and B12 are located in the northern half of the Site in Phase One. Blocks B09 to B11 are located in the southern half of the Site in Phase Two.
- 2.11 The four storey Podium Block is a rectangular building, located adjacent to the northern border of the Site and the Hyde Estate Road. This provides a podium for Blocks 01 to 08 to be built upon with associated podium level amenity space. A lobby entrance with a colonnade will be provided at ground floor level on the western façade, with the food store parking located centrally on the ground floor and flexible commercial units on the southern façade of the podium. The retail use, back of house and servicing area will be provided on the first floor.
- 2.12 The residential basement car park enables the delivery of a significant quantum of public open space: 38% of the site area. The rigidity of the urban layout of Phase One provides a contrast to the twisted forms of Blocks B09 to B11 in Phase Two. These Blocks mirror the route of the rural Silk Stream and enable Silk Garden to be framed.
- 2.13 The 12 residential buildings proposed across the site range from 4-28 storeys. Within Phase One there are 9 buildings ranging from 4 storeys (Block 12) to the north of the Site to 20 storeys (Block 08) at the north-eastern side of the Sainsbury's store. The tallest elements of the Proposed Development are within Phase Two and are located to the north of the Site. Buildings heights across the site are set out below.

<b>Building</b>	<b>Height (Storeys)</b>
Block 1	12
Block 2	13
Block 3	11
Block 4	18
Block 5	17
Block 6	13
Block 7	13
Block 8	20
Block 9	16
Block 10	18
Block 11	28
Block 12	4



## Landscaping

- 2.14 The development would provide a new large public park, Silk Garden, which would represent 38% (7,700 sqm) of the Site area.
- 2.15 The Proposed Development will also provide a total of 1,471 sqm of private residential amenity space in the form of ground floor gardens and podium level terraces across the Site. Further private residential amenity is provided through balcony and loggia space which will serve the majority of residential units.
- 2.16 Communal residential amenity is provided across the site with roof terraces providing 1,511 sqm of open space and podium gardens in Phase One providing 6,559 sqm. In total, 2,433 sqm of playspace is provided across the development.
- 2.17 A total of 4,788 sqm of public realm will be provided across the Site: 862 sqm of shared surface is proposed, 601 sqm of water surface (including a water feature) as well as green and brown roofs which total 4,202 sqm.
- 2.18 The landscaping proposals include a shared pedestrian and cycle route along the east and south of the Site, which runs adjacent to the west of Silk Stream, and a linear pedestrian route within the southern half of the Site, linking Edgware Road (A5) with Silk Stream.

## **3.0 Relevant Planning History**

- 3.1 The applications outlined below relate directly to the application site.
- 3.2 W00632DC - Erection of 3 General Industrial Buildings (Class B2) 6,744 sqm. retail store (Class A1) building, petrol filling station and associated car parking and access. Approved subject to conditions in May 1992.
- 3.3 W00632EB - Extension to existing store to create a restaurant and coffee shop. Approved subject to Conditions in January 1996
- 3.4 W00632ES/01 - Installation of covered trolley bays in car park and alterations to store entrance doors. Approved subject to conditions in July 2001.
- 3.5 W00632FC/07 - Relocation of existing entrance involving bricking up of void and installation of new double automatic doors. Approved subject to conditions in August 2007.

- 3.6 W00632FE/07 - Various illuminated and non-illuminated signage to include fascia and totem signs. Approved subject to conditions in October 2007.
- 3.7 W00632FF/07 - General car park layout alterations. Installation of new filter lane to petrol station from car park exit. Removal of drop off point. Relocation of some parking spaces. Increase in number of cycle bays. Installation of new safety routes and new covered trolley bays. Approved subject to conditions in November 2007.
- 3.8 W00632FG/07 - Installation of 1No. totem sign. Approved subject to conditions in December 2007.
- 3.9 H/03341/12 - Installation of a new 3.5m high palisade fence enclosure and a new canopy to the north-east side of the existing store to form a new grocery online service yard. Approved subject to conditions in October 2012.
- 3.10 H/02232/13 - Installation of 2no. internally illuminated fascia signs; 2no. internally illuminated projecting signs; 1no. internally illuminated hanging sign and 1no. internally illuminated wall mounted sign to replace existing. Approved subject to conditions August 2013.
- 3.11 H/02929/14 - Installation of hydrogen fuelling station following removal of car parking spaces. Approved subject to conditions in August 2014.
- 3.12 H/04944/14 - Single storey side extension to provide Goods Online Service. Approve subject to conditions in February 2015.
- 3.13 15/05439/FUL - Installation of steel and aluminium canopy. Approved subject to conditions in October 2015.

#### **4.0 Consultations**

- 4.1 As part of the consultation exercise, 1466 letters were sent to neighbouring occupiers with 884 objections and 13 letters of support subsequently being received. It should be noted that not all of the responses received came from the original distribution list and additional responses have been received from outside the original consultation area.

#### Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the objections received from neighbouring residents can be summarised as follows. For the sake of brevity, objections have been summarised and categorised for officer response.

<b>Objection</b>	<b>Officer Response</b>
<p>The development would result in an excessive additional traffic and congestion.</p>	<p>The application is accompanied by a Transport Assessment (TA) which has been fully reviewed by both LBB Highways officers and TFL.</p> <p>The TA is underpinned by traffic modelling, assessing the impact of the development on the local highway network, inclusive of the cumulative impact from committed development in the local area.</p> <p>The modelling has been undertaken in accordance with TfL Guidelines and has been submitted for audit to TfL, which is under way though not completed. The initial results of the audit process has led to refinement of the base models, forecast inputs and junction options. The final audit stages will need to be completed as part of the detail design which follows planning approval, which will require updated models, if there is a delay between model completion and implementation earlier audit stages will need to be repeated as TfL's discretion.</p> <p>TfL is satisfied that subject to securing a package of transport improvements to support mode shift to public transport and active modes that there will not be an undue impact on the Strategic Road Network - A5 Edgware Road (the Hyde). This has been assessed with regards to capacity, and need to enhance facilities for cyclists and pedestrians and protect bus services from traffic impact.</p>
<p>The development would result in unacceptable additional strain on local health and education services.</p>	<p>The impact of the development on local health and education services is set out within the Socio-Economic chapter of the ES. In terms of any impacts identified, the development would be</p>

	<p>liable for a Community Infrastructure Levy (CIL) payment of £22m of which £16m would go to LBB. As such, it would be within the gift of the Council to allocate such funds to local health and education services as considered necessary.</p> <p>In terms of the spending of CIL funds, it is important to note that the CIL Regulations (September 2019) abolished the Regulation 123 list which allows Council's more discretion and flexibility in the allocation of such funds.</p>
<p>The density of the development is excessive.</p>	<p>Whilst the proposed density exceeds the optimum densities set out within the current London Plan density matrix, the development has been subject to a design-led approach in line with the Draft London Plan. Officers consider that the scheme would deliver a high-quality development which fully justifies an increased density. It is also important to note that the London Plan also outlines that the density matrix should not be applied mechanistically.</p> <p>The density of the development is fully assessed within Section 6.0 of this report.</p>
<p>The height and scale of development is excessive.</p>	<p>Whilst the application site is not identified as a strategic tall buildings location within Policy CS5, there are material circumstances which justify a departure from policy in this regard. The proposed scale and massing of the development is acceptable and would ensure integrate into the surrounding urban fabric, particularly cognisant of the emerging development to the north of the site.</p> <p>The height and scale of the</p>

	<p>development is fully discussed within Section 9.0 of this report.</p>
<p>The design and appearance of the development is not of an adequate quality.</p>	<p>The development is considered to be of a high design quality and has been the subjected of detailed design discussions with both LBB and GLA officers. The architectural detailing, colour tones and materiality of the scheme would all combine to create a high-quality aesthetic.</p> <p>The design and appearance of the development is fully discussed within Section 9.0 of this report.</p>
<p>The scheme represents overdevelopment of the site, especially in light of the surrounding cumulative development.</p>	<p>In terms of assessing whether the development represents overdevelopment of the site, officers consider that in all the key matters where such overdevelopment would be manifest, the application is acceptable. The density of the scheme is considered appropriate; the development would not result in any unacceptable harm to the local road network/local transport infrastructure; and the height and scale of the development is appropriate within its context. In all respects, officers have considered the matters</p> <p>On a more strategic point, the site represents a sustainable brownfield location where optimisation of housing delivery is encouraged by overarching regional and national policy. The development would also make a significant contribution to Barnet’s housing target of 2349 homes per year over a 10-year period (3134 homes per year in Draft London Plan).</p> <p>On the basis set out above, officers consider that the quantum of development is appropriate for the site. All referenced detailed matters are assessed within the relevant section of</p>

	this report.
The development would result in the loss of the petrol filling station which is heavily used by the local residents.	The Petrol Filling Station (PFS) does not benefit from any protection under planning policy. There are other such PFS facilities in both the local and wider area.
The proposed retail store will have inadequate levels of parking.	<p>The existing retail store comprises 462 car parking spaces which would be reduced to 267 spaces with the proposed scheme. The proposed level of retail car parking is predicated on a robust assessment of the usage of the existing car park. LBB officers are fully satisfied that the level of car parking is adequate for the proposed retail store.</p> <p>Car parking is fully assessed within Section 19.0 of this report.</p>
The proposed residential element of the development would have inadequate levels of parking.	<p>The development proposes a residential parking ratio of 0.33 spaces per unit. The lower level parking provision can be seen to result in less vehicular generation by the development, thus helping to reduce the impact of the development on the local network.</p> <p>In addition, the development would promote modal shifts to sustainable transport options through bus contributions, travel plan incentives and cycle/pedestrian/wayfinding improvements.</p> <p>Car parking is fully assessed within Section 19.0 of this report.</p>
The development would provide inadequate levels of affordable housing.	The development would provide 35% of habitable rooms as affordable which is in line with the Mayoral “fast-track” approach which obviates the need for any financial viability to be submitted as part of the application. The level of affordable housing is fully compliant with Mayoral policy and should be

	<p>viewed as a significant benefit, weighing in favour of the scheme.</p> <p>Affordable housing is fully assessed within Section 8.0 of this report.</p>
<p>The affordable housing proposed would not be genuinely affordable.</p>	<p>The tenure mix is slightly amended from the optimum LBB mix to allow for the maximisation of affordable housing delivery. It is important to note that the development would deliver 101 London Affordable Rent (LAR) homes, the majority of which would be family sized units.</p> <p>All of the affordable units would be affordable in line with GLA affordability criteria and would be secured as such through the S106.</p> <p>Affordable housing is fully assessed within Section 8.0 of this report.</p>
<p>The development would result in overspill parking, to the detriment of local parking conditions</p>	<p>The application site is located outside of a CPZ, however there are a limited number of streets within a 200m walk distance that could accommodate residents parking. In order to ensure that residents of the development could not apply for permits in surrounding CPZ's, a Traffic Management Order (TMO) contribution would be sought through the S106 which would adequately control overspill parking.</p> <p>Car parking is fully assessed within Section 19.0 of this report.</p>
<p>The development would result disruption and pollution during construction</p>	<p>Any approved development would be subject to a robust Demolition and Construction Management Plan which would ensure that all aspects of the construction process would be fully monitored and controlled and any potential disruption fully mitigated.</p>

<p>The development would result in a loss of daylight/sunlight to surrounding properties</p>	<p>A daylight/sunlight report was submitted in support of the application which has been fully reviewed by officers.</p> <p>In terms of daylight, it is demonstrated that all of the properties assessed would achieve a BRE compliance level of over 85% which is considered good in such an urban location and cognisant of the other scheme benefits.</p> <p>In terms of sunlight, of the relevant properties assessed, all would achieve a BRE compliance level of at least 99% which is clearly acceptable.</p> <p>Daylight/sunlight are fully assessed within Section 10.0 of this report.</p>
<p>The development would result in excessive overshadowing of the proposed park area.</p>	<p>BRE guidelines recommend that in order for an area to be well sunlit throughout the year, at least 50% of the space should see two or more hours of direct sunlight on 21st March. The GIA assessment sets out that 63% of the overall open space provided within the development would receive direct sunlight for two hours or more on 21st March, in compliance with the guidelines.</p> <p>Overshadowing of the park area is fully assessed within Section 7.0 of this report.</p>
<p>The development would result in unacceptable harm to the flora and fauna of the Silk Stream.</p>	<p>The Canals and Rivers Trust, Environment Agency and Natural England were all consulted on the application and some concern was raised at potential impact on the flora and fauna of the Silk Stream. In addressing this point, conditions are attached in line with comments from the CRT which would adequately mitigate and overcome the concerns set out.</p>



<p>The development would result in unacceptable microclimatic conditions.</p>	<p>The application was accompanied by an ES Addendum, including a Microclimate Assessment relating to the impact of the development on local wind conditions. The assessment identifies areas where the development could result in a decrease in comfort levels. The assessment goes on to propose a scheme of mitigation which would satisfy officers that any impacts would not be unacceptable.</p> <p>Microclimatic impacts are fully assessed within Section 9.0 of this report.</p>
<p>The development would be at unacceptable risk of flooding.</p>	<p>Due to the sites location, adjacent to the Silk Stream, the Environment Agency (EA) were consulted on the application. They noted that the majority of the site is at medium risk of river flooding (Flood Zone 2) with Flood Zone 3a and 3b confined to the river corridor area (high probability of flooding).</p> <p>Following assessment, the EA were satisfied that the applicant had provided evidence that flood risk will not be increased and that adequate precautions have been taken to mitigate the risk including appropriate finished floor levels and access and egress.</p> <p>Flood risk is fully assessed within Section 13.0 of this report.</p>
<p>The development would result in unacceptable levels of noise</p>	<p>The potential noise impacts of the development are fully considered within the relevant section of the ES which has been reviewed by the Council's EH officers. Numerous conditions are attached relating to the potential noise generating aspects of the development which it is considered would adequately mitigate any</p>

	potential harm to the satisfaction of EH officers.
There is insufficient sewer capacity to accommodate the development	The application has been reviewed by Thames Water in respect of whether the capacity of the existing sewer network can accommodate the additional discharge from the proposed development. Thames Water have requested a condition which is attached accordingly which will allow for the matter to be resolved in discussion with the applicant if permission were granted. Such a condition is common for developments and does not indicate that the existing sewer capacity cannot accommodate the additional discharge of the development.
The development is would result in unacceptable risk due to contamination	<p>The application was accompanied by a preliminary site investigation which identified a number of potential contaminants. As a result, any permission would be subject to a condition requiring further investigation, mitigation and/or remediation (if necessary) to be undertaken to the satisfaction of the Council. Subject to this condition, the Council's EH officers have no objection to the application.</p> <p>Land contamination is fully assessed within Section 14.0 of this report.</p>

#### Responses from External Consultees

4.3 The responses received from external consultees can be summarised as follows:

<b>Consultee</b>	<b>Response</b>
London Borough of Brent	London Borough of Brent has an in principle objection to the increase in retail floorspace. The RIA which accompanies the application has not robustly applied the sequential test or

	<p>impact assessment to justify departing from the town centre first approach in the NPPF and in accordance with Brent Core Strategy Policy DM 11.</p> <p>Justification is required as to why greenfield runoff rates cannot be achieved to address London Plan policy 5.13.</p> <p>In addition, there are concerns over the Transport Assessment's development modelling, access to the store from Edgware Road and cycle parking access and provision.</p>
London Fire Brigade	<p>The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London. The Commissioner is satisfied with the proposals.</p>
Canals and River Trust	<p>Based on the information available, our substantive response is to advise that suitably worded conditions are necessary to address these matters.</p> <ul style="list-style-type: none"> <li>a) Impact on the character and appearance of the waterway</li> <li>b) Impact on the ecology of the waterway corridor</li> <li>c) Impact on the structural integrity of the waterway</li> <li>d) Impact on the water quality of Silk Stream</li> </ul> <p>Should the LPA be minded to grant permission, we would request that conditions be attached (addressing the aforementioned matters).</p>
Greater London Authority	<p>Stage 1 Response: Principle of development: The principle of a residential-led mixed-use</p>

redevelopment of the existing low-density supermarket site is supported. The small increase in retail floorspace on the site has been shown as unlikely to harm the viability or vitality of nearby centres.

**Affordable housing:** The provision of 35% affordable housing would meet the requirements of the Fast Track Route, subject to the borough reconfirming it is satisfied with the proposed tenure split, and satisfying all other relevant borough and mayoral policy requirements.

**Urban design:** The design responds well to the local context and proposes a high-quality redevelopment. Further work on residential quality and clarity on the listed structure within the site is required.

**Sustainable development:** The applicant should provide further detail on the proposed ASHP and PV provision. Further detailed comment should be sought from the EA with regard to flood mitigation.

Additional detail on surface water drainage proposals should be provided.

**Transport:** The applicant should seek to respond further to draft London Plan policy with regard to retail parking, and should seek to reduce residential car parking further to lessen any impact on the adjacent junction and encourage active travel. Planning contributions, obligations and conditions are required as outlined in the report.

*Following the Stage 1 response in November 2019, further information was provided by the applicant to address the outstanding matters*

	<p><i>relating to playspace, residential quality, heritage, drainage and energy/sustainability were provided to the satisfaction of the GLA.</i></p>
<p>Cadent Gas</p>	<p>Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance.</p> <p>If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.</p> <p>If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent’s Plant Protection Team to see if any protection measures are required.</p> <p>All developers are required to contact Cadent’s Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.</p>
<p>Environment Agency</p>	<p>We have no objections to the application as submitted. The majority of the site is at medium risk of river flooding (Flood Zone 2) with Flood Zone 3a and 3b confined to the river corridor area (high probability of flooding). The applicant has provided evidence that</p>

	<p>flood risk will not be increased and that adequate precautions have been taken to mitigate the risk including appropriate finished floor levels and access and egress.</p>
<p>Andrew Dismore AM</p>	<p>The density appears to go beyond all limits with 899 habitable rooms per hectare. For some comparison: Hendon Waterside is 460 hr/ha, The Telephone Exchange is 560 hr/ha and the Rushgroves 698 hr/ha.</p> <p>There is a risk of flooding from the Silk Stream as highlighted by the Environment Agency in the pre-application advice. Their recommendation is that residential units should be in flood zone 1 and 2 and retail in 3 and yet the application shows a large part of the residential blocks are in flood zone 3. Finished floor levels (FFLs) remain lower than 300 mm in several blocks - against the advice of the Environment Agency - and have only been achieved in block 12. In the event of a flood, the proposed evacuation routes for blocks 9, 10 and 11 are convoluted for residents and certainly not advisable for the elderly, disabled or children.</p> <p>The loss of light to a considerable number of nearby residents and consequent loss of light to habitable rooms; complete overshadowing throughout the year of the Silk Stream, and ironically the almost complete overshadowing of the much praised 'Silk Garden Park' due to the towers is surely unacceptable.</p> <p>The entire site is heavily contaminated from its previous history as a coach manufacture that produced military items during WWII, and from its current use as a petrol station. The report</p>

	<p>states: 'Elevated concentrations of heavy metals, PAH's, VOC's and SVOC's have been identified within the groundwater on site'. These are both carcinogenic and mutagenic. The report goes on to say that there has been no investigation of the extent of contamination around the petrol site yet from samples taken elsewhere there is a suggestion that there is leakage. In summary it states further investigation is required for the whole site.</p> <p>While remediation can address some of the pollutants, the fact that there is a risk of contaminating controlled waters and the Silk Stream makes it even more essential that these investigations are carried out before the planning committee even consider the scheme.</p>
Thames Water	No objection subject to condition.
Historic England (Archaeology)	No objection
Historic England (Heritage)	No objection

4.5 Officers are content that the matters raised in the consultation responses above have been adequately addressed within the main body of the report and have been conditioned where necessary.

