

**Location**                                **290 - 294 Golders Green Road London NW11 9PY**

**Reference:**                            **19/6857/FUL**                                Received: 27th December 2019  
Accepted: 3rd January 2020

Ward:                                        Golders Green                                Expiry 3rd April 2020

Applicant:                                EPILEUM PROPERTY LTD

Proposal:                                    Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 111 residential flats, associated car and cycle parking, refuse and recycling provision, landscaping and associated other works with access from Golders Green Road

**Recommendation:** Approve subject to s106

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

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A financial contribution of £640,000 towards Affordable Housing and an affordable housing review mechanism;
4. Provision of a Residential Travel Plan within 3 months of occupation and a monitoring contribution of £5,000;
5. Highways works - requirement to submit S278 application to modify an existing crossover; close two crossovers and reinstate them to footway; provide addition "pay and display" on release of additional kerbside space;
6. Contribution of £150,696 towards Carbon Offset to meet mayoral zero carbon target.
7. Monitoring of the legal agreement £3,875

## RECOMMENDATION II:

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

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

0615\_X\_GA(LC)01\_XX (Site Location Plan)  
0615\_X\_GA(BA)01\_XX C (Proposed - Basement Floor Plan)  
0615\_X\_GA(MZ)01\_XX C (Proposed Basement Mezzanine Floor Plan)  
0615\_X\_GA(LG)01\_XX C (Proposed - Lower Ground Floor Plan)  
0615\_X\_GA(00)01\_XX C (Proposed - Ground Floor Plan)  
0615\_X\_GA(01)01\_XX C (Proposed - First Floor Plan)  
0615\_X\_GA(02)01\_XX C (Proposed - Second Floor Plan)  
0615\_X\_GA(03)01\_XX C (Proposed - Third Floor Plan)  
0615\_X\_GA(04)01\_XX C (Proposed - Fourth Floor Plan)  
0615\_X\_GA(05)01\_XX C (Proposed - Fifth Floor Plan)  
0615\_X\_GA(RF)01\_XX B (Proposed - Roof Plan)