Responses from Internal Consultees

4.6 The responses received from internal consultees can be summarised as follows:

<b>Consultee</b>	<b>Response</b>
Environmental Health	<p>The report by Watermans in appendix 9.1 shows that the development will be Air Quality Neutral. The site is considered to be High Risk and mitigation has been included which is satisfactory.</p> <p>I disagree with results of the air quality modelling that claim that the Air Quality</p>

	<p>will be okay when the development is operational. The A5 is currently very congested at times, add to this the cumulative impacts of other developments there will undoubtedly be extra traffic on the roads, resulting in AQ objectives being exceeded. At some receptors there will be 6-12% more traffic due to the development.</p> <p>Due to the extra cars on the road it would be best practice to get \$106 million for air quality measures to support the council's air quality action plan. It would be good to know what the development is doing to improve the A5 corridor as TFL, Brent and Barnet are working together to reduce congestion and improve air quality on the A5. They will also need to include sustainable/active travel options for residents.</p> <p><i>Following the response outlined above, additional detail was provided as necessary by the applicant and conditions are attached accordingly.</i></p>
<p>Transport and Highways</p>	<p>Car Parking &amp; Travel Demand: The site is outside of a CPZ, however there are a limited number of streets within a 200m walk distance that could accommodate residents parking (as per the Lambeth Methodology) and as such we do not have any immediate concerns relating to this.</p> <p>The applicant has proposed a parking ratio for the residential properties in the region of 0.3 spaces per unit. Whilst this is on the low side when compared to adjacent developments such as the Former Telephone Exchange and Rushgrove's recently committed or under development within the area, the lower level parking provision can be seen to result in less vehicular</p>



generation by the development, thus helping to reduce the impact of the development on local streets.

The proposed development is located on the A5 Edgware Rd / Hyde Estate Rd and has a moderate PTAL of 2/3. The site benefits from frequent bus services which intersect adjacent to the site, and is approx. a 10-minute walk to Hendon NR Station. Visitors, staff and residents of the site can also access Hendon Central LUL Station, which is a 20-minute walk, 10-minute cycle ride or 10-minute bus ride away. Please see further information in the 'Stations' section below.

Parking for the replacement supermarket has been reduced significantly when compared with the existing provision. This proposed reduction is supported by parking surveys and reflects the peak demand recorded during the survey periods. We are therefore satisfied that the reduction in parking meets with policy and demand. TfL have however requested that this be further reduced to meet with the Draft London Plan standards, to a maximum of 180 spaces.

A car club space with an appropriate on-street position is to be agreed and funded by the developer, whilst a further car club space will be provided within the residential car park. Monitoring of the use of these car club vehicles will occur as part of the Travel Plan process, and if it is found that additional car club bays / vehicles are required to support the low level of car parking proposed we would expect that additional bays and vehicles will come forward.

A car parking management plan, which

sets out how the various car parks and disabled parking will be managed, including ensuring that disabled spaces are allocated on the basis of need and not attached to a particular flat or leased long term, should be secured by condition. Disabled / Accessible parking spaces are to be provided to Draft London Plan standards throughout the proposed development.

Station Impacts: We have identified potential impacts at both Hendon NR Station and Hendon Central LUL Stations based on the trip generation provided by the applicant.

In terms of Hendon NR Station, we are in continued discussions with Network Rail over the suitability of the existing station and footbridge to accommodate the addition trips generated by this development proposal.

In terms of Hendon Central LUL Station, TfL have requested a s106 contribution toward a study focused on the opening of a new station entrance onto Queen's Rd. The opening of an additional entrance and staircase to platform level has the potential to alleviate capacity issues which are likely to occur during the AM peak period.

A5 / Hyde Estate Road Junction: We have engaged the applicant to redesign their proposed junction arrangement for the A5/Hyde Estate Rd junction which was initially unsatisfactory.

The applicant has now provided various options for this junction, one of which they are proceeding to model and assess prior to determination. We are confident that the initial modelling presented by the applicant is representative of the impacts and as

such are comfortable with this junction design being progressed to detailed design stage for s278 purposes.

**Pedestrian and Cyclist Access:** The applicant has presented an Active Travel Zone assessment for the development. The ATZ also includes review of the key links to West Hendon, Hendon NR Station and West Playing Fields, and has agreed to fund a Legible London based Wayfinding Strategy for a reasonable distance toward these destinations. The exact details of this strategy will need to be firmed up in discussions over the s106 obligations.

Cyclist passage through the A5 / HER junction, into the Sainsburys store itself, and along the A5 have been reviewed in detail and the proposed junction works, extension of bus lanes and introduction of sections of shared-footway (all to be funded by the developer) go some way to adequately improving access to the site.

**Stopping Up / Adoption:** Due to the introduction of a new footway, and minor carriageway realignment, on Hyde Estate Road, we expect that any works undertaken by the developer under the s278 agreement will be to adoptable standards, and will be adopted by LBB as they form key connections within the highway network.

Cycle parking – To be provided to London Plan and LCDS Standards

The applicant must provide the figures for how many cycle parking spaces are actually being provided and provide clear updated plans showing that the Phase 1 cycle stores for all uses meet with at least the minimum standards of

	<p>the London Plan and LCDS. The provision of suitable Phase 2 cycle stores can also be secured by Condition at this stage prior to the start of works on this latter phase.</p> <p>The majority of the cycle stores are accessed from inside the Phase 1 residential and retail car parks, with further cycle stores in Phase 2 being accessed from the public realm areas. All of these stores have core access nearby.</p> <p>Buses: The applicant will be providing £900,000.00 funding to support the increase in peak time frequencies on existing bus routes which pass directly outside of the site. This is unlikely to change the site PTAL, but will further support sustainable transport options to/from the site.</p> <p>Freight: It is proposed that deliveries and servicing take place from a separate service entrance/crossover on Hyde Estate Rd. The Council should secure a delivery and servicing plan by condition. A full Demolition and Construction Management Logistics Plan (DMLP/CMLP) should be secured by condition.</p> <p>Loss of Hydrogen Filling Station: At present there is a hydrogen vehicle filling station to the northern portion of the existing site, and the applicant is proposing to remove this facility. It is understood that the filling station is used by private operators and has a very low number of visits per day. We are therefore satisfied that the loss of this facility would not be detrimental to the Borough.</p>
SUDS/Drainage	We have no objections to the application in principle subject to

	conditions being imposed.
Ecology	<p>The site itself is not subject to any statutory or non-statutory ecological designations, however Silk Stream watercourse Site of Importance for Nature Conservation (SINC) lies adjacent to the eastern site boundary. The nearest statutory designation is Brent Reservoir Site of Special Scientific Interest (SSSI)/ Local Nature Reserve (LNR) / SINC located approximately 50m to the south of the site. The Site is within the Brent Reservoir SSSI IRZ (Site of Special Scientific Interest Impact Risk Zone) therefore, Natural England should be consulted, and the application considered before planning is determined.</p> <p>Given the proximity of these designations, primarily designated for their aquatic interest, a series of construction and operational safeguards are set out in the ecological appraisal and should be secured by planning conditions.</p>
Peter Brett Associates (Retail Planning Consultants - acting for LBB)	<p>As an out-of-centre retail development, the proposed development must satisfy the key sequential and impact tests as set out in the NPPF at paragraphs 86, 87, 89 and 90. Having reviewed the RA, we agree that the proposed development complies with the sequential approach to site selection (paragraphs 86 and 87, and Local Plan policy DM11) and would not give rise to significant adverse impacts under the tests set out at paragraph 89 of the NPPF; the proposal is therefore not in breach of paragraph 90 of the NPPF which directs refusal if either one of those tests are not satisfied.</p> <p>We recommend that a condition is imposed to restrict the total net sales</p>

	<p>area of the replacement Sainsbury's store to 4,028 sqm. Because the RA has tested the impact of all the flexible commercial floorspace being occupied as A1 retail (whether convenience or comparison) and we agree with the applicant's conclusion that this impact is not significantly adverse, there is no need to impose any condition to restrict the proportion in terms of comparison or convenience or amount of retail floorspace in these units, other than it not exceeding the 951 sqm (gross) set out in the description of development.</p>
<p>Cllr Zubairi (Ward Councillor)</p>	<p>I am writing to object to the above application in my capacity as Councillor London Borough of Barnet. I would like to object of the following grounds:</p> <p>The density appears to go beyond all limits with 899 habitable rooms per hectare. For some comparison: Hendon Waterside is 460 hr/ha, The Telephone Exchange is 560 hr/ha and the Rushgroves 698 hr/ha.</p> <p>There is a risk of flooding from the Silk Stream as highlighted by the Environment Agency in the pre-application advice. Their recommendation is that residential units should be in flood zone 1 and 2 and retail in 3 and yet the application shows a large part of the residential blocks are in flood zone 3. Finished floor levels (FFLs) remain lower than 300 mm in several blocks - against the advice of the Environment Agency - and have only been achieved in block 12. In the event of a flood, the proposed evacuation routes for blocks 9, 10 and 11 are convoluted for residents and certainly not advisable for the elderly, disabled or children.</p> <p>The loss of light to a considerable number of nearby residents and</p>

	<p>consequent loss of light to habitable rooms; complete overshadowing throughout the year of the Silk Stream, and ironically the almost complete overshadowing of the much praised 'Silk Garden Park' due to the towers is surely unacceptable.</p> <p>The entire site is heavily contaminated from its previous history as a coach manufacture that produced military items during WWII, and from its current use as a petrol station. The report states: 'Elevated concentrations of heavy metals, PAH's, VOC's and SVOC's have been identified within the groundwater on site'. These are both carcinogenic and mutagenic.</p> <p>The report goes on to say that there has been no investigation of the extent of contamination around the petrol site yet from samples taken elsewhere there is a suggestion that there is leakage. In summary it states further investigation is required for the whole site.</p> <p>While remediation can address some of the pollutants, the fact that there is a risk of contaminating controlled waters and the Silk Stream makes it even more essential that these investigations are carried out before the planning committee even consider the scheme.</p> <p>With the above in mind, I therefore urge officers to reject this current scheme for the site.</p>
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- 4.7 Officers are content that the matters raised in the consultation responses above have been adequately addressed within the main body of the report and have been conditioned where necessary.

## **PLANNING ASSESSMENT**

### **5.0 Principle of Development**

5.1 The existing site comprises of a retail supermarket, with associated car parking and a petrol filling station. The site is not subject to any overarching land use designations, and it is not located within a designated town centre. In assessing the principle of development, the following matters are considered to be pertinent:

- The expansion of a retail use outside of a designated town centre;
- The principle of a mixed-use development, comprising residential

5.2 These matters are addressed in turn below.

### **Retail Use**

5.3 The existing site accommodates a retail store of 7,247sqm GIA along with the associated ground level car park. The proposed development would entail the demolition of the existing store, with the reprovion of an expanded store within Phase 1 of the development. The net sales area of the replacement store would be 832 sqm greater than the current store. In addition, 951 sqm of flexible use (A1-A4, B1, D1 and D2) commercial space would be provided within the development. The site is not located within one of the boroughs designated town centres and can thus be described as an out of centre site.

5.4 In such circumstances, Paragraphs 86, 87, 89 and 90 of the NPPF are relevant. These paragraphs of the NPPF set out *inter alia* that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan; that (when considering out of centre proposals) preference should be given to accessible sites which are well connected to the town centre; and that LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

5.5 At a local level, Policy CS6 states that “we will promote the distribution of retail growth to meet the capacity for an additional 2,200m<sup>2</sup> (net) of convenience goods floorspace across Barnet by 2021–2026. The majority of the convenience capacity arises in the East sub-area (centred on the District Centre of North Finchley) and West sub-area (centred on the Major Centre of Edgware) beyond 2016. We will therefore not plan further significant convenience goods provision before 2026”.

5.6 Policy DM11(i) goes on to state that significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan.



5.7 In accordance with the aforementioned policy context, it was therefore necessary for a Retail Impact Assessment (RIA) to be submitted in support of the application. A RIA from Avison Young was thus submitted as part of the application comprising an assessment of the following:

- The relationship of the proposed main town centre uses against the sequential test; and
- An assessment of the likely impact of proposed retail and leisure land use elements on nearby defined town centres.

5.8 In order to ensure that the RIA was subject to critical assessment, the LPA instructed an independent Retail Planning specialist Peter Brett Associates (PBA) to undertake a review of the RIA document. Prior to the submission of the RIA, the scope of the assessment and the relevant methodologies were agreed with PBA in order to ensure robustness.

#### Sequential Assessment

5.9 Turning to the first strand of the RIA, the sequential test, given the location of the application site the following town centres were agreed as the

- West Hendon
- Hendon Central
- Burnt Oak
- Colindale
- Grahame Park
- Neasden
- Cricklewood

5.10 In terms of the search undertaken, the sequential test was predicated on the proposed development of 8,998sq m gross GIA (9,209sq m gross GEA) Class A1 supermarket and 951sq m gross GIA Class A1/2/3/4, B1 and D1/2 commercial floorspace supported by car parking provision for 267 vehicles (plus 3 accessible spaces at grade level) and a servicing area for the proposed retail floorspace. Therefore alternative sites need to be able to accommodate broadly this scale of floorspace/development alongside the need to demonstrate flexibility. A site area of circa 1.5 hectares was therefore adopted for the assessment.

5.11 Based on the scope of the assessment outlined above and the identified centres, the following sites were identified within the sequential assessment.

Town Centre	Site	RIA Comments
West Hendon	Health centre and private car park (0.26ha)	This area is too small to accommodate the proposed retail and main town centre uses. There is also a question mark over the availability of the surface level car park element of the site as it now appears to be used in connection with surrounding residential development.
West Hendon	Vacant land and adjacent properties	This area extends to 0.1ha and is therefore too small.
West Hendon	Vacant office / workspace	This site is also too small, at only 0.26ha.
West Hendon	Vacant showroom	The area which is currently being advertised to let extends to 462sq m and is therefore too small to accommodate the proposed main town centre uses. In addition, the overall site area is 0.14 hectares and is therefore too small to be considered a suitable alternative.
West Hendon	Hendon Waterside	We understand that there could be provision for up to 1,635sq m of non-residential floorspace (including Class A retail uses) within the Hendon Waterside development <sup>9</sup> . The location for these is shown in Figure 3.2 below (blue frontage definition). This, again, is too small a scale of provision (in terms of overall space and the unit sizes) to accommodate all of the proposed retail and main town centre uses at the subject site.

Burnt Oak	Watling Avenue car park	Site is not available for redevelopment and is too small to provide a suitable alternative (0.76ha).
Burnt Oak	104 Burnt Oak Broadway	vacant site within the defined centre boundary which has planning permission for a mixed use development. Site is too small to accommodate the proposal and the level of permitted retail floorspace (1,500sq m) is too small an alternative.
Burnt Oak	100 Burnt Oak Broadway	vacant site which is currently subject to a planning application for mixed use development including circa 1,500sq m of Class A1 retail uses. Site is too small to accommodate the proposal taking into account reasonable flexibility.
Burnt Oak	3 Burnt Oak Broadway	Site is currently under construction for 925sq m of Class A1/2 floorspace. Too small to accommodate the proposal taking into account reasonable flexibility.
Burnt Oak	Mecca Bingo (and former cinema)	Vacant Grade II listed building which is unsuitable for conversion to accommodate the proposed main town centre uses and is also too small in size (0.2ha).
Colindale	Former VW garage	The premises are currently being marketed by Rapleys and we understand that they are currently under offer. This suggests that the site will soon be unavailable. In addition, at 0.35 hectares, the site is too small to act as a

		suitable alternative to the subject site.
Grahame Park Estate	Grahame Park Estate	There is a proposal (within the Grahame Park SPD) to replace the existing neighbourhood centre with circa 1,700sq m of retail floorspace. It is notable that the 2017 retail study raises question marks over whether the replacement floorspace should also be defined 'town centre' but for the purposes of this analysis we have assumed that it will be, however at 1,700sq m this area is too small to accommodate all of the proposed retail and main town centre floorspace.
Cricklewood	194-196 Cricklewood Broadway and a surface level car park adjacent to the Beacon Bingo unit	Both sites have been subject to a combined planning application for a new foodstore, residential units and car parking provision. Detailed planning permission was granted in January 2018 and pre-commencement conditions are currently being discharged. The foodstore within the development extends to 3,457sq m gross, with a net sales area of circa 2,000sq m. As a consequence, whilst this site is available it is too small to accommodate the proposal and therefore is an unsuitable alternative.
Neasden	58 Neasden Lane (former Veetec site)	The site has planning permission for a hotel use. As a consequence, whilst it is generally available, it is not available for the proposed use on the planning application site and is also too small to accommodate the proposal

		taking into account reasonable flexibility.
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- 5.12 In assessing the sequential assessment, PBA outlined that whilst there is some discussion on the RIA of the status of the site i.e. whether it should be considered edge or out of centre, depending on whether the NPPF or Barnet's Local Plan Development Management Policies DPD definitions are adopted, the search considers potential alternatives as being in, edge- or well-connected out-of-centre sites. This is considered to an appropriate approach.
- 5.13 PBA also go on to accept the justification within the RIA for the minimum alternative site area of 1.5ha which was adopted within the document. PBA agree with the applicant that through appeal precedent and case law, the sequential approach requires the whole commercial development to be tested and not simply the uplift in floorspace from that currently trading at the application site, adopting this demonstrates reasonable flexibility as promoted in the NPPF and PPG. PBA also agree that there is no requirement to disaggregate the proposed development in carrying out the sequential approach.
- 5.14 The clear advice from PBA in respect of the sequential assessment is that, based on the evidence provided, they are in agreement that there are no suitable or available sites that are sequentially preferable to the application site and therefore they consider that the sequential test under Policy DM11 and paragraphs 86 and 87 of the NPPF.

#### Impact Assessment

- 5.15 Turning to the impact assessment, in line with the policy context previously set out there is also a requirement for the RIA document to include an assessment of the likely impact of the proposed retail uses on the health of, and investment within, nearby defined 'town centres'.
- 5.16 Again, the scope of the assessment was agreed in advance by PBA on behalf of the LPA with the following principles agreed for the impact assessment:
- The assessment should focus upon the additional floorspace which is to be provided above and beyond the existing retail floorspace at the Sainsbury's store;
  - The study area in the Town Centre Floorspace Needs Assessment ('TCFNA') prepared by PBA for LBB is an appropriate basis for the financial impact assessment, with zones 9 and 11 of that area forming the primary catchment;

- The turnover of the additional floorspace should be based upon a level which is 50% of the Sainsbury's published company average;
- The retail assessment should consider the possibility that all of the 951sq m of Class A1/2/3/4 and D1/2 could be occupied by all Class A1 retailers (although it is acknowledged that this is not the intention);
- The main retail commitment to be taken into account in the impact assessment is the Brent Cross Cricklewood regeneration scheme;
- The seven 'town centres' listed in the AY scoping note are agreed as being the main centres for the impact assessment, others have been included as appropriate.

5.17 The RIA sets out that almost all of the uplift in retail sales floorspace in the Sainsbury's store will be convenience goods floorspace. However, in terms of the assessment undertaken, the flexible use commercial floorspace provides the possibility that the non-supermarket retail floorspace could all revert to A1 use and sell a combination of either comparison and/or convenience goods. The RIA therefore considered the following scenarios:

<b>Scenario</b>	<b>Convenience goods floorspace</b>	<b>Comparison goods floorspace</b>
Sainsbury's extension + all of non-supermarket floorspace (951sq m) trading as convenience goods	1,337sq m net <sup>11</sup>	
Sainsbury's extension + all of non-supermarket floorspace (951sq m) trading as comparison goods sales	576sq m net	761sq m net

5.18 The scenarios outlined above represent the 'worst case' impact and as such PBA agreed that they represent a robust basis for assessment.

5.19 In the agreeing the scope of the initial RIA document, PBA had queried the proposed impact year of 2026 as this was beyond the five years set out in the PPG. The submitted RIA provides justification for the use of 2026 with reference to the build out period of the scheme which was accepted by PBA. Furthermore, in the interests of robustness the RIA includes assessment using the impact year of 2024 (Tables 13-

15 (Appendix 4)) to provide additional comfort in the scope of the document. On numerous other points relating to the methodology including sales density and sales efficiency, PBA were satisfied that the approach adopted within the RIA was reasonable.

- 5.20 The results of the impact assessment indicate that the worst-case scenario tested would generate an annual turnover of £12.5m which would result in the impact on most existing stores and centres being under 1%. The largest impacts on existing facilities will be at around 3% at Grahame Park, Burnt Oak, Colindale, the large ASDA store at Colindale, the Tesco and Lidl stores in Cricklewood and the Morrisons at Colindale.
- 5.21 Based on the above, the RIA sets out that there is no evidence to suggest that the modest increase in convenience goods floorspace at the application site is likely to have a significant adverse impact upon the health of nearby town centres. The document goes on to state that whilst all nearby centres have a reasonable convenience goods retailer presence, none of these centres is particularly reliant upon a convenience goods store for its health.
- 5.22 In assessing the results of the impact assessment, PBA have identified that the greatest impact of 3.2% would be at Colindale district centre. PBA consider that the higher percentage impact derives from the poor performance of the centre as identified within the TCFNA. PBA outline that, at 3.2%, the scale of the impact is such that it cannot be considered to qualify as significantly adverse.
- 5.23 In relation to the seven centres within the primary catchment area, the TCNFA found that for the six in LB Barnet, although Cricklewood was performing well, Hendon Central was performing good to moderately well and Burnt Oak was performing moderately, the other three centres (Colindale, Grahame Park and West Hendon) were underperforming. Whilst PBA identify that little analysis is provided within the RA about how the anticipated diversion may impact on these centres beyond the quantitative assessment, in the context of the TCNFA's findings, PBA did not consider the forecasts impacts to be significantly adverse in the context of the paragraph 89 of the NPPF.
- 5.24 The RIA goes on to consider that impact of the scenarios tested on town centre investment, as required by paragraph 89 of the NPPF. The RIA sets out that research undertaken to underpin the document to establish whether there are any planned or committed public and/or private sector investment projects did not identify any salient projects which are likely to be materially affected by the proposed development at Silk Park.

- 5.25 In relation to existing investment in defined 'town centres', the RIA sets out that this primarily relates to whether the proposed development will affect investor confidence in nearby centres with existing investors including retailers, landlords and other businesses. The RIA concludes that the financial impact analysis has confirmed that the likely financial impact upon convenience and comparison goods businesses in surrounding defined 'town centres' will be very low and therefore it is entirely reasonable to conclude that it is unlikely that the direct impact of the proposed retail space will be significantly adverse.
- 5.26 PBA concurred with the findings set out within the RIA in relation to town centre investment impact and in relation to the seven centres considered in the sequential work, the TCNFA, while identifying opportunity sites in Burnt Oak (Watling Avenue car park and market) and Hendon Central (former garage site), does not identify any committed investment which would be impacted by the proposed development. PBA go on to state that the existence of opportunity sites does not equate to planned investment which is well established through case law and appeal decisions. PBA conclude, in full agreement with the RIA, that there would be no impact on existing, committed or planned investment in the centres within the catchment area of the proposed development.

### Conclusion

- 5.27 As an out-of-centre retail development, the proposed development must satisfy the key sequential and impact tests as set out in the NPPF at paragraphs 86, 87, 89 and 90. Having reviewed the RIA, PBA clearly conclude that the proposed development complies with the sequential approach to site selection (paragraphs 86 and 87, and Local Plan policy DM11) and would not give rise to significant adverse impacts under the tests set out at paragraph 89 of the NPPF. PBA therefore advise that the proposed development is not in breach of paragraph 90 of the NPPF which directs refusal if either one of those tests are not satisfied.
- 5.28 PBA also recommend that a condition is imposed to restrict the total net sales area of the replacement Sainsbury's store to 4,028 sqm, which is attached accordingly. The RIA has tested the impact of all the flexible commercial floorspace being occupied as A1 retail (whether convenience or comparison) and PBA agree with the applicant's conclusion that this impact is not significantly adverse and such they have advised that there is no need to impose any condition to restrict the proportion in terms of comparison or convenience or amount of retail floorspace in these units, other than it not exceeding the 951 sqm (gross) set out in the description of development.



5.29 Having regard to all of the above it is clear that, whilst the development is located in an out on centre location and would entail the intensification of retail/town centre uses; it has been clearly demonstrated that the development is compliant with the requisite sequential assessment as set out within the NPPF and would also not result in a significantly adverse impact on any of the local town centres. In this respect, officers consider that the intensification of the retail/town centre uses is acceptable. It is also important to note that the GLA stage 1 response agrees with the conclusions of the RIA.

#### **Principle of Mixed Use Development (including Residential)**

5.30 Having established that the retail element of the application is acceptable, it is also pertinent to consider that acceptability of the redevelopment of the site to provide a mixed-use development including residential. The application site is currently occupied by a retail supermarket with a large expanse of ground level car parking and the proposed development would seek to optimise the use of the land by providing a more efficient mix including a replacement retail store and 1309 residential units.

5.31 The development site represents an undesignated brownfield site within a sustainable location. Paragraph 121 of the NPPF states that “LPAs should take a positive approach to applications for alternative uses of land which are currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.” Paragraph 121 goes on to support proposals to “use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres.”

5.32 It is therefore clear that the proposed development is accordant with strategic policies at a local, regional and national level in respect of the proposed mixed use.

#### **Loss of Petrol Filling Station (PFS)**

5.33 Pursuant to the consultation exercise undertaken, numerous responses were received from neighbouring occupiers objecting to the loss of the PFS associated with the existing use. It is important to note that there are no planning policies which protect such a use within the borough and its loss is acceptable in policy terms. The traffic and movement impacts associated with the loss of the PFS are considered within the Transport Statement and assessed within the relevant section of this report.

## 6.0 Residential Density

- 6.1 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 6.2 It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states *inter alia* that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 6.3 The application site is best described as ‘urban’ defined within the London Plan as “areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes”
- 6.5 The density of the proposed development across all phases would equate to 354 dwellings per hectare or 899 habitable rooms per hectare. The optimum density range for a site such as this as set out within the London Plan density matrix (London Plan – Table 3.2) would be between 45 and 170 units per hectare. The proposed density is therefore in excess of this optimum range. In terms of the Draft London Plan, it is stated that proposals exceeding 350 units per hectare require further design scrutiny.
- 6.8 Notwithstanding the exceedance of the optimum density range set out above, the London Plan Housing SPG sets out that development which exceeds the density ranges will not necessarily be considered unacceptable, but will require particularly clear demonstration of exceptional circumstances and a sensitive balance must be struck. The document goes on to state *inter alia* that where proposals are made for developments above the relevant density range they must be tested rigorously, taking particular account of not just factors such as dwelling mix, design and quality, physical access to services and the contribution of the scheme towards ‘place shaping’.

- 6.9 Whilst still an emerging document, Policies D1, D1A and D1B of the draft London Plan also place a greater emphasis on a design-led approach being taken to optimising the development capacity of a particular site and to make the best use of land, whilst also considering the range of factors set out in the preceding paragraph. Policy D2 of the emerging draft London Plan requires additional design scrutiny of schemes which exceed the optimum density ranges. The application is therefore consistent with the draft London Plan policies on density and design, and has been subject to the requisite additional design scrutiny.
- 6.9 In this case, the application site has been subject to a design-led approach to optimise the potential of the site with cognisance of the factors outlined above. Whilst full assessment is set out within the relevant sections of this report, in all respects officers consider that the scheme delivers a high-quality development which fully justifies an increased density. The London Plan also outlines that the density matrix should not be applied mechanistically and in this case it is considered that, notwithstanding the proposed density being in excess of the optimum range, it is appropriate for the site and in accordance with Policy 3.4 of the London Plan.
- 6.10 Numerous responses have been received through the consultation exercise objecting to the application on the basis of the excessive density, particularly in light of the cumulative impact with the emerging development to the north at Colindale Telephone Exchange and Rushgroves. In this respect, it is appropriate that the density of the scheme is assessed on its own merits in accordance with the preceding paragraphs of this report. In terms of the cumulative impact of the development with other emerging schemes; the manifestation of the cumulative impacts are assessed within the relevant sections of this report. The impacts of the development are mitigated as necessary through the S106 agreement.

## **7.0 Residential Standards and Living Quality**

- 7.1 A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD and CAAP policy 5.2.

### Dwelling Mix

- 7.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.
- 7.3 The development proposes 1309 residential units across all phases with the following mix of units:

<b>Unit Size</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total</b>
Studio	69	56	125 (10%)
1 bedroom	312	191	503 (38%)
2 bedroom	283	259	542 (41%)
3 bedroom	106	33	139 (11%)
Total	770	539	1309

- 7.4 It is considered that the scheme comprises a good mix of housing types and sizes, including a good level of larger family sized units. Whilst there is a large proportion of 1 and 2 bedroom units, this is considered to be appropriate given the site's characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan.

### Residential Space Standards

- 7.5 Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is set out in the table below, which shows the areas relevant to the units proposed within the development:

	<b>Dwelling Type (bedrooms/persons)</b>	<b>Minimum Internal Floorspace (square metres)</b>
<b>Flats</b>	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
<b>Houses</b>	3 bed (5 persons)	86

- 7.6 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.

### Wheelchair Housing

- 7.7 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan policy 3.8.
- 7.8 The applicant’s Planning Statement sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units. It should also be noted that all units would be provided in line with Lifetime Homes standards.

Amenity Space

- 7.9 Barnet’s Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in the table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
For Flats: 5m2 of space per habitable room	Minor, major and large scale
For Houses: 40m2 of space for up to four habitable rooms 55m2 of space for up to five habitable rooms 70m2 of space for up to six habitable rooms 85m2 of space for up to seven or more habitable rooms	Minor, major and large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

- 7.10 The development proposes a mix of private and communal amenity areas. Communal amenity space would be provided for the residents of the development through roof terraces, communal gardens at podium level in Phase 1 and within the new public park. Private amenity spaces would be provided through external balconies to each of the units.

- 7.11 The new public park which is located at the centre of the development site provides 7,700 sqm of publicly accessible open green space. This would also serve as communal amenity space for residents of Phase 2 which is considered to be appropriate given its location, size and quality.
- 7.12 Some objections were received relating to potential overshadowing of the public park area so it is important to note that overshadowing report confirms that the park receives very good levels of sunlight throughout the year. This is expanded upon and assessed explicitly within the relevant section of this report relating to daylight/sunlight and overshadowing.

### Children's Play Space

- 7.13 London Plan Policy 3. 6 and draft London Plan Policy S4 require development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and draft London Plan Policy S4 expect a minimum of 10 sq.m. per child to be provided in new developments.
- 7.14 The child yield/playspace calculator was updated in June 2019, and in October 2019, and based on the updated calculator the development would be required to provide 5,398 sqm with the development providing a total of 2,433 sqm of playspace. Given the scale of the requirement generated from the updated GLA character, it is considered that in order to achieve quantitative compliance with the playspace requirement would likely require most of the open space within the development being given over to playspace. Such a scenario would not be conducive to providing a high-quality development in respect of all of the other functional requirements
- 7.15 It is considered in qualitative terms, the playspace on site would be of a high quality and would be adequate in terms of providing for the younger age groups. For the older age groups, West Hendon Playing Fields are located a short walk from the site and a wayfinding strategy to the fields would be secured through the S106. It is also important to note that all of the on-site playspace would be open to all residents and not segregated by tenure.

### Privacy

- 7.16 Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

- 7.17 Within Phase 1 of the development, the windows within the internal east and west facing elevations of blocks B1 to B8 within Phase 1 are those which would have the most sensitive adjacencies and the separation distance between these windows would fall below the recommended 21 metre minimum separation distance as set out within the Barnet SPG on Sustainable Design and Construction, at 20 metres. Given the marginal nature of the shortfall it is considered that the relationship between the facing windows would not give rise to any undue loss of privacy through mutual overlooking. All of the other windows within Phase 1 would enjoy SPD compliant separation distances from closest adjacent windows.
- 7.18 Within Phase 2, the closest facing windows would be between Blocks B5 (Phase 1) and B9; between B11 and B10; and between B10 and B9 with separation distances of approximately 20 metres in all cases. Again, given the marginal nature of the shortfall below the SPD recommended minimum distance it is considered that there would no undue loss of privacy through mutual overlooking. This is especially so in the case of B11/B10 and B10/B9 given the offset relationship between the two facing elevations. All of the other windows within Phase 2 would enjoy SPD compliant separation distances from closest adjacent windows.

#### Outlook

- 7.19 In terms of outlook, as set out above the windows within the internal east and west facing elevations of blocks B1 to B8 within Phase 1 are those which would have the most sensitive adjacencies within the development with separation distances of 20 metres. The outlook from these windows, especially those within the lower floors would be opposite the facing elevation of the respective block opposite. Again, given the marginal nature of the shortfall below the SPD recommended minimum distance it is considered that there would no undue loss of outlook or undue creation of a sense of enclosure.
- 7.20 Within Phase 2, the closest separation distances from habitable windows would be between Blocks B5 (Phase 1) and B9; between B11 and B10; and between B10 and B9 with separation distances of approximately 20 metres in all cases. In addition to the distance being considered adequate to ensure that there would be no undue loss of outlook, all of the residential units in question are dual aspect with the windows subject to the 20 metre separation distance being located on secondary elevations. All of the other windows within Phase 2 would enjoy good outlook.

#### Daylight/Sunlight and Overshadowing

- 7.21 A 'Light Within' assessment from GIA surveyors was submitted in support of the application which assesses whether the development would provide residential accommodation considered acceptable in terms of daylight and sunlight, as well as communal amenity areas that would not be unduly overshadowed.
- 7.22 In terms of daylight, the relevant assessment criterion is the Average Daylight Factor (ADF) as recommended by the BRE. In terms of ADF, 2,874 of the 3,313 (87%) rooms would meet or exceed acceptable levels. By way of comparison, 76.7% of the windows within the neighbouring Colindale Telephone Exchange development (currently with a committee resolution to approve) were BRE compliant in terms of ADF. 87% is considered to be a good level of compliance in such an urban location, cognisant of the wider benefits of the scheme.
- 7.23 In terms of sunlight, the relevant assessment criterion is Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The GIA assessment concludes that 76% of the rooms facing within 90° of due south would meet or exceed BRE's recommended minimum levels for both APSH and WPSH. Again, this is considered to be a good level of compliance given the nature, location and characteristics of the scheme; especially in light of the 50% compliance that was considered acceptable in the adjacent Colindale Telephone Exchange development.
- 7.24 In terms of overshadowing, the relevant assessment relates to the communal amenity areas and the assessment criterion is set out in Section 3.3 of the BRE guidelines and states that "at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March".
- 7.25 As set out above, BRE guidelines recommend that in order for an area to be well sunlit throughout the year, at least 50% of the space should see two or more hours of direct sunlight on 21st March. The GIA assessment sets out that 63% of the overall open space provided within the development would receive direct sunlight for two hours or more on 21st March, in compliance with the guidelines.
- 7.26 Officers note that numerous responses were received as part of the consultation process, objecting to the application on the basis of unacceptable overshadowing of the central park area within Phase 2 of the development. With specific regard to the park, the GIA assessment sets out that 75% of its area will receive direct sunlight for



two or more hours on the equinox, exceeding BRE's recommendation of 50%. In this respect, it is therefore clear that the park would have potential for receiving good levels of sun on ground in full compliance with BRE guidelines.

- 7.27 Having regard to the above and on balance, cognisant of the site constraints and context, it is considered that the development would achieve good levels of daylight, sunlight and overshadowing compliance.

### Noise

- 7.28 In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Assessment (WYG – July 2019). A monitoring survey was undertaken in March 2019 to ascertain the baseline noise conditions and establish the main sources of ambient noise. The assessment then goes on to model the impact of the ambient noise on the future development, in combination with considering noise arising from the development itself during the works and operational phases.
- 7.29 Noise impacts arising from the works phase and assessed within the report, set out that levels of noise at the façades of the noise sensitive properties tested would be within the recommended criteria. In addition, any permission would be subject to conditions requiring a construction management plan to ensure potential noise and disruption is minimised whilst construction operations would also be subject to a restriction on hours.
- 7.30 In terms of the noise impacts on the future development, the report concludes that the development is not expected to have an adverse impact on health or quality of life in respect of noise. This conclusion is predicated on a scheme of mitigation including a glazing and ventilation strategy which achieves both ventilation and ensures internal ambient noise level requirements are within the acceptable range.
- 7.31 The noise assessment has been reviewed by the Council's Environmental Health officer who had no objections to the application subject to relevant conditions being attached.

### Agent of Change

- 7.32 In addition to the noise impacts of the proposed development, it is also necessary to consider whether the introduction of the residential element of the development would represent an 'agent of change' in respect of the proximity to the neighbouring Garrick Road Industrial Estate. Whilst not yet adopted, Draft London Plan Policy D12

is relevant in this regard and requires that the applicant demonstrates that there would be sufficient mitigation measures in place to ensure that: i) the proposed combination of future employment and residential uses at the site would successfully coexist as part of the proposed co-location; and, ii) surrounding businesses/industrial areas would not be compromised by the proposed development in terms of their function, access, servicing and hours of operation.

7.33 Representations were received from the adjoining landowner relating to such matters and the applicant subsequently made representation acknowledging the development's status as an 'agent of change'. Conditions would be in place to mitigate any potential harm to the amenity of future occupiers and officers are satisfied that the co-existence of the adjacent sites would not be unduly harmful to residents.

## 8.0 Affordable Housing

8.1 London Plan 2016 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

8.2 The current application is referable to the GLA and as such the Mayors Affordable Housing and Viability SPG is relevant. The SPG sets out a 'fast track' viability route whereby no viability appraisal is required if a development provides a level of 35% affordable housing (calculated by habitable room).

8.3 The proposed development proposes the following affordable mix:

Tenure	No of Homes	Hab Rooms	% by Hab Rooms	% by Units
London Affordable Rent	101	343	35%	33%
London Living Rent	56	816		
Shared Ownership	243			
Intermediate Rent	30			
<b>TOTAL AFFORDABLE</b>	<b>430</b>	<b>1159</b>	<b>35%</b>	<b>33%</b>

8.4 It should be noted that Mayor's Affordable Housing SPG outlines that affordable housing should be provided on the basis of 30% at low cost rent, 30% an intermediate product and 40% at the discretion of the LPA. In this case, the mix

accords with this mix and includes a range of products, including a good number of family sized London Affordable Rented homes for which there is the greatest demand in this part of the borough. The raison d'être of affordable housing policies is to maximise the amount of affordable housing secured from residential developments and in this case, adjusting the tenure split allows the scheme to maximise its affordable housing delivery.

8.5 Whilst in line with the Mayor's SPG and qualified for the 'fast track' approach, the scheme is still below the local target of 40% as set out within Policy CS4 of Barnet's Local Plan. It is however acknowledged that for fast track schemes, applicants are not required to submit viability information and will only be subject to an early review if the agreed level of progress is not made in a two-year time frame. It should also be noted that the GLA indicated support for the affordable housing proposals within the Stage 1 response.

8.6 Having regard to all of the above, officers consider that the 35% of the habitable rooms being provided as affordable is acceptable and is a significant benefit to the scheme which must weigh heavily in favour of the application in the context of the holistic assessment.

## 9.0 Design, Appearance and Visual Impact

9.1 The proposes 11 blocks across 2 phases with varying heights and forms. The following table summarises the heights of each of the blocks across both phases.

<b>Building</b>	<b>Height (Storeys)</b>
Block 1	12
Block 2	13
Block 3	11
Block 4	18
Block 5	17
Block 6	13
Block 7	13
Block 8	20
Block 9	16
Block 10	18
Block 11	28
Block 12	4

9.2 As is clear from the table above, all but one of the blocks would constitute a tall building for the purposes of assessment, with the Barnet Local Plan defining a tall building as one which is 8 storeys or above. The height of the proposed buildings

therefore necessarily dictates that a full tall buildings assessment of the application must be undertaken.

### Tall Building Assessment

- 9.3 London Plan Policy 7.7 sets out the approach to tall buildings in London requiring that appropriate locations are identified in Local Plan's. The policy sets out design criteria that tall buildings should comply with. Further to this, London Plan paragraph 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline. A similar approach is taken in DLP Policy D9 which requires proposals to address visual, functional, environmental and cumulative impacts associated with tall buildings.
- 9.4 Core Strategy Policy CS5 of the Barnet Core Strategy identifies those areas of the borough where tall buildings will be suitable. These include the nearby Regeneration Areas at Brent Cross and Colindale, but not the application site itself. The application therefore represents a departure from development plan policy and it should be noted that it was advertised as such as part of the consultation exercise.
- 9.5 Notwithstanding the departure from the development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that all applications must be determined in accordance with the development plan, unless material planning considerations dictate otherwise. The key consideration is therefore whether material planning considerations exist which justify the tall buildings in this location. In this case, officers consider that the principle of tall buildings at this location is acceptable for a number of reasons.
- 9.6 Most pertinently, is the emerging context within which the application site is located. To the north of the site is the Colindale Telephone Exchange site for which there is a resolution to approve from LBB planning committee. This development would rise to a maximum of 17 storeys at its maximum height with other building heights ranging between 3 and 12 storeys. Further to the north of the Colindale Telephone Exchange site is the former Homebase site, currently being built out as 'The Rushgroves' which rises to a maximum of 14 storeys. Notwithstanding its location outside of the identified strategic tall building locations, it is therefore clear that the character of surrounding area has been subject to a fundamental change in terms of the prevailing architectural typologies and in terms of the scale of development.

- 9.7 The proposed development, albeit larger in height and scale, in this case would be complimentary to the taller emerging character of the surrounding area. Further to the south west of the application site is the Hendon Waterside development (formerly West Hendon Estate) which rises to a maximum height of 28 storeys. Whilst the West Hendon Estate is identified as an appropriate location for tall buildings, in terms of its relationship to the A5 corridor and its relationship to natural resources (Welsh Harp and Silk Stream) the site shares many commonalties with the application site in question.
- 9.8 The image below, extracted from the applicant's Design and Access Statement (DAS) shows the emerging context with the massing of the proposed development plotted (in purple tone).



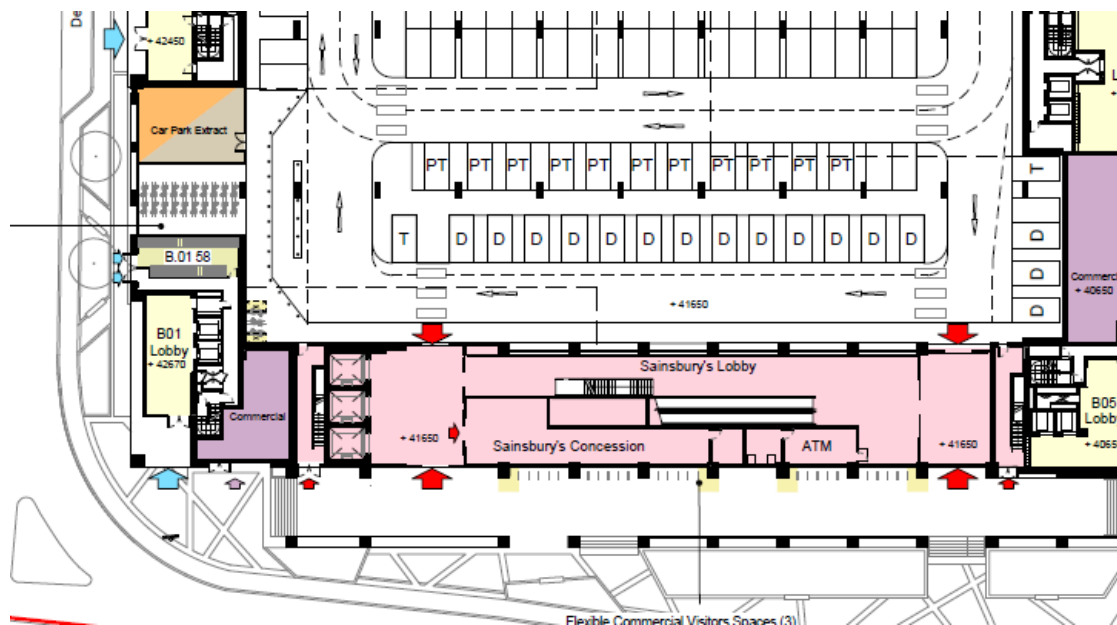
(image looking from NE to SW)

- 9.9 Whilst there is lower rise development in the wider context, as can be seen above the site itself lies between the A5 and the Silk Stream which provide an element of physical and visual separation from the lower rise development which lessens the extent to which they would be appreciated in the same context as the application site.
- 9.10 In light of the above, officers consider that the emerging context provides a material planning justification for a departure from Policy CS5 of the Core Strategy and that the principle of tall buildings is acceptable in this location. It is also important to note that the GLA are fully supportive of the principle of tall buildings in this location (para 36 of Stage 1 response).

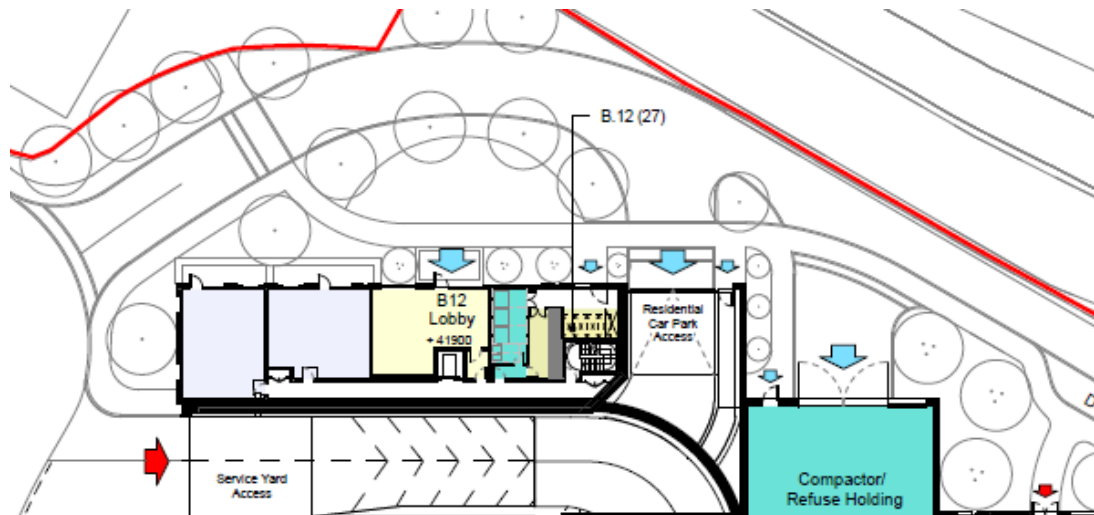
9.11 Having established the acceptability of the principle of tall buildings in this location, it is also necessary to carry out further assessment in respect of Policy DM05 of the Local Plan which identifies 5 criteria which tall buildings would adhere to. These criteria are set out below with an assessment of the application against each criterion.

i) An active street frontage

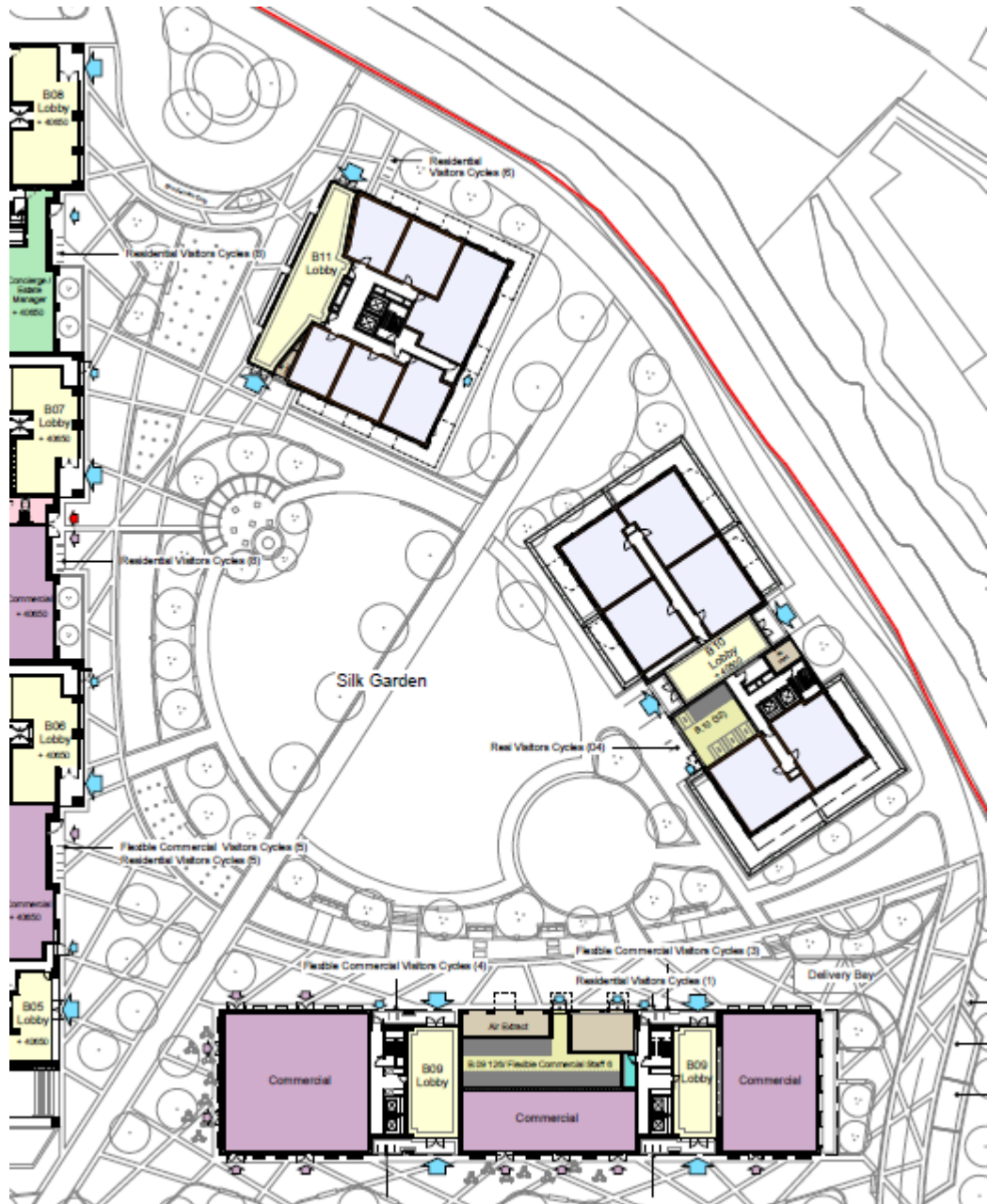
9.12 Within Phase 1, the proposed Sainsburys store would create a high quality active frontage to the A5 incorporating a colonnade (shown in the image below). To the Hyde Estate Road elevation, the scheme has been designed to 'wrap' the supermarket and to avoid the creation of a long dead frontage to this elevation. Entrances to residential cores would be located along this north elevation, providing an active street frontage and activating this hitherto poorly activated road.



9.13 To the silk stream frontage of Phase 1 would be the residential entrance to B12 along with residential entrances to two adjacent maisonettes which would also include some defensible space to the front; all providing an active frontage.



9.14 Within Phase 2, the A5 frontage at ground floor level would accommodate 3 flexible use commercial spaces along with the entrances to the residential cores, ensuring that the development provides an active and welcoming frontage to the busy A5 corridor. Within the development itself, the development also proposes active frontages surrounding the publicly accessible Silk Park ensuring that it would be an active and welcoming environment. This is clearly shown on the image below.



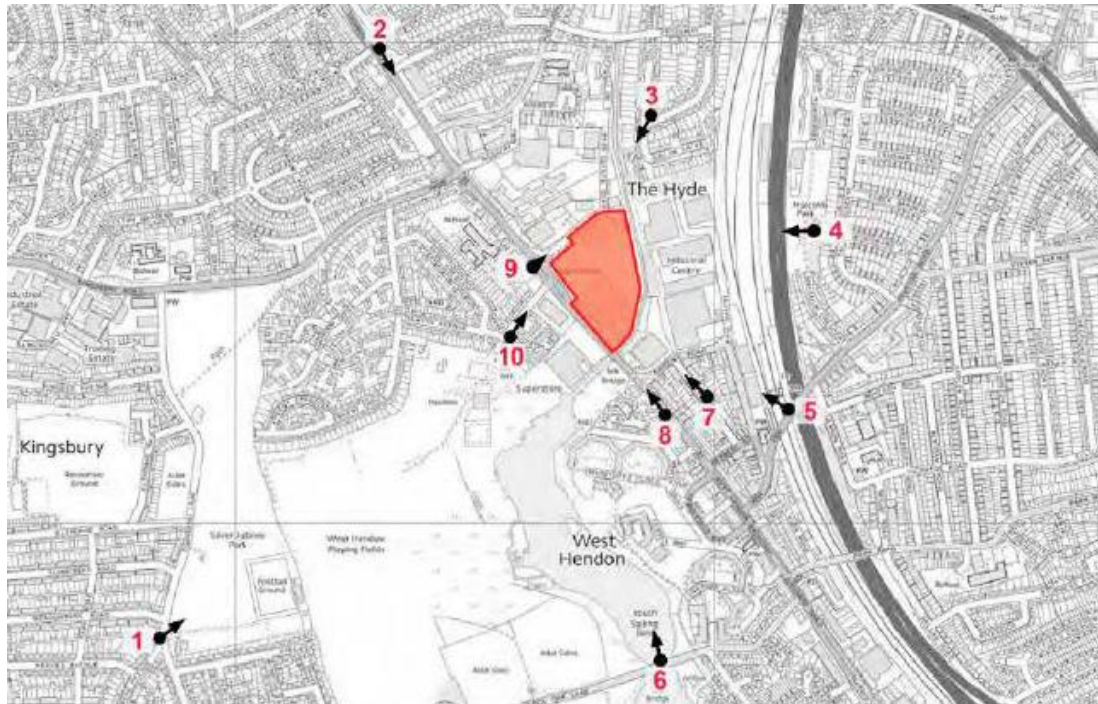
ii) Successful integration into the urban fabric

9.15 As set out in the preceding section of this report, the area surrounding the application site is undergoing a major change in terms of the scale of development and in respect of emerging developments to the north and further afield at Hendon Waterside. Whilst it has already been set out that this provides justification for the tall buildings in principle, in order to fully assess compliance with criterion (ii) it would be necessary to undertake a detailed assessment of the proposed heights and the extent to which they integrate with the surrounding context.

9.16 In order to allow for such an assessment to be undertaken by the LPA, the applicant has provided a Townscape and Visual Impact Assessment (TVIA) within the ES



(Volume 2 Part 1 – Townscape and Visual Effects). In order to ascertain the scope such an assessment, a number of viewpoints were agreed between the applicant and the LPA. These viewpoints are represented in the image below.



- 9.17 View 1 is taken from Townend Lane/Meadowbank Road to the west of the site looking east. The view currently consists of a view out over West Hendon Playing Fields. In this view, it is important to note the emerging Hendon Waterside scheme which is consented along with the Colindale Telephone Exchange for which there is a resolution to approve from both LBB and the Mayor. Both of these schemes are plotted on the image below to allow for consideration of the cumulative impact.



View 1

- 9.18 It is clear that the proposed development (plotted in blue), whilst visible, would be less dominant on the skyline than the Hendon Waterside development and in terms of the perception of scale would provide a transition between the Telephone Exchange and Hendon Waterside (which is the same height as Block B11 but looms larger in this view due its closer proximity). The change to this view attributable to the proposed development is considered agreed to be minor beneficial
- 9.19 View 2 is taken from Edgware Road, opposite Springfield Mount looking south. The massing of Hyde House is dominant in this view and would ensure that only the top of building B11 would be visible to the left of Hyde House and at a lower height, significantly reducing its visual impact. The change to this view is considered agreed to be neutral.



View 2

- 9.20 View 3 is taken from Colin Crescent to the north east of the site looking south towards the site. Within the view, buildings B4, B8 and B11 are visible in the gap between the low rise residential properties with an appreciable difference in scale. In the proposed view, the top of part of the Telephone Exchange development would also present above the residential properties. The change to this view as a result of the proposed development is considered to be result in adverse effects.



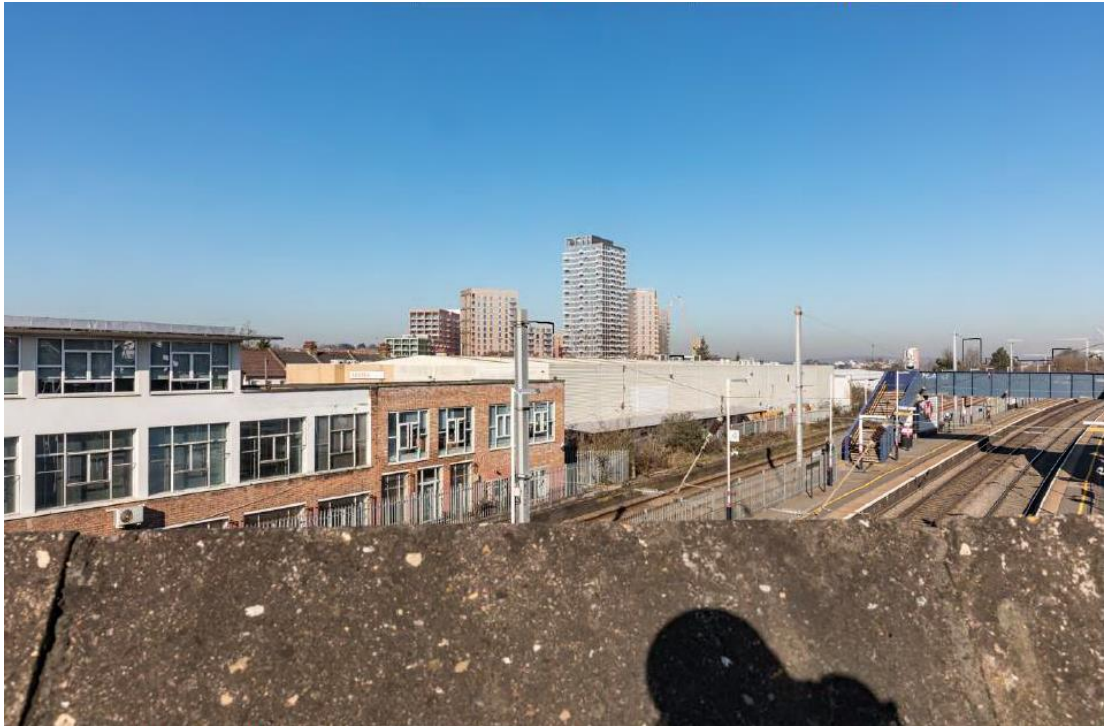
View 3

- 9.21 View 4 is taken from Malcolm Park to the east of the application site and looking west. The view looks out across the park directly at the application site and as such buildings B4, B8, B11 and B10 would present clearly and centrally. Whilst it is clear that the magnitude of the change would be significant, the development would be clearly viewed in the context of the emerging Telephone Exchange development to the right of the view which would enhance its congruence. The clear visibility of the scheme in this view would also clearly enhance the legibility of the surroundings and would allow for the aesthetic and architectural quality of the scheme to be fully appreciated. The change to this view as a result of the proposed development is therefore considered agreed to be beneficial.



View 4

- 9.22 View 5 is taken from Station Road, adjacent to Hendon Station looking north west towards the site. Blocks B11, B10 and B9 are most prominent in this view above the low rise industrial units adjacent to the station. Again whilst it is clear that the magnitude of the change would be significant, the development would significantly aid legibility within the area and would promote enhanced connectivity by providing a clear and legible connection between the application site (along with adjacent sites) and the station. Again, the aesthetic and architectural quality of the scheme would be fully appreciable in this view. The change to this view as a result of the proposed development is therefore considered agreed to result in minor beneficial effects.



View 5

- 9.23 View 6 is taken from the Welsh Harp Bridge looking north east towards the site, beyond the Hendon Waterside development. Given the scale and massing of the Hendon Waterside development, the development would only be marginally visible and it is agreed would have a negligible neutral effect.



View 6

9.24 View 7 is taken from Russell Road to the south of the site looking north. Russell Road comprises of two storey terraced properties to either side of the road and blocks B11, B10 and B9 would present clearly and dominantly at the end of the linear view. The magnitude of the change is significant and the different height and scale is readily apparent. Again, the high aesthetic and architectural quality of the development would be clearly appreciable in this view, especially that of B11. The effect of the proposed development on this view is therefore considered minor adverse.



View 7

9.25 View 8 is taken from outside of no's 256-261 West Hendon Broadway to the south of the site looking north at the site. Blocks B9, B10 and B11 would be clearly visible in this view above the two-storey height of the terrace to the east of the road, whilst the magnitude of the change is significant, it is considered that the development in this view would provide significant benefit in terms of legibility. The scheme was designed with a well-considered and deliberate height strategy which located the highest part of the development (B11) adjacent to the Silk Stream with lower elements tapering down to the A5. This would clearly draw one in to the site, utilising the new route along the Silk Stream with B11 acting as a marker. This would add significant benefit to the legibility of this part of the borough. The change associated with the proposed development in this view is therefore considered to have a neutral effect.



View 8

- 9.26 View 9 is taken from the junction of Edgware Road / Hyde Estate Road looking east down Hyde Estate Road. The existing view comprises of the surface car park area of the existing Sainsburys store and as such the magnitude of any change in this view would be necessarily significant given the undeveloped nature of the baseline view. Blocks B1-B4 are highly visible in this view and the high quality and distinctive architecture can be clearly appreciated. The massing of the development would give a hard edge to Hyde Estate Road, which when combined with the active frontages, would serve to activate the road and integrate the development with its surroundings. It is considered that the change associated with the proposed development in this view therefore represents a minor beneficial effect.





View 9

- 9.27 View 10 is taken from Goldsmith Avenue / Gadsbury Close to the west of the site looking east. Goldsmith Avenue runs perpendicular to the A5 frontage of the development and would align with the proposed entrance to the Sainsburys store which would be visible as a marker at the end of the liner view, aiding legibility. Whilst Blocks B1, B5 and B9 would present clearly above the prevailing height of the low rise residential properties on Goldsmith Avenue, the heights of the buildings to the A5 frontage are restrained with the higher elements located towards the Silk Stream, with B11 visible in the background and again creating a focal point drawing one in towards the public park and Silk Stream. The disparity in scale is not so significant as to represent a major adverse impact and the benefits to legibility means that the effect is considered neutral in this view.



View 10

- 9.28 Based on the above, on balance, officers consider that the scheme successfully integrates with the surrounding urban fabric in line with the requirements of criterion (ii). Where adverse effects are identified, these are not considered to be major adverse and are outweighed by the beneficial impacts of the scheme taken as a whole. This is most clearly evident in views 4, 5, 8 and 9. The height strategy of the development provides the 28-storey block B11 as a focal point adjacent to the Silk Stream which provides significant benefit to the legibility of the surrounding area, justifying its additional height.
- 9.29 It is also important to note that the GLA are supportive of the proposed building heights and massing and note within their Stage 1 response that the height strategy represents a sound approach in terms of optimising the development potential of the site and responding to the nature of the surrounding emerging context on and around the A5, particularly in light of nearby developments at Hendon Waterside and the Colindale Telephone Exchange.
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- 9.30 There are no local viewing corridors or strategic local views which would be impacted by the development. On a wider scale, the application site does fall within the backdrop of London View Management Framework (LVMF) viewpoint 6A.1 from Blackheath towards St Pauls. The applicant has therefore included a verified view

which indicates that a very small section of the top of B11 of the would appear to the right of St Paul's Cathedral, behind Hampstead Heath. The visibility of the development in this view would be almost imperceptible and as such is considered a neutral impact.

iv) Not cause harm to heritage assets and their setting

9.31 The application is not located within the vicinity of any conservation area, however there is a Grade II listed milestone located in the north-west corner of the site (as shown on map extract below). As a consequence, Historic England were consulted on the application.



9.32 The proposed development would not result in physical work to the listed milestone with the asset retained in situ. However, it is also necessary to consider the impact of the development on the setting of the heritage asset and to this end the applicant submitted an addendum to the ES (ES Addendum Volume 1: Main Text and Figures) which considered the heritage impacts of the development.

9.33 It is concluded within the applicant's ES addendum that the heritage significance of the Grade II Listed Milestone is predicated on its age and use and highly specific roadside setting rather than its wider setting. As such, the applicant concludes that the existing and any future surroundings would have no bearing on the significance of the Grade II Listed Milestone. Officers consider that this conclusion is sound and concur that the development would cause no harm to the historic significance of the heritage asset. To this end, Historic England have responded to the consultation outlining no objection to the application.

- v) That the potential microclimate effect does not adversely affect existing levels of comfort in the public realm

9.34 As part of the ES addendum, the applicant also provided a chapter incorporating a wind microclimate assessment. The assessment takes account of baseline wind conditions then goes on to model wind conditions with the proposed development in situ.

9.35 The assessment undertaken ascertains that the prevailing winds at the site mainly blow from a south-westerly direction and following modelling found that the following areas would be considered as suitable only for fast walking, such as associated with business activities, during winter:

- Around the south corner of Block 09;
- Around the parking bays to the south-east of Block 09;
- In the passage between Blocks 09 and 05; and
- Around the west corner of the Podium Block.

9.36 As a result of the modelling, the wind microclimate assessment goes on to propose a number of mitigation measures as set out below in order to ameliorate the wind effects and ensure that pedestrian comfort levels would be within the acceptable range. The mitigation measures proposed are as follows:

- Semi-mature, deciduous trees, to be planted across the Site at heights ranging from 4 to 8m, with substantial retained solidity in winter (i.e. significant canopies with numerous branches);
- Semi-mature, deciduous trees, to be planted across the Podium Block and the roof terraces of Blocks 01, 02, 06, 07, 08 and 10, at heights ranging from 2.5 m to 6 m, with substantial retained solidity in winter (i.e. significant canopies with numerous branches);

- A 2.4 m high, 50% porous, screen extending 3.3 m out from the south corner of Block 09;
- Hedges around private spaces along the podium-level frontages of Blocks 01 to 08 and the ground-level frontages of Blocks 10 and 11, and across the Podium Block gardens, approximately 1.1 m in height;
- Planters, with tall shrubs (up to approximately 1.0 m in height), along the south-west and south-east sides of Block 09;
- A 'pergola-type' structure, approximately 3.0 m high (with approximately 2.0 m wide by 2.2 m high openings through approximately 50% porous screens at each end) across the passage between Blocks 04 and 08;
- A gated screen across the passage between Blocks 01 and 05, approximately 3.0 m in height and 50% porous;
- Dividing screens between the private spaces along the podium-level frontages of Blocks 01 to 08 and the ground-level frontages of Blocks 10 and 11, approximately 1.5 m in height and 50% porous;
- Side screens extending out (to the depth of the adjacent private spaces) on either side of the main podium-level entrances for each Block, approximately 1.8 m in height and 25% to 50% porous;
- The relocation of the entrance to Block 05 further along the frontage, away from the south corner of the Podium Block.

9.37 Wind modelling undertaken predicated on the aforementioned mitigation being incorporated into the development wind conditions across the site and the immediate surrounding area would remain rated as safe for all users. Whilst the assessment also identifies some areas which would be unsuitable for outdoor seating, these areas would still experience tolerable pedestrian comfort conditions and would be suitable for their use.

9.38 On balance, it is considered that the development would not have an unacceptably detrimental impact in terms of wind conditions in accordance with the requirements of the criterion. In order to secure the mitigation measures, a condition is attached.

#### CABE/English Heritage Advice on Tall Buildings

9.39 As well as the Barnet DMP – DPD outlined above, the London Plan and CABE set out criteria which tall buildings should adhere to. Most of these criteria are consistent those of Policy DMO5 and in this case officers also consider that the scheme is compliant with all criteria.

#### Layout

- 9.40 In terms of layout, the development proposes a grid like form within Phase 1 which successfully responds to the emerging form of development to the north. The layout of the development of the proposed development would include a civic form and presence to the A5 reflecting the civic nature of the land uses opposite. This is particularly expressed through the colonnade to the retail store entrance.
- 9.42 Within Phase 2, the development is located around the central public park area with the tallest element at block B11 forming a focal point which would act as a beacon, signifying the new public realm and activated Silk Stream walkway. The location of the tall building adjacent to the large expanse of open space is considered to be appropriate, allowing the tall building breathing space.
- 9.43 Overall, the proposed layout of the development would be coherent, would significantly benefit the legibility of the immediate vicinity and would contribute towards making the scheme a high quality mixed use development.

#### Design and Appearance

- 9.44 In terms of appearance, the facades of the podium block and Blocks 1 to 8 within Phase 1 would comprise a brick finish with banding details located horizontally between dwellings on each floor. There would be slight variations across the blocks in terms of the shade of brick finish whilst attached metal balconies would also be incorporated. The western face of the Podium Block will comprise a high-quality white/light grey brick retail colonnade whilst to the northern elevation, the gaps between buildings accommodating the podium gardens would include architectural frames which would add interest to the elevation.
- 9.45 Within Phase 2, Blocks 9, 10 and 11 are situated would have some commonalities with the aesthetic of Phase 1 however would each introduce a distinct character to each block, mainly expressed through colour tone and materiality. Block 9 would incorporate a green glazed brick, reflecting its more natural surroundings whilst Block 10 would reflect the colour tone of Phase 1. Block 11 would have a distinctive character with a characterful, playful balcony and metallic banding design.
- 9.46 The range of proposed materials is considered to be acceptable however a condition is attached requiring the submission of the final external materials along with architectural detailing for approval by the LPA.

#### Conclusion

9.47 Having regard to all of the above, officers consider that the principle of a tall building in this location is acceptable. Whilst the application site is not identified as a strategic tall buildings location within Policy CS5, there are material circumstances which justify a departure from policy in this regard. The proposed scale and massing of the development is acceptable and would ensure integrate into the surrounding urban fabric. Officers also consider that the scheme is of a high design quality and is in general accordance with London Plan Policy 7.7 and Barnet Policy DM01.

## 10.0 Amenity Impact on Neighbouring Properties

### Daylight

10.1 The applicant has submitted a Daylight/Sunlight report within the ES (Chapter 13 – Volume 1) which is inclusive of a full daylight assessment. The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.

10.2 In line with BRE guidelines, it is only necessary to carry out the VSC assessment on a neighbouring window if a 25-degree line drawn from the centre of the window would subtend the facing elevation of the subject development. In this case, the report identifies the following neighbouring properties as necessitating the additional assessment:

- 11-13 Gadsbury
- 115 Goldsmith
- 98-108 Goldsmith
- Abertillery

10.3 In light of the above, officers consider that both the scope and the methodology of the daylight assessment was appropriate. Having undertaken the assessment, the report demonstrates the following results.

Property	Daylight (VSC)
11-13 Gadsbury	3/8 windows in compliance
Abertillery Court	12/15 windows in compliance
98-108 Goldsmith	38/40 windows in compliance

115 Goldsmith	5/5 windows in compliance
<b>TOTAL</b>	<b>58/68 windows in compliance (85%)</b>

10.4 The number of windows which fail the VSC assessment is relatively minor in the context of the number of windows assessed. With regards to the number of windows not in compliance, most of these only experience marginal failures.

10.5 In addition to the existing properties assessed, the report has also considered the daylight impact on the emerging Colindale Telephone Exchange scheme for which there is a committee resolution to approve. These results are set out below.

<b>Colindale Telephone Exchange Block</b>	<b>Daylight (VSC)</b>
A	266/266 windows in compliance
B & C	129/159 windows in compliance
D & E	112/159 windows in compliance
F & G	83/103 windows in compliance
H	53/53 windows in compliance
<b>TOTAL</b>	<b>643/740 windows in compliance (87%)</b>

10.6 Again, a compliance rate of 87% is considered to be very good cognisant of the scheme characteristics and urban location. Again, of the windows that fail most would only fail by a marginal amount with none experiencing a VSC loss of over 40%.

10.7 Having regard to the above, officers consider that the level of non-compliance with BRE guidelines is not significant in the context of the scale of the development and is far outweighed by the other significant benefits that the scheme would deliver.

Sunlight

10.8 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of



the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

- 10.9 The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”. In accordance with the BRE Guidelines the following properties were therefore assessed:
- 10.8 The sunlight assessment considered the same properties identified within the scope of the daylight assessment, again including the emerging Colindale Telephone Exchange scheme. Of the existing properties assessed, all windows (100%) achieved BRE compliance whilst within the Colindale Telephone Exchange only 4 windows out of 346 failed (99%). This level of compliance is excellent and demonstrates that the scheme would be fully acceptable from sunlight impact perspective.

#### Outlook

- 10.9 The site enjoys generous separation distances from the closest existing residential properties with 75 metres to the closest property on Gadsbury Close, 79 metres to Goldsmith Avenue and 98 metres to Alberrillery Court. In all cases, the most visible elements of the development would be B1 and B5 within Phase 1 with heights of 12 and 17 storeys respectively. Given the separation distances involved, officers do not consider that these proposed heights would have an unacceptable impact on the outlook from any of the windows within each property.
- 10.10 As well as the closest existing residential properties, it is also pertinent to consider the potential impact on the outlook from the emerging Colindale Telephone Exchange development. The south elevation of Phase 1 of the Telephone Exchange would enjoy a distance of approximately 125 metres which is considered more than adequate to ensure that there would be no unacceptable impact on the outlook from the south facing windows.

#### Privacy

- 10.11 As set out above, the application site enjoys generous separation distances from the closest existing and emerging residential units and as such there would be little or no impact to surrounding occupiers in terms of privacy.

#### Conclusion

10.12 It is clear from the above that the application would be fully compliant with Policy DM01 in terms of impact on residential amenity and would not result in any unacceptable harm to the living conditions of any surrounding occupiers.

## **11.0 Sustainability**

11.1 London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

11.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

11.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

11.4 With regards to the energy hierarchy set out within London Plan Policy 5.2, it is considered that the application is broadly in accordance. The application is accompanied by an Sustainability Statement which sets out that the energy efficiency measures and sustainable energy measures that would be incorporated within the scheme which are set out below in accordance with the hierarchy.

### Be Lean

11.5 In terms of the 'Be Lean' criterion of the hierarchy, the development would incorporate the following measures:

- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs;
- High-efficiency double-glazed windows throughout;
- Quality of build will be confirmed by achieving good air-tightness results throughout;
- Efficient-building services including high-efficiency mechanical ventilation and heat recovery systems;
- Low-energy lighting throughout the buildings.

### Be Clean

- 11.6 In terms of the 'Be Clean' criterion of the hierarchy, the feasibility of supplying decentralised energy to the development was explored by the applicant. A site-wide heat network, led by Air Source Heat Pumps (ASHP) and supplemented by gas boilers will serve all of the residential units and the Sainsbury's retail unit, providing a source of decentralised energy to future occupants and users of the Development.
- 11.7 The applicant also explored the potential for connection to a local heat network, however the Council currently do not have such a network in place nor is one planned in the short-term future. Nevertheless, in order that the development is not precluded from connecting one should it come forward in future, a condition is attached requiring a capped connection to enable such a connection to be feasible.

### Be Green

- 11.8 In terms of the 'Be Green' criterion, the applicant has explored opportunities to maximise LZC technologies and options reviewed in terms of their practical, financial and technical viability in relation to the development scheme. Following this, the applicant opted to utilise ASHPs as part of the energy strategy.

### Conclusion

- 11.9 Based on the energy assessment submitted, subsequently submitted details and inclusive of the all the measure outlined above, the scheme would deliver the following overall carbon dioxide emissions:

	Total residual regulated CO <sub>2</sub> emissions  (tonnes per annum)	Regulated CO <sub>2</sub> emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building regulations	1472		
Be Lean	1324	147	10%
Be Clean	1324	0	0%
Be Green	838	486	33%
<b>Total</b>		633	43%

- 11.10 The carbon dioxide savings of 43% exceed the on-site target set within Policy 5.2 of the London Plan. It should be noted that within the Stage 1 response, the GLA raised

numerous minor additional points, none of which affect the fundamental planning policy position with which the scheme is in compliance.

- 11.11 The development required to meet the zero-carbon target as the application was received by the Major on or after the 1st October 2016. The applicant is therefore required to mitigate the regulated CO2 emissions, through a contribution of £1,346,119 to the borough's offset fund. This contribution would be predicated on the formula set out within GLA guidance and would which would be secured through the Section 106.

#### Other Sustainability Issues

- 11.12 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.
- 11.13 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. A BREEAM pre-assessment is appended to the Sustainability Statement which confirms that the office floorspace could achieve a standard of 'Very Good'. If permission were to be granted, a condition would be attached to ensure that the development achieved this standard on implementation.

#### **12.0 Planning Obligations**

- 12.1 Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.
- 12.2 In accordance with development plan policies the following obligations are required to be secured through a legal agreement with the developer. If permission were granted it is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.

#### Affordable Housing

- 12.3 In accordance with policy 3.12 of the London Plan and Policies CS4, CS15 and DM10 of the Barnet Local Plan, officers recommend that the following number and mix of

affordable housing unit types and sizes are secured by S106 Agreement at the application site:

Tenure	No of Homes	Hab Rooms	% by Hab Rooms	% by Units
London Affordable Rent	101	343	35%	33%
London Living Rent	56	816		
Shared Ownership	243			
Intermediate Rent	30			
<b>TOTAL AFFORDABLE</b>	<b>430</b>	<b>1159</b>	<b>35%</b>	<b>33%</b>

- 12.4 Officers also recommend that an early stage review mechanism should be included in the S106 agreement should permission be granted. This mechanism would ensure that if circumstances changed and the scheme became more economically viable, a correspondingly appropriate additional financial contribution and/or additional affordable housing would be made to the Council. In addition, triggers would be included to ensure timely delivery of the affordable housing and to ensure that the affordable housing is retained as such in perpetuity.

#### Employment and Training

- 12.5 In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would be required to deliver employment and training opportunities through a Local Employment Agreement.
- 12.6 If permission were granted, the employment agreement would need secure the following minimum levels of employment output and would also set out specifically how the applicant would achieve this.
- Progression into employment, less than 6 months – 32
  - Progression into employment, more than 6 months – 21
  - Apprenticeships – 54
  - Work experience – 70
  - School / College / University site visits – 633
  - School / College workshops – 348
  - Local Labour – 30%
  - Local supplier requirements – 6
- 12.7 The LEA would be subject to discussion with the Council and would be agreed prior to the commencement of development. Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

### Travel Plan and Travel Plan Monitoring

- 12.8 In accordance with policy DM17 of the Local Plan the applicant would be required to enter into Strategic Level Travel Plans for both the residential and commercial development which would seek to reduce reliance on the use of the private car and promote sustainable means of transport.
- 12.9 The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives (up to a maximum of £392,700) for the first occupier of each residential unit. These incentives are discussed in further detail in the relevant section of this report but would comprise of a voucher to a minimum value of £300 per dwelling to be spent on Car Club Membership, an Oyster Card with a pre-loaded amount and/or Cycle Scheme vouchers all designed to encourage the use of more sustainable modes of transport. A contribution of £20000 would be required towards the monitoring of the Residential Travel Plan.
- 12.10 A Commercial Travel Plan would be required to be ATTrBuTE and itrace compliant to be submitted at least 3 months prior to occupation of all 3 phases that meets the TFL TP guidance. A monitoring fee of £20,000 would also be required for the commercial travel plan.
- 12.11 The monitoring contributions would enable the Local Planning Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.
- 12.12 In line with the incentives above, the provision of a car club and the allocation of 2 car parking spaces within the site to be provided and retained for use by the car club would also be required along with a mechanism to add further vehicles if usage is recorded at 75% or above.

### Traffic Management Order

- 12.12 The application would be required to provide £2000 funding towards Contributions towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in the CPZ to be implemented pursuant to planning permission H/05828/14 or any other CPZ within the local area. Alternative means of securing this obligation without the financial contribution may be secured through the agreement, subject to legal considerations.

### Transport, Highways and Public Realm

- 12.14 In terms of off-site improvement works, the applicant would be required to undertake a footway improvement scheme for the area of footway to the front of the site down to and including the junction of the A5/Garrick Road, linking to the

boundary of the West Hendon public realm enhancements. Alternatively, the applicant shall make a financial contribution, commensurate with a costed scheme of improvement agreed with the LPA.

- 12.15 A wayfinding strategy from the site to Hendon Station and West Hendon Playing Fields would also be required with a scheme including Legible London signage (or similar) to be agreed with the LPA and thereafter delivered.
- 12.16 The junction of the Hyde Estate Road/A5 would also be reconfigured to facilitate the development and would be delivered through Section 278. The detailed design of the junction would be agreed through the S278 process.
- 12.17 Due to the high proportion of trips which would be undertaken from the site, including linked trips to Hendon Station and Hendon Central there would be a capacity impact on the 32, 83 and 183 bus routes. Consequently, a contribution of £900,000 towards bus service improvements would be required to increase frequency and mitigate the impact of development.
- 12.18 The trip distribution data shows that a large proportion of journeys from the site would be to Hendon Central. Modelling of the stairway capacity at the station has shown that the development, plus committed development would increase capacity on the stairways over practical capacity. As a result, a contribution of £60,000 would be required to undertake a feasibility study in respect of opening up a secondary entrance/exit on Queens Road.
- 12.19 In relation to the Silk Stream, subject to relevant agreement with the Canals and River Trust (CRT) a landscaping scheme connecting the application site to the Silk Stream shall be implemented. If, despite reasonable endeavours, agreement with the CRT cannot be reached then an alternative landscaping strategy shall be submitted to the LPA for approval. In addition, a landing spot for a potential future bridge connection across the Silk Stream shall be safeguarded .

#### Carbon Offset Contribution

- 12.20 As set out within paragraph 11.11 of this report, the development is required to meet the zero-carbon target and the applicant is therefore required to mitigate the regulated CO2 emissions through a contribution to the borough's offset fund.
- 12.21 Based on the formula set out within GLA guidance and based on the currently reported figures this contribution would be £1,346,119 which would be secured through the Section 106.

#### Community Infrastructure Levy

- 12.22 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. The Barnet CIL liability of the scheme is determined by the amount of new floorspace being provided,

deducting both the social housing element which is exempt from CIL liability. The scheme would also be liable to pay the Mayoral CIL.

- 12.23 Taking into account both the Mayoral and Barnet CIL, the scheme would be liable for a payment of approximately £22m with approximately £16m payable to the Council. This would be used to fund local infrastructure projects and should be considered alongside the wider S106 package.

### **13.0 Flood Risk / SUDS**

- 13.1 Policy CS13 of the Barnet Core Strategy states that “we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels”.
- 13.2 Due to the sites location, adjacent to the Silk Stream, the Environment Agency (EA) were consulted on the application. They noted that the majority of the site is at medium risk of river flooding (Flood Zone 2) with Flood Zone 3a and 3b confined to the river corridor area (high probability of flooding). The EA were satisfied that the applicant had provided evidence that flood risk will not be increased and that adequate precautions have been taken to mitigate the risk including appropriate finished floor levels and access and egress.
- 13.3 The EA also made some comments regarding the retention of a buffer zone and requested a condition to secure such a zone however were subsequently satisfied that existing plans demonstrate that such a buffer zone would be retained.
- 13.4 In terms of SUDS, the application was subject to a review from Capita Drainage as the LLFA who would no objections to the strategy subject to conditions. Such conditions are attached accordingly.

### **14.0 Contaminated Land**

- 14.1 The London Plan states that appropriate measures should be taken to ensure that development on previously contaminated land should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater/surface water and identify appropriate mitigation. Consequently, a Phase 1 and Preliminary Site Investigation Report was submitted as part of the application and reviewed by the Council’s Environmental Health officers.
- 14.2 The submitted report identifies a number of potential risks and in order to mitigate these risk, the Council’s EHO has requested that a condition be attached requiring site investigation works to be carried out prior to the commencement of



development and subsequent mitigation to be implemented should it be required. Such a condition would be attached if permission were granted.

## **15.0 Air Quality**

15.1 The application site is located adjacent to the A5 and a Borough-wide Air Quality Management Area (AQMA) declared by LBB. The site is also located near to an air quality Focus Area in West Hendon; these are locations identified by the Greater London Authority that not only exceed the EU annual mean limit value for nitrogen dioxide, but also have high levels of human exposure. Accordingly, air quality was scoped into the Environmental Statement and a chapter of the statement has been submitted in respect of this matter (Chapter 9).

15.2 The scope and methodology of the Air Quality Assessment submitted as part of the ES was agreed with the Council's EHO prior to being undertaken. Having assessed the baseline conditions and the likely impact of the development, the AQA goes on to set out the primary mitigation measures that are inherent in the scheme including the following:

- Removal of 462 car parking spaces and a Petrol Filling Station (PFS), to be replaced in part;
- All relevant residential units to be located above ground floor away from direct vehicle emissions;
- Provision of 174 electric vehicle charging spaces for residential uses and 54 for retail use;
- Provision of 2,278 residential cycle spaces and 133 cycle spaces for the new Sainsbury's store;
- Provision of 7,700 sqm of open public park and 4,788 sqm of public realm including the provision of trees and plants in both the public and private amenity space;
- Provision of a shared pedestrian and cycle route would be provided along the east and south of the Site, adjacent to the west of Silk Stream;
- Provision of a hybrid heat network; led by Air Source Heat Pump (ASHPs), with no emissions to air, and supplemented by gas-fired boilers.

15.3 The document then goes on to set out the tertiary mitigation measures and identifies these measures as mitigation that would be required regardless of any Environmental Impact Assessment. These measures include the following:

- Provision and monitoring of a Residential Travel Plan;
- Provision of new car club spaces, as part of the Residential Travel Plan;
- Preparation and implementation of a Commercial Delivery and Servicing Management Plan and a Residential Delivery and Servicing Management Plan to control vehicle movements to and from the site.

15.4 In addition to the tertiary mitigation measures outlined above, officers note that additional measures which could be included on this list include the £900,000 bus

contribution, £60,000 Hendon Central contribution and other measures secured through the S106 which would promote sustainable modes of transport.

## **16.0 Effect Interactions**

- 16.1 The EIA Regulations 2017 require an Environmental Statement to describe the likely effects of development on the environment when taken cumulatively with other environmental effects and any current or prospective ('reasonably foreseeable') development in the vicinity.
- 16.2 A chapter within the ES focuses on 'Effect Interactions' as being distinct from 'Cumulative Impacts' which are assessed within each chapter with specific regard to each topic area. The cumulative impacts of the development with other committed schemes within the surrounding area have therefore been assessed as part of the previous and subsequent sections of this report.
- 16.3 In terms of effect interactions, the ES concludes that during both the works and operational phases of development that residual effect interaction would be extremely limited. With particular regard to the completed development, these would include some transient overshadowing of the Silk Stream and wind microclimate impacts. Both of these matters are fully addressed through conditions where necessary.

## **17.0 Socio-Economic impact**

- 17.1 The ES also includes a chapter which considers the likely significant socio-economic effects of the Development through analysis of economic and social conditions. The assessment focuses on the following topic areas:
- Population and demographic change;
  - Economic activity;
  - Education and skills;
  - Housing;
  - Deprivation and poverty.
- 17.2 In terms of benefits, the construction works would generate 185 FTE temporary construction jobs, which would generate £10.9 million in GVA to the local economy. The completed development would provide 67 net additional jobs and the estimated 2,746 residents of the development would be expected to contribute £21.8 million per annum within the local economy.
- 17.3 The assessment concludes that It is expected that development would not significantly affect the supply of and demand for school places, GP places and open space and play space. Whilst some local shortfalls are identified in terms of primary school places and GP places, the development is making a CIL contribution of £22 million which could be used to mitigate improve local services and infrastructure.

## **18.0 Crime Prevention / Community Safety**

18.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

18.2 Prior to the submission of the application, the applicant undertook an assessment of the scheme from a security perspective. Following assessment, the following measures were identified which have been incorporated into the scheme (as set out within the submitted DAS):

- Requirement for specific robust glazing for all commercial units;
- An access control system should be considered;
- Commercial refuse stores should be designed in such a way that general access is restricted;
- Commercial and residential cycle storage should be provided separately
- An external lighting scheme should be developed;
- CCTV should be provided for commercial units.

18.3 From a design and community safety perspective, the aforementioned measures are considered to be robust. An appropriate condition is attached to ensure that these principles are implemented and that the development is adequate secure and safe in terms of community safety.

## **19.0 Transport / Highways**

19.1 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

### Residential Car Parking

19.2 The London Plan sets out maximum parking standards which sets out that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. The Draft London Plan sets out the standards for residential parking based on inner/outer London and PTAL. Outer London PTAL 2 is up to 1 space per dwelling and Outer London PTAL 3 requires 0.75 spaces per dwelling.

- 19.4 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is as follows:
- Four or more-bedroom units - 2.0 to 1.5 parking spaces per unit
  - Two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
  - One-bedroom units - 1.0 to less than 1.0 parking space per unit
- 19.5 The development proposes 432 residential parking spaces at a ratio of 0.33 spaces per unit. The residential parking spaces would be provided at basement level, with a ramped access to the north-east corner of the site.
- 19.6 In terms of the level of residential parking, officers consider that the 0.33 ratio is appropriate. The proposed development is located on the A5 Edgware Rd / Hyde Estate Rd and has a moderate PTAL of 2/3. The site benefits from frequent bus services which intersect adjacent to the site, and is approximately a 10-minute walk to Hendon Station. Visitors, staff and residents of the site can also access Hendon Central LUL Station, which is a 20-minute walk, 10-minute cycle ride or 10-minute bus ride away.
- 19.7 In addition to the existing sustainable travel modes outlined above, as part of the S106, significant additional sustainable transport improvements would also be secured in the form of a £900,000 bus contribution; pedestrian and cycle improvements; travel plan incentives of £300 per new occupier; and a feasibility study into a new entrance at Hendon Central LUL Station. All of these measures are designed to provide attractive alternative transport measures and reduce reliance on the car for future residents. This is consistent with overarching sustainable transport strategy at local, regional and national level.
- 19.8 It should also be noted that the Colindale Telephone Exchange scheme to the north of the application site, which benefits from a committee resolution to approve with a residential parking ratio of 0.50. In this case, the application site is located a shorter walk time from the nearby station, is providing a more substantial sustainable transport improvement package through the S106. With this in mind, it is considered that the proposed parking ratio is commensurate with the level approved at the adjacent site, cognisant of the site characteristics.
- 19.9 In the GLA Stage 1 response, TFL acknowledged the residential car parking ratio of 0.33 spaces per unit (432 spaces) is within the draft London Plan maximum standards, however also advised that parking levels be reduced further. Notwithstanding the views of TFL, it is considered that the proposed parking ratio of 0.33 is appropriate for this location. To this end, the Council's Transport and Highways officers have outlined support for the residential parking ratio – commenting that the lower level parking provision would result in less vehicular

generation by the development, thus helping to reduce the impact of the development the local highway network.

- 19.10 Disabled parking, electrical vehicle charging points, a car parking management plan and car club spaces would be secured through condition and S106 as appropriate in accordance with relevant policy. In terms of overspill parking, a contribution would be secured to amend existing Traffic Management Orders to ensure future residents cannot apply for permits for local CPZ's. This would ensure that overspill parking would be minimised.

#### Retail Parking

- 19.11 The existing retail store comprises 462 car parking spaces which would be reduced to 267 spaces with the proposed scheme. The proposed level of retail car parking is predicated on a robust assessment of the usage of the existing car park through survey data and demand modelling, comprised within the submitted TA. The level of parking reflects the peak demand observed during the survey period.
- 19.12 The TA and retail parking strategy has been subject to assessment from LBB Transport and Highways officers who are fully satisfied that the level of car parking is adequate for the proposed retail store. Within the GLA Stage 1 Response, TFL advised a further reduction to 180 spaces however, again, officers consider that the 267 as currently proposed is acceptable notwithstanding TFL views and Draft London Plan Policy.

#### Cycle Parking/Cycling Accessibility and Pedestrian

- 19.13 Cycle parking would be provided to a quantum that is compliant with London Plan policy with the majority of the cycle stores accessed from inside the residential and retail car parks, with further cycle stores in Phase 2 being accessed from the public realm areas. All of these stores have easily accessible cores within close proximity which is considered to be appropriate and would promote use.
- 19.14 Phase 1 cycle stores for all uses meet with at least the minimum standards of the London Plan and LCDS. The provision of suitable LCDS compliant Phase 2 cycle stores would also be secured by condition to ensure that the cycle stores are fully usable and functional.
- 19.15 Cycling accessibility to the site would also be significantly enhanced as part of the junction enhancement works to the A5/Hyde Estate Road junction as well as the pedestrian/cycle access adjacent to the Silk Stream. Footway improvements would also be secured linking to the West Hendon public realm enhancements to the south of the Garrick Road junction.

#### Public Transport Impact:

- 19.16 As previously stated, the application site has a PTAL of 2/3 with frequent bus services which intersect adjacent to the site; a 10-minute walk to Hendon Station; and a 20-minute walk, 10-minute cycle ride or 10-minute bus ride from Hendon LUL Station. As a result, the TA and subsequent submissions have also undertaken a robust assessment of the impact of the development on this existing public transport infrastructure.
- 19.17 In terms of buses, following assessment from TFL Bus Services and based on the modal share – the impact of the development on bus services would require a contribution of £900,000. A £900,000 contribution has been agreed by the applicant accordingly and would be secured through the S106 to be used to increase the frequency of the 32, 83 and 183 routes. Subject to this contribution, it is considered that the impact of the development on nearby bus services would be fully mitigated.
- 19.18 In terms of Hendon Rail Station, assessment has shown that even with the additional trips generated by the development, the station capacity would not be exceeded. It is noted that the existing station is not of the highest standard in certain respects, such as the station approach and footbridge. However, even if a financial contribution could be justified through the S106 (which it is not given that the station remains below capacity), a piecemeal improvement of the station would be unlikely to deliver improvements that would significantly improve the quality and usability of the station. The development is subject to a Council CIL payment of £16m, part of which (subject to Council spending mechanisms) could be used as part of an investment strategy with other stakeholders to deliver a more holistic and comprehensive station improvement scheme.
- 19.19 With regard to Hendon Central LUL station, the trip distribution modelling inclusive of the proposed development and other committed developments in the vicinity demonstrates that the trips arising from the development would result in the station stairwells being over capacity at peak times. As a result, TFL have identified a potential new station entrance point on Queens Road which would ease strain on the existing access and egress points. To bring forward delivery of this new entrance, a contribution of £60,000 towards a feasibility study would be secured through the S106. Subject to this contribution, it is considered that the impact on Hendon Central LUL station would be fully mitigated.

#### Stopping Up / Adoption

- 19.20 Due to the introduction of a new footway, and minor carriageway realignment, on Hyde Estate Road, it would be expected that any works undertaken by the developer under the S278 agreement would be to adoptable standards, and would be adopted by LBB as they form key connections within the highway network. Such agreements and commitments would be secured as necessary through the S106/S278 agreements.

#### Servicing / Deliveries / Freight

- 19.21 It is proposed that deliveries and servicing take place from a separate service entrance/crossover on Hyde Estate Rd. A delivery and servicing management plan has been submitted in draft form as part of the application and a condition has been requested which requires delivery and servicing management plans for both the residential and commercial elements of the scheme to be submitted to the Council for approval.
- 19.22 In terms of the construction phase, a full and robust Demolition and Construction Environmental; Management Logistics Plan (DEMMLP/CEMLP) would be secured by condition which would ensure that all aspects of the demolition and construction process are managed and potential disruption mitigated appropriately.

#### Highways / Network Impact

- 19.23 It is noted that numerous objections have been received on the basis that the development would result in an unacceptable impact on the local highway network in terms of traffic and congestion. In respect of this matter, as part of the TA and through subsequent information provided, robust traffic modelling has been undertaken to assess the projected impact of the development.
- 19.24 The modelling has been undertaken in accordance with TfL Guidelines and has been submitted for audit to TfL, which is under way though not completed. The initial results of the audit process has led to refinement of the base models, forecast inputs and junction options.
- 19.25 TfL is satisfied that subject to securing a package of transport improvements to support mode shift to public transport and active modes that there will not be an undue impact on the Strategic Road Network - A5 Edgware Road (the Hyde). This has been assessed with regards to capacity, and need to enhance facilities for cyclists and pedestrians and protect bus services from traffic impact.
- 19.26 Based on the modelling, it is evident that the only point in the network where a significant traffic impact was identified was at the junction of the A5 and Hyde Estate Road. As a result, a junction enhancement scheme is proposed and secured through S106/S278. The detailed design of the junction would be developed and agreed as part of the S278 process, cognisant of the need to promote sustainable modes of travel through walking, cycling and public transport.
- 19.27 On this basis, officers consider that the development would not result in unacceptable impact on the local highway network.

#### Conclusion

- 19.28 Having regard to the above and subject to the relevant conditions and S106 obligations, it is considered that the application is in accordance with relevant Barnet and Mayoral policies and is acceptable from a transport and highways perspective.

## 20.0 Equalities and Diversity

20.1 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.”

20.2 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.

20.3 The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

20.4 Officers consider that the application does not give rise to any concerns in respect of the above.

## 21.0 Conclusion

21.1 In conclusion officers consider that the development is acceptable having regard to the relevant local, regional and national policies.

21.2 Whilst it is acknowledged that the application does not accord with strategic tall buildings Policy CS5 in terms of location, it is considered that there are material planning circumstances which justify the approval of the application. The scheme would deliver many significant benefits including the following:

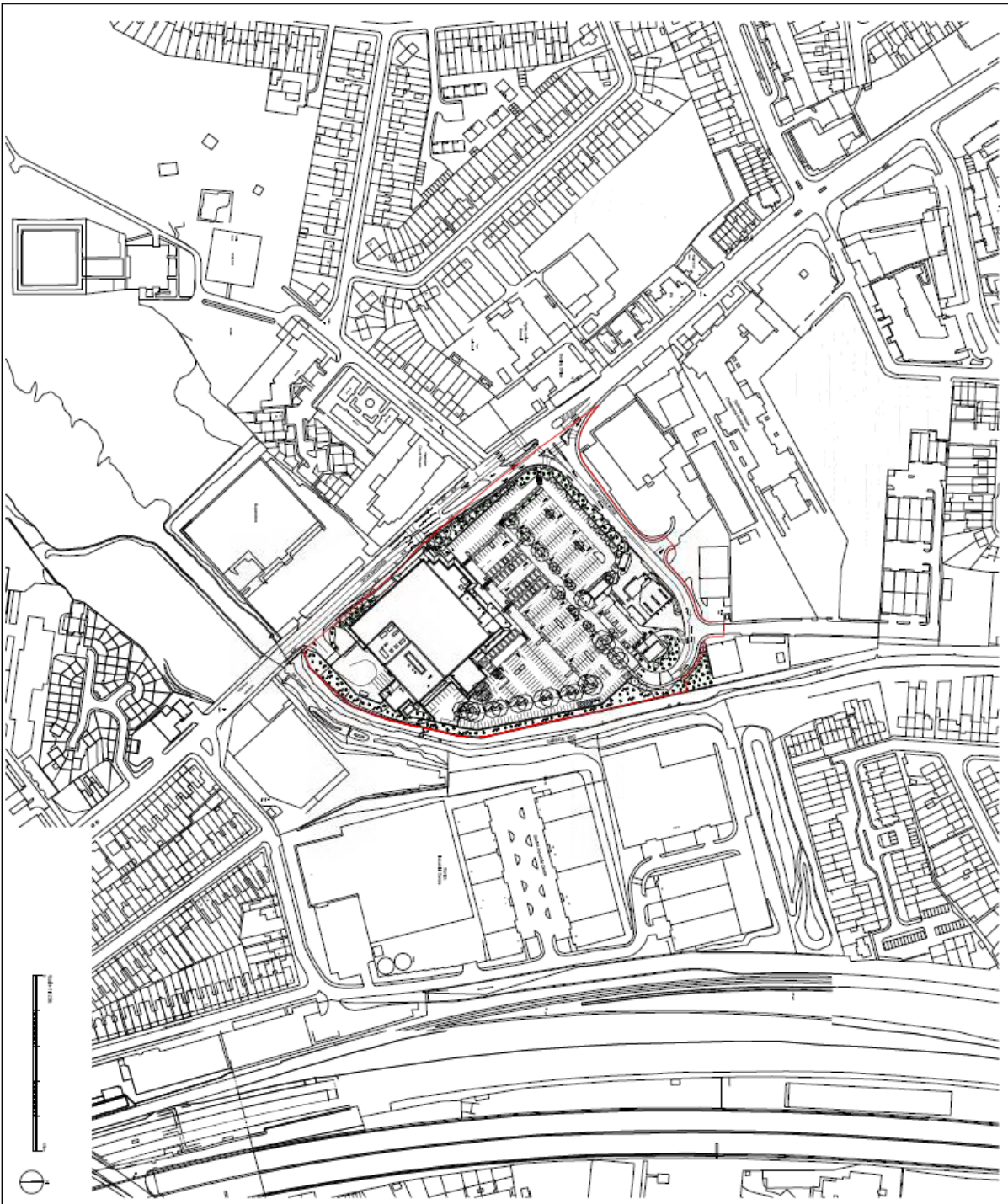
- A new and enhanced Sainsbury’s store of 8,998 sqm GIA (Use Class A1) with improved customer experience and good levels of customer parking;
- The comprehensive redevelopment of a brownfield site in a sustainable location, which would optimise housing delivery and make a significant contribution to the Council’s annual housing delivery targets;



- 430 affordable homes which would represent 35% of the total offer (by habitable room) which is fully in accordance with Mayoral targets;
- The scheme would deliver a new high quality public park and would connect to the Silk Stream through landscape and public realm enhancements, creating a new waterside walkway and allowing for future potential connection to the land opposite;
- Pedestrian, cycling and public realm enhancements would be delivered along with an enhanced junction of the A5/Hyde Estate Road;
- The scheme would promote sustainable modes of transport through travel plan incentives, public transport contributions and the aforementioned improvements to pedestrian and cycle accessibility. All would be secured through the S106;
- In addition to the new retail store, the scheme would also deliver 951 sqm of flexible commercial uses such as restaurant, café, retail and leisure space to provide facilities for new and existing residents, workers and visitors (Use Classes A1-A4, B1, D1 and D2). This would promote usage of the park and its environs whilst not detracting from the vitality of surrounding town centres, as demonstrated in the Retail Impact Assessment;
- The development would also be liable for a CIL contribution of approximately £22m, £16m of which would be payable to the Council and would allow for significant investment in local infrastructure.

21.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. Whilst the application is not in accordance with strategic tall buildings Policy CS5 as it lies outside of the locations identified as appropriate for tall buildings, it is considered that there are material planning considerations which justify a departure from this particular policy. It is thus concluded that the proposed development generally and taken overall accords with the development plan. Accordingly, subject to a Stage 2 referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions set out within this report.

**Appendix 1: Site Location Plan**



 <p>St George Sainsbury's</p>	<p><b>PLANNING</b></p> <p><b>HUTCHINSON &amp; PARTNERS</b></p> <p>10000 100th Avenue, Suite 100              Richmond, BC V6X 1K7              Tel: 604-273-1111</p>	<p><b>EXISTING SITE WIDE RED LINE LOCATION PLAN</b></p> <p>DATE: 12/28/18              DRAWN BY: J. SMITH              CHECKED BY: J. SMITH              PROJECT NO: 00 AP 0100 100              DRAWING NO: PD1</p>	<p>DATE: 12/28/18              DRAWN BY: J. SMITH              CHECKED BY: J. SMITH              PROJECT NO: 00 AP 0100 100              DRAWING NO: PD1</p>	<p>1:1 Scale   Metric Units   North Arrow   Grid Lines</p> <p>1:1 Scale   Metric Units   North Arrow   Grid Lines</p>
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## **Appendix 2: Conditions**

### **Condition 1 - Time limit**

The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

### **Condition 2 - Approved Plans**

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

Drawing Number	Title	Revision
00 AP 0100 100	Existing Site Wide Red Line Location Plan	P01
00 AP 0100 101	Existing Site Wide Ground Floor Plan	P01
00 AP 0100 102	Existing Site Wide First Floor Plan	P01
00 AP 0100 103	Existing Site Wide Roof Plan	P01
00 AP 0120 101	Existing Site Wide Elevations	P01
00 AP 0120 102	Existing Store Elevations	P01
00 AP 0120 103	Existing Site Wide Sections	P01
00 AP 1211 100	Demolition Plan - Enabling Works Phase	P01
00 AP 1211 101	Enabling Works Phase Proposed Transitional Store Plan Level 00	P01
00 AP 1211 102	Enabling Works Phase Proposed Transitional Store Plan Level 01	P01
00 AP 1211 103	Enabling Works Phase Proposed Transitional Store Plan Roof Plan	P01
00 AP 1211 104	Proposed Transitional Store Site Wide Elevations	P01
00 AP 1211 105	Proposed Transitional Store Elevations	P01
00 AP 1211 106	Proposed Transitional Store Site Wide Sections	P01
00 AP 1211 107	Demolition Plan Phase 02	P02
00 AP 1211 108	Phase 01 and Phase 02 Planning Boundary	P01
00 AP 0010 100	Proposed Red Line Site Location Plan	P02
00 AP 0010 001	Proposed Site Wide Basement Plan	P02
00 AP 0010 002	Proposed Site Wide Level 00 Plan	P02
00 AP 0010 003	Proposed Site Wide Level 01 Plan	P02
00 AP 0010 004	Proposed Site Wide Level 02 Plan	P02
00 AP 0010 005	Proposed Site Wide Level 03 Plan	P02
00 AP 0010 006	Proposed Site Wide Level 04 (Podium) Plan	P02
00 AP 0010 007	Proposed Site Wide Typical Lower Setback Level (Level 11)	P02
00 AP 0010 008	Proposed Site Wide Typical Upper Setback Level (Level 15)	P02
00 AP 0010 009	Proposed Site Wide Roof Plan	P02
00 AP 0020 001	Proposed Site Wide South West Elevation and North West Elevation	P02
00 AP 0020 002	Proposed Site Wide North East Elevation and South East Elevation	P01
00 AP 0030 001	Proposed Site Wide GA Section 01 and 02	P01

1542/020	Silk Park Landscape Masterplan	A

AP Phase 01

Drawing Number	Title	Revision
00 AP 0020 101	Phase 01 Proposed South West & North West Elevation	P01
00 AP 0020 102	Phase 01 Proposed South East & North East Elevation	P01
00 AP 0030 101	Phase 01 GA Section 01	P01
00 AP 0030 102	Phase 01 GA Section 02	P01
01 AP 0010 001	B01 Level 00 Plan	P01
01 AP 0010 002	B01 Level 01, Level 02, Level 03 Plan	P01
01 AP 0010 003	B01 Level 04 (Podium) Plan	P01
01 AP 0010 004	B01 Level 05-09, Level 10 Plan	P01
01 AP 0010 005	B01 Level 11, Roof Plan	P01
01 AP 0020 001	B01 Elevations	P01
02 AP 0010 001	B02 Level 00 Plan	P01
02 AP 0010 002	B02 Level 01, Level 02, Level 03 Plan	P01
02 AP 0010 003	B02 Level 04 (Podium) Plan	P01
02 AP 0010 004	B02 Level 05-09, Level 10 Plan	P01
02 AP 0010 005	B02 Level 11-12, Roof Plan	P01
02 AP 0020 001	B02 Elevations	P01
03 AP 0010 001	B03 Level 00 Plan	P01
03 AP 0010 002	B03 Level 01, Level 02, Level 03 Plan	P01
03 AP 0010 003	B03 Level 04 (Podium) Plan	P01
03 AP 0010 004	B03 Level 05-09, Level 10 Plan	P01
03 AP 0010 005	B03 Roof Plan	P01
03 AP 0020 001	B03 Elevations	P01
04 AP 0010 001	B04 Level 00 Plan	P01
04 AP 0010 002	B04 Level 01, Level 02, Level 03 Plan	P01
04 AP 0010 003	B04 Level 04 (Podium) Plan	P01
04 AP 0010 004	B04 Level 05-09, Level 10 Plan	P01
04 AP 0010 005	B04 Level 11-16, Level 17 Plan	P01
04 AP 0010 006	B04 Roof Plan	P01
04 AP 0020 001	B04 South-West, North-West Elevations	P01
04 AP 0020 002	B04 North-East, South-East Elevations	P01
05 AP 0010 001	B05 Level 00 Plan	P01
05 AP 0010 002	B05 Level 01-03 Plan	P01
05 AP 0010 003	B05 Level 04 (Podium) Plan	P01
05 AP 0010 004	B05 Level 05-16, Roof Plan	P01
05 AP 0020 001	B05 South-West, North West Elevations	P01
05 AP 0020 002	B05 North-East, South-East Elevations	P01
06 AP 0010 001	B06 Level 00 Plan	P01
06 AP 0010 002	B06 Level 01, Level 02-03 Plan	P01
06 AP 0010 003	B06 Level 04 (Podium) Plan	P01
06 AP 0010 004	B06 Level 05-10, Level 11 Plan	P01
06 AP 0010 005	B06 Level 12, Roof Plan	P01
06 AP 0020 001	B06 South-West, North West Elevations	P01
06 AP 0020 002	B06 North-East, South-East Elevations	P01

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Drawing Number	Title	Revision
07 AP 0010 001	B07 Level 00 Plan	P01
07 AP 0010 002	B07 Level 01, Level 02-03 Plan	P01
07 AP 0010 003	B07 Level 04 (Podium) Plan	P01
07 AP 0010 004	B07 Level 05-09, Level 10 Plan	P01
07 AP 0010 005	B07 Level 11, Level 12 Plan	P01
07 AP 0010 006	B07 Roof Plan	P01
07 AP 0020 001	B07 South-West, North West Elevations	P01
07 AP 0020 002	B07 North-East, South-East Elevations	P01
08 AP 0010 001	B08 Level 00 Plan	P01
08 AP 0010 002	B08 Level 01, Level 02-03 Plan	P01
08 AP 0010 003	B08 Level 04 (Podium) Plan	P01
08 AP 0010 004	B08 Level 05-10, Level 11 Plan	P01
08 AP 0010 005	B08 Level 12-19, Roof Plan	P01
08 AP 0020 001	B08 North-East, South-East Elevation	P01
08 AP 0020 002	B08 South-West, North West Elevation	P01
12 AP 0010 001	B12 Level 00, Level 01-02 Plan	P01
12 AP 0010 002	B12 Level 03, Roof Plan	P01
12 AP 0020 001	B12 and Part B08 Elevations	P01

094\_SWH\_Phase 2

Drawing Number	Title	Revision
094 PH2 03 04	Phase 02 Section 01	P01
094 PH2 03 05	Phase 02 Section 02	P01
094 B09 01 00	B09 Level 00 & Level 01	P01
094 B09 01 01	B09 Level 2 to 10 & Level 11 to 15	P01
094 B09 01 02	B09 Roof Plan	P01
094 B09 02 00	B09 Elevations	P01
094 B09 03 00	B09 Sections	P01
094 B10 01 00	B10 Level 00 & Level 01	P01
094 B10 01 01	B10 Level 2 to 12 & Level 13	P01
094 B10 01 02	B10 Level 14-17 & Roof Plan	P01
094 B10 02 00	B10 Elevations	P01
094 B10 03 00	B10 Sections	P01
094 B11 01 00	B11 Level 00 & Level 01	P01
094 B11 01 01	B11 Level 02 - 26	P01
094 B11 01 02	B11 Terrace & Roof plan	P01
094 B11 02 00	B11 Elevations	P01
094 B11 03 00	B11 Sections	P01

Affordable Housing Location

Drawing Number	Title	Revision
00 AP 0300 001	Affordable Housing Location Plan: Level 00 (Ground)	P02

00 AP 0300 002	Affordable Housing Location Plan: Level 01	P02
00 AP 0300 003	Affordable Housing Location Plan: Level 02	P02
00 AP 0300 004	Affordable Housing Location Plan: Level 03	P02
00 AP 0300 005	Affordable Housing Location Plan: Level 04 (Podium)	P02
00 AP 0300 006	Affordable Housing Location Plan: Level 05 to 09	P02
00 AP 0300 007	Affordable Housing Location Plan: Level 10	P02
00 AP 0300 008	Affordable Housing Location Plan: Level 11	P02
00 AP 0300 009	Affordable Housing Location Plan: Level 12	P02
00 AP 0300 010	Affordable Housing Location Plan: Level 13	P02
00 AP 0300 011	Affordable Housing Location Plan: Level 14 to 15	P02
00 AP 0300 012	Affordable Housing Location Plan: Level 16	P02
00 AP 0300 013	Affordable Housing Location Plan: Level 17	P02

#### Schedules, Design & Access Statement and Planning Summary Document

Drawing Number	Title	Revision
SP04	Planning Summary Document	P01
SP07	Accommodation Schedules	P01
SP08	Design and Access Statement	P01

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in line with Policies DM01, DM02, DM05 of the Barnet Local Plan (2012) and Policies 3.5, 7.2, 7.5 and 7.8 of the London Plan (2016).

#### **Condition 3 – Phasing plan**

The development shall be carried out in accordance the Phasing works set out indicatively in Chapter 6 of the ES and in line with the following phasing plans:

- Enabling Works Phase - Demolition Plan 00-AP-1211-100-P01;
- Enabling Works Phase – Proposed Transitional Store Plan Level 00 00-AP-1211-101-P01;
- Enabling Works Phase – Proposed Transitional Store Plan Level 01 00-AP-1211-102-P01;
- Enabling Works Phase – Proposed Transitional Store Plan Roof Level 00-AP-1211-103-P01;
- Demolition Plan Phase 2 – 00-AP-1211-107-P01
- Phase 1 and 2 Planning Boundary 00-AP-1211-108-P01

Unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning and in the interests of residential amenity and safety, and to mitigate the impacts of the development in accordance with Policies 6.3, 6.9 and 6.10 of the London Plan (2016)

#### **Condition 4 – Demolition, Construction Environmental Management and Logistics Plan**

Prior to commencement of any work associated with the Enabling Works Phase and Phases 1 and 2, a Demolition Construction and Environmental Management and Logistics Plan (DCEMLP) shall be submitted to and approved in writing by the local planning authority, in consultation with Transport for London (TfL).

The DCEMLP for each phase shall include specific details relating to the demolition, construction, logistics and management of these works and aim to reduce road danger and vehicle movements during peak periods and to minimise pollution and adverse amenity and environmental impacts. It should be prepared in accordance with the applicant's Environmental Statement and TfL's latest Construction Logistics Plan Guidance.

i) The DCEMLP for the Enabling Works Phase shall include:

#### Site and description of works

- a) Site management information, including a site plan showing the location of temporary security hoarding and fencing, site access and site office.
- b) Description and programme of works, including equipment, storage of plant and materials and any intrusive site investigation or excavation.
- c) Description and plan of mitigation measures to show how the Grade II listed asset will be protected throughout the demolition and construction works.

#### Demolition and waste management

The Demolition and Construction Waste Management Plan for the Enabling Works Phase shall include full details of the following:

- a) Identification of the likely types and quantities of demolition and construction waste likely to be generated (including waste acceptance criteria testing to assist in confirming appropriate waste disposal options for any contaminated materials);
- b) Site clearance and waste management plan – including a scheme for recycling and/or disposing of waste resulting from demolition, ground works or site preparation, including any hazardous waste:
  - Identification of waste management options in consideration of the waste hierarchy, on and offsite options, and the arrangements for identifying and managing any hazardous wastes produced;
  - A plan for efficient materials and waste handling taking into account constraints imposed by the application site; Targets for the diversion of waste from landfill;
  - Identification of waste management sites and contractors for all wastes, ensuring that contracts are in place and emphasising compliance with legal responsibilities; Details of transportation arrangements for the removal of waste from the site and
- c) a detailed surface water drainage mitigation strategy for the Enabling Works Phase has been submitted to and approved in writing by London Borough of Barnet;
- d) A commitment to undertaking waste audits to monitor the amount and type of waste generated and to determine if the targets set out in the Demolition and Waste Management Plan of the DCEMLP have been achieved

#### Environmental management and mitigation

- d) Hours of demolition, site clearance works, groundworks and construction works

- e) Measures to minimise noise and vibration
- f) Measures to minimise dust and air pollution (including a Pollution Response Plan)
- g) Details of the mitigation for dust and emissions as well as methodology for monitoring during construction;
- h) Lighting strategy, including measures to minimise light spillage;
- i) Measures to minimise visual impact
- j) Measures to reduce energy and water usage
- k) Measures to minimise impacts on ecology, trees and habitats including proposals for species mitigation measures such as bird boxes and any bat mitigation measures as necessary.
- l) Ongoing maintenance of security hoarding, including decorative displays and facilities for public viewing
- m) Measures to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of building plants and materials and similar demolition/construction activities
- n) A method statement relating to the prevention of pollution to the silk stream during demolition, construction or enabling works. Such waters should be discharged to the available foul sewer or be tankered off-site. The existing surface water drains connecting the site with the stream must be capped off at both ends for the duration of the relevant works – ie at the point of surface water ingress and at the outfalls to the stream.

#### Construction traffic management and logistics

- o) Construction traffic movements - proposed numbers and timings of truck movements throughout the day and the proposed routes
- p) Construction traffic management including:
  - i. Ingress and egress to and from the site for construction vehicles, workers and visitors
  - ii. site security and access control arrangements
  - iii. parking of vehicles for site operatives and visitors
  - iv. deliveries, loading and unloading of plant and materials
  - v. pedestrian and cycle safety
  - vi. Wheel washing facilities and other measures to prevent mud and debris being carried on to the public highway by vehicles leaving the site
  - vii. the location of site office and construction workers' convenience facilities
- q) Measures to ensure that pedestrian and cycle access past the site on the adjacent public footpaths is safe and not obstructed during construction works, with details of any temporary re-routing.

#### Construction management and procedures

- r) Site management contact details (phone, email, postal address) and the location of a large notice board on the site that clearly identifies these details and a 'Considerate Constructors' contact telephone number.
- s) Code of Construction Practice
- t) Neighbourhood liaison
- u) Complaints procedure
- v) Health and safety procedure

ii) The DCEMLP for Phases 1 and 2 shall include:

#### Site and description of works

- a) Site management information, including a site plan showing the location of temporary security hoarding and fencing, site access and site office.



- b) Description and programme of works, including equipment, storage of plant and materials and any intrusive site investigation or excavation.
- c) Description and plan of mitigation measures to show how the Grade II listed asset will be protected throughout the demolition and construction works.

#### Demolition and waste management

The Demolition and Construction Waste Management Plan for the Phases 1 and 2 shall include full details of the following:

- d) Identification of the likely types and quantities of demolition and construction waste likely to be generated (including waste acceptance criteria testing to assist in confirming appropriate waste disposal options for any contaminated materials);
- e) Site clearance and waste management plan – including a scheme for recycling and/or disposing of waste resulting from demolition, ground works or site preparation, including any hazardous waste:
  - o Identification of waste management options in consideration of the waste hierarchy, on and offsite options, and the arrangements for identifying and managing any hazardous wastes produced;
  - o A plan for efficient materials and waste handling taking into account constraints imposed by the application site; Targets for the diversion of waste from landfill;
  - o Identification of waste management sites and contractors for all wastes, ensuring that contracts are in place and emphasising compliance with legal responsibilities; Details of transportation arrangements for the removal of waste from the site and
- f) a detailed surface water drainage mitigation strategy for Phases 1 and 2 has been submitted to and approved in writing by London Borough of Barnet;
- g) A commitment to undertaking waste audits to monitor the amount and type of waste generated and to determine if the targets set out in the Demolition and Waste Management Plan of the CDELMP have been achieved

#### Environmental management and mitigation

- h) Hours of demolition, site clearance works, groundworks and construction works
- i) Measures to minimise noise and vibration
- j) Measures to minimise dust and air pollution (including a Pollution Response Plan)
- k) Details of the mitigation for dust and emissions as well as methodology for monitoring during construction;
- l) Lighting strategy, including measures to minimise light spillage;
- m) Measures to minimise visual impact
- n) Measures to reduce energy and water usage
- o) Measures to minimise impacts on ecology, trees and habitats including proposals for species mitigation measures such as bird boxes and any bat mitigation measures as necessary.
- p) Ongoing maintenance of security hoarding, including decorative displays and facilities for public viewing
- q) Measures to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of building plants and materials and similar demolition/construction activities
- w) A method statement relating to the prevention of pollution to the silk stream during demolition or construction. Such waters should be discharged to the available foul sewer or be tankered off-site. The existing surface water drains connecting the site with the stream must be capped off at both ends for the duration of the relevant works – ie at the point of surface water ingress and at the outfalls to the stream.

#### Construction traffic management and logistics

- r) Construction traffic movements - proposed numbers and timings of truck movements throughout the day and the proposed routes
- s) Construction traffic management including:
  - viii. Ingress and egress to and from the site for construction vehicles, workers and visitors
  - ix. site security and access control arrangements
  - x. parking of vehicles for site operatives and visitors
  - xi. deliveries, loading and unloading of plant and materials
  - xii. pedestrian and cycle safety
  - xiii. Wheel washing facilities and other measures to prevent mud and debris being carried on to the public highway by vehicles leaving the site
  - xiv. the location of site office and construction workers' convenience facilities
- t) Measures to ensure that pedestrian and cycle access past the site on the adjacent public footpaths is safe and not obstructed during construction works, with details of any temporary re-routing.

#### Construction management and procedures

- u) Site management contact details (phone, email, postal address) and the location of a large notice board on the site that clearly identifies these details and a 'Considerate Constructors' contact telephone number.
- v) Code of Construction Practice
- w) Neighbourhood liaison
- x) Complaints procedure
- y) Health and safety procedure

The ground works, demolition and construction works for each phase shall be carried out in accordance with the details approved for that phase.

Reason: To safeguard the amenity of adjacent residents; to ensure efficient, safe and sustainable operation of the highway system; to safeguard pedestrian and highway safety; and to manage and mitigate environmental impacts such as impact on water quality of the Silk Stream, noise and air pollution and trees during demolition and groundworks, in accordance with Policies CS9, CS13, CS14, DM01, DM04, DM17 of the Barnet Local Plan (2012), Policies 5.3, 5.18, 6.3, 7.14, 7.15 and 7.21 of the London Plan (2016) and Barnet Council's Sustainable Design and Construction SPD (2016).

#### **Condition 5 – Air Quality Assessment**

The approved air pollution mitigation scheme and details set out in Chapter 9 (Air Quality) of the Environmental Statement (document ref SP09A) 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).

**Condition 6 – Boilers**

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 Mayor's London Plan SPG on Sustainable Design and Construction and Policy 7.14 of the Mayor's London Plan in relation to air quality.

**Condition 7 – ASHP**

The approved ASHPs shall be implemented for Phase 1 in accordance with details approved within the Energy Assessment Version 6 of planning permission 19/4661/FULL prior to completion of Phase 1 of the development. Operation of the ASHPs installed in Phase 1 shall commence following practical completion of Phase 1.

The approved ASHPs shall be implemented for Phase 2 in accordance with details approved within the Energy Assessment Version 6 of planning permission 19/4661/FULL prior to completion of Phase 2 of the development. Operation of the ASHPs installed in Phase 2 shall commence following practical completion of Phase 2.

Any changes to the ASHP specification or layouts shall be agreed in writing with the Local Planning Authority.

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

**Condition 8 – Commercial Noise Mitigation**

Prior to the occupation of the relevant unit, for Phase 1 and 2 only, a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development from A1 to A4, B1, D1 and D2 use (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

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 commercial noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

**Condition 9 – Noise Assessment**

Prior to the commencement of any above ground works for Phase 1 and 2 only, 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 shall be 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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

**Condition 10 – Noise Restriction**

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

If the level of intermittent 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 or calculated 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 2011.

**Condition 11 – Ventilation / Extraction**

Prior to occupation of Phases 1 and 2, a report shall be carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant on internal bedroom and living room noise levels of the proposed development, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and shall be 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.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

#### **Condition 12 – Noise Insulation**

Prior to the commencement of above ground works on Phases 1 and 2 only a scheme 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 shall be submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise 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.

The mitigation measures as approved under this condition shall be implemented in their entirety prior to the first occupation of the relevant part of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

#### **Condition 13 – Contaminated Land (Phase 1 Area)**

- a. Prior to the commencement of the relevant part of the enabling works, a detailed intrusive site investigation survey shall be carried out within the relevant part of the Phase 1 Area and a report shall be produced which includes human health and controlled waters risk assessments. The report shall be submitted to and approved in writing by the Local Planning Authority.
- b. After approval of the Intrusive Site Investigation Report for the relevant part of the Phase 1 Area and prior to the commencement of the relevant part of the enabling works within the relevant Phase 1 Area, a detailed Remediation Methods Statement for the relevant part shall be submitted to and approved in writing by the Local Planning Authority.

#### **Condition 14 – Remediation/Validation (Phase 1 Area)**

The remediation works shall be carried out in accordance with the measures identified in the report(s) approved under Condition 14. Prior to the construction of the Phase 1 ground floor slab a verification report shall be submitted to, and approved in writing by the Local Planning Authority which provides verification that the required works have been carried out in accordance with the approved Remediation Method Statement for the relevant Phase 1 Area.

**Condition 15 – Contaminated Land (Phase 2 Area)**

- c. Following demolition works within the Phase 2 Area, a detailed intrusive site investigation survey shall be carried out and report shall be produced which includes human health and controlled waters risk assessments. The report shall be submitted to and approved in writing by the Local Planning Authority.
- d. After approval of the Intrusive Site Investigation Report and prior to the commencement of Phase 2 construction works, a detailed Remediation Methods Statement shall be submitted to and approved in writing by the Local Planning Authority.

**Condition 16 – Remediation/Validation (Phase 2 Area)**

The remediation works shall be carried out in accordance with the measures identified in the report approved under Condition 17. Prior to the construction of the Phase 2 ground floor slab a verification report be submitted to, and approved in writing by the Local Planning Authority which provides verification that the required works have been carried out in accordance with the approved Remediation Method Statement for the Phase 2 Area.

**Condition 17 – Contaminated Land not identified**

If during any groundworks, demolition or construction works of any phase, contamination not previously identified is found to be present at the site then no further development for that phase shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy for that phase shall be implemented as approved.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety, in accordance with Policy DM04 of the Barnet Local Plan (2012), Barnet's Sustainable Design and Construction SPD (2016) and Policy 5.21 of the London Plan (2016).

**Condition 18 – Kitchen Extraction Equipment**

Prior to the occupation of any A1, A3 and A4 units, a detailed assessment for the kitchen extraction units, which assesses the likely impacts of odour and smoke on the neighbouring properties shall be carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the

scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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).

### **Condition 19 – Emergency Response and Evacuation Scheme**

Prior to the occupation of Phase 2 details of an Emergency Response and Evacuation scheme for safe means of escape from the site, including details of safe refuge in the event of a flood shall be submitted and approved in writing by London Borough of Barnet planning authority.

Reason: To ensure that an Emergency Response and Evacuation plan has been formulated which sets a procedure for managing the risk to people and property on the site during a major flood event or alert in accordance with Technical Guidance to the Planning Policy Framework.

### **Condition 20 – Surface Water Drainage Strategy**

Prior to the commencement of Phases 1 and 2 only, a detailed surface water drainage strategy report for the development shall be submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before each phase is completed. Surface water drainage strategy should include but not limited to:

- SUDS plan layout
- SUDS detailed design drawings with relevant information
- Assessment of the attenuation storage volume to cope with the 100-year rainfall event plus climate change to include the proposed drainage network as one drainage system
- Evidence of attenuation volumes calculated 50% drain down time;
- Flood Estimation Handbook design rainfall 2013
- Assessment of the proposed drainage system during the 30-year design rainfall according to Sewer for Adoption 7th Edition (without attenuation storage or flow control structure);
- Supporting hydraulic design calculations
- Evidence of third-party agreement for discharge to their system and the proposed discharge rate (in principle / consent to discharge);
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants or elsewhere;
- SUDS maintenance programme and on-going maintenance responsibilities;
- SUDS construction phasing

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to

operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

#### **Condition 21 – Landscape and Ecological Management Plan**

Prior to occupation of Phases 1 and 2, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Outline the measures taken to minimise impacts on bats and their insect food

#### **Condition 22 – Lighting**

Prior to occupation of Phases 1 and 2, a detailed lighting strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

- a) include details of the location, height and specification of external lights and fixtures, including the proposed installation angle of lightings fittings adjacent to the Silk Stream (which shall be selected to achieve a zero upward light ratio, in line with the applicant's Visibility and Light Pollution Study, 2019).
- b) outline the mitigation measures to minimise light spillage and glare adjacent to the Silk Stream in line the Visibility and Light Pollution Study (2019) and industry best practice ('Institution of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light GN01:2011') and ensure light is distributed so as to minimise light spillage, glare, or sky glow from affecting the surrounding residential properties

The approved details shall be completed prior to occupation of the relevant phase of the development and shall thereafter be permanently retained.

Reason: In the interests of visual amenity, community safety and to prevent light pollution and adverse impacts affecting the amenity of adjacent residential properties and in the interests of ecology

EA wording for reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in line with Policy DM04 of Barnet's Local Plan (2012). Artificial lighting



disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor. This condition is necessary to minimise light spill from the new development into the watercourse or adjacent river corridor habitat.

### **Condition 23 – Nesting birds**

No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Details of the Nesting Bird survey work and safeguards shall be submitted to and approved in writing with the Local Planning Authority in advance, and implemented in accordance with the approved strategy.

### **Condition 24 – Waste Water**

Prior to the first residential occupation of Phases 1 and 2 only, written confirmation shall be provided to the Local Planning Authority that one of the following has been carried out:

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

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

### **Condition 25 – Building and Site Management**

i) Prior to the first occupation of each non-residential unit within Phases 1 and 2, a Management Strategy for each phase shall be submitted to and approved in writing by the Local Planning Authority for that phase. The strategy should include details of the following:

- a) on-site security measures including the location of security/concierge office, the location and details of CCTV;
- b) arrangements for the receipt, management and distribution of post, parcels to the residential units and commercial/community uses;
- c) Different any controlled/restricted areas of the development and details of those who will have access to each of the identified zones;
- d) Details of access control systems serving communal and residential building entrances;
- e) Management and maintenance framework for internal communal circulation areas and lifts;
- f) Confirmation of disabled access arrangements; and
- g) Vehicle access points and how these will be controlled and managed.

ii) Prior to the occupation of residential units within Phases 1 and 2, a Management Strategy for each phase shall be submitted to and approved in writing by the Local Planning Authority for that phase.

The strategy should include details of the following:

- a) on-site security measures including the location of security/concierge office, the location and details of CCTV;
- b) arrangements for the receipt, management and distribution of post, parcels to the residential units and commercial/community uses;
- c) Different any controlled/restricted areas of the development and details of those who will have access to each of the identified zones;
- d) Details of access control systems serving communal and residential building entrances;
- e) Management and maintenance framework for internal communal circulation areas and lifts;
- f) Confirmation of disabled access arrangements; and
- g) Vehicle access points and how these will be controlled and managed.

The site shall be managed in accordance with the approved management strategy.

Reason: In the interests of the proper maintenance, safety and security of the site and to ensure that the quality of the public realm is appropriately safeguarded and that that access is maintained for disabled people and people with pushchairs, in accordance with Policies 3.4, 3.8 of the London Plan (2016), the Housing SPG (2016).

#### **Condition 26 – Operational Waste Management and Recycling Strategy**

a) Prior to the first occupation of each non-residential units within Phases 1 and 2, a waste and recycling strategy for that unit shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the location, design and accessibility of refuse and recycling stores, details of the separation and collection of waste, storage of bulky waste and any chute systems or waste compactors. The waste and recycling strategy shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details, made available for use prior to the first occupation of the development, and managed and operated in accordance with the approved strategy in perpetuity.

b) Prior to the first occupation of residential units within Phases 1 and 2, a waste and recycling strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the location, design and accessibility of refuse and recycling stores, details of the separation and collection of waste, storage of bulky waste and any chute systems or waste compactors. The waste and recycling strategy shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details, made available for use prior to the first occupation of the development, and managed and operated in accordance with the approved strategy in perpetuity.

Reason: To ensure adequate refuse storage is provided on site and can be readily collected, in accordance with Policy CS14 of the Barnet Local Plan (2012) and Policy 5.15 of the London Plan (2016).

### **Condition 27 – Architectural Detailing**

Prior to the commencement of works on each Building Block above podium level, annotated drawings/bay studies for each building elevation at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority for that Building Block. These details shall include the following:

- a) materials to be used on all external surfaces of the proposed buildings - including details of the proposed brickwork, stone, metal cladding panels, specifying varied colours or tones (including samples of materials, where appropriate which shall be provided for inspection on site by the LPA as required).
- b) materials details for any other external features of the building, including render, finishes, louvres, external window or door frames, balcony balustrades, bases, underlays and supporting structures, commercial frontages and facias (including samples of materials, where appropriate which shall be provided for inspection on site by the LPA as required).
- c) windows, including:
  - I. glazing specifications
  - II. depth of window reveals
- d) privacy screens serving private amenity spaces.
- e) acoustic panels and means of enclosure serving rooftop level communal amenity spaces.
- f) colonnades and soffits – including depths and material details.

The approved details shall be completed prior to occupation of the relevant phase of the development and shall thereafter be permanently retained.

Reason: To ensure the development is completed in line with the architectural and materials approach set out in the applicant's submitted Design and Access Statement (2019) and to ensure the scheme achieves good design in the interests of future occupants of the scheme and the character and appearance of the area, in accordance with Policies CS5, DM01, DM05 of the Barnet Local Plan (2012) and Policies 7.4, 7.6, and 7.7 of the London Plan (2016).

### **Condition 28 – Roof Level Structures**

Prior to the commencement of works on each building above podium level, details of any roof level structures shall be submitted to and approved in writing by the Local Planning Authority for that phase. This shall include details of roof level plant, water tanks, ventilation/extraction equipment, flues, television reception equipment, solar photovoltaic panels, any other built structure.

The details shall include a justification for the height and size of the roof level structures, their location, height above parapet level, specifications and associated enclosures, screening devices and cladding.

The development shall be carried out in accordance with the approved details and no roof level structures shall be installed other than those approved.

Reason: In the interests of good design and also to ensure that the Local Planning Authority is satisfied that any roof-level structures do not have a harmful impact on the character and appearance of the area, in accordance with Policies CS05 and DM05 of the Barnet Local Plan (2012) and Policies 3.5, 7.4, 7.6 and 7.8 of the London Plan (2016).

**Condition 29 - Landscaping, public realm, play space and boundary treatments**

Within 9 months of the commencement of Phase 1 and 2, a detailed landscaping and public realm scheme (to include all private and communal amenity areas, including the new publically accessible park) shall be submitted to and approved in writing by the Local Planning Authority for each phase identified within the landscaping and public realm scheme approved under this condition. This shall include the following:

- a) an annotated plan showing the layout and extent and type of hard and soft landscaping within the relevant phase.
- b) details of hard landscaping, including specifications and materials for ground level surfaces, steps, edges, ridges (including samples, where appropriate).
- c) proposed tree species, plant sizing, proposed rooting/soil volume for trees, means of planting (staking and tying of trees, including tree guards), and maintenance schedule for regular pruning, watering and fertilizer use.
- d) details of other soft landscaping and planting, including any grassed/turfed areas, shrubs, herbaceous planting areas and green walls.
- e) enclosures and boundary treatments - including the type, dimension and treatments of any walls, fences, gates, railings and hedges (and details of any temporary boundaries or means of enclosure).
- f) children's play and informal recreation features and equipment.
- g) street furniture - including the location, type, dimensions and materials of seating, lighting, wayfinding signage and public art.
- h) a statement setting out how the proposed landscaping fits in with the overarching site wide landscape strategy
- i) details of brown and green roofs

The approved details shall be completed prior to occupation of the relevant phase of the landscaping and public realm scheme and shall thereafter be permanently retained.

The delivery of all private and communal amenity areas, including the new publically accessible park, shall be delivered in accordance with the Phasing Plan to be approved in writing by the Local Planning Authority.

Reason: In the interests of good design and to promote urban greening, biodiversity, sustainable urban drainage and to ensure acceptable residential amenity, privacy and play space provision, in accordance with Barnet Local Plan PPolicies 3.5, 3.6, 5.10, 5.13 and 7.5 of the London Plan (2016) and Policy xxx

**Condition 30 – Replacement Trees**

Any trees, hedges 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 each

phase of the 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 and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

### **Condition 31 – Accessible Dwellings**

A minimum of 10% of all dwellings shall be built to comply with requirement M4(3) wheelchair user dwellings contained within Part M volume 1 of the Building Regulations, as identified on the plans approved under condition 2. All other dwellings shall be built to requirement M4(2) accessible and adaptable dwellings contained within Part M volume 1 of the Building Regulations.

Reason: To promote housing choice for disabled and elderly households and ensure a socially inclusive and sustainable development, in accordance with Policies CS4, DM02 of the Barnet Local Plan (2012) and Policies 3.8, 7.2 of the London Plan (2016).

### **Condition 32 – Secured by Design**

The scheme will be delivered in accordance with the secured by design principles and measures set out in the BREEAM Commercial Security Needs Assessment submitted as part of the Design and Access Statement.

Reason: in the interests of community safety

### **Condition 33 – Opening Hours**

The ground floor level commercial units, as shown on approved drawing (ref. 00 AP 0010 002 P02), shall not be open to customers other than between the hours of 0700 and 2300 Mondays to Saturdays, and 0800 to 2200 Sundays and at no other times, unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residents and future residents of the development

### **Condition 34 – Sustainability Standards**

The development shall achieve a 'Very Good' rating under BREEAM UK New Construction 2018 (or such equivalent standard) for the Shell stage for the A1 uses within Phase 1 and for all non-residential units in Phase 2. The development shall achieve a 'Very Good' rating under BREEAM Refurbishment and Fit-out 2014 for commercial units within Phase 2 only.

- a) Within 6 months of work starting on Phase 1 and 2, unless otherwise agreed in writing, a BREEAM UK New Construction 2018 (or such equivalent standard that replaces this)

Shell Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted, by the developer, and approved in writing by the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved for that phase.

- b) Within 6 months of first occupation of the non-residential building within a phase of development, unless otherwise agreed in writing, a BREEAM UK New Construction 2018 (or such equivalent standard that replaces this) Shell Final (Post-Construction) Certificate, issued by the BRE, must be submitted, by the developer, and approved in writing by the Local Planning Authority to demonstrate that a 'Very Good' rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.
- c) Prior to commencement of the fit-out of the ground floor commercial unit identified on approved drawing ref. 00 AP 0010 002 P02, unless otherwise agreed in writing, a BREEAM Refurbishment and Fit-out 2014 Parts 2, 3 and 4 Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted, by the fit-out contractor, and approved in writing by the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved.
- d) Within 6 months of first occupation of ground floor commercial unit identified on approved drawing ref. 00 AP 0010 002 P02, unless otherwise agreed in writing, a BREEAM Refurbishment and Fit-out 2014 Parts 2, 3 and 4 Final (Post-Construction) Certificate, issued by the BRE, must be submitted, by the fit-out contractor, and approved in writing by the Local Planning Authority to demonstrate that a 'Very Good' rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

Reason: In the interests of sustainable development and in accordance with London Plan Policies 5.2-5.7

#### **Condition 35 – Construction Times**

No construction works shall occur outside of the following times unless otherwise agreed in writing by the Local Planning Authority:

- 08:00 - 18:00 hours weekdays;
- 08:00 - 13:00 hours Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

#### **Condition 36 – Impact Piling**

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for the detailed phase has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent any damage to nearby underground utility infrastructure.

**Condition 37 – PD Restriction**

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), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies CS5 and DM01 of the Local Plan.

**Condition 38 Cycle Parking**

Prior to the first occupation of each phase; details of cycle parking and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be in accordance with the London Plan and London Cycle Design Standards (or any superseding guidance). All spaces shall be permanently retained thereafter.

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

**Condition 39 – Sainsbury's floorspace**

The new Sainsbury's Store must be built out in accordance with the details of the planning permission. The maximum quantum of A1 retail floorspace for the new Sainsbury's Store must not exceed 8,998 sqm GIA (or a net sales area of 4,037 sqm).

**Condition 40 – Wind Mitigation**

The wind mitigation measures set out in the ES addendum dated November 2019 shall be implemented prior to first occupation of Phase 1. The measures should be retained for the lifetime of the development, unless agreed in writing by the Local Planning Authority.

Reason: To ensure the development creates an acceptable local microclimate in accordance with Policy DM05 Development Management Policies (Adopted) September 2012.

#### **Condition 41 – Energy Network capped connection**

Prior to development shall take place until a strategy setting out how the development could enable future connection to any District Heating Network has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan policies 5.2 and 5.6.

#### **Condition 42 - Residential Car Parking Management Scheme (CPMC)**

Prior to occupation of each phase (Phase 1 and 2), A Residential Car Parking Management Scheme to cover C use classes shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

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

#### **Condition 43 - Commercial Car Parking Management Scheme (CPMC)**

Prior to occupation of the new food store in Phase 1, a Commercial Car Parking Management Scheme to cover A use class retail units with a floorspace of 8,998 sqm or more, shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The CCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

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



#### **Condition 44 - Access Plan**

Before the development hereby is occupied; details to show entering and egress arrangements for all modes and pedestrian walkways to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with 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.

#### **Condition 45 - Electric Vehicle Charging Points**

Prior to occupation of each phase (Phase 1 and 2) full details of the electric vehicle charging points to be installed in the development shall be submitted on a phased basis to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to first occupation of each phase (Phase 1 and 2) 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.

#### **Condition 46 - Delivery and Servicing Management Plan (DSMP)**

- a) Prior to occupation of the residential units within each Phase (Phase 1 and 2) a Residential Servicing and Delivery Management Plan for each Phase shall be submitted and agreed in writing by the Local Planning Authority. The servicing and delivery of these units shall be carried out in accordance with the approved Residential Servicing and Delivery Management Plan unless agreed in writing by the Local Planning Authority.
- b) Prior to occupation of each of the ground floor level commercial units, as shown on approved drawing (ref. 00 AP 0010 002 P02) a Commercial Servicing and Delivery Management Plan for each of these units shall be submitted and agreed in writing by the Local Planning Authority. The servicing and delivery of these units shall be carried out in accordance with the approved plan unless agreed in writing by the Local Planning Authority.
- c) Prior to the occupation of the A use class retail unit of 8,998 sqm GIA in Phase 1, a Commercial Servicing and Delivery Management Plan shall be submitted for this unit. The servicing and delivery of these units shall be carried out in accordance with the approved plan unless agreed in writing 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.

#### **Condition 47 - Existing Crossovers**

Prior to the occupation of the development, the existing redundant crossovers shall be reinstated to footway by the Highway Authority at the applicant's expense.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

#### **Condition 48 - Refuse Collection**

Refuse stores and holding bays shall be delivered in accordance with the approved drawings (ref. 00AP-0010-001 P01 and 00AP-0010-002 P02) and retained as such unless agreed in writing by the Local Planning Authority.

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

#### **Informatives**

*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.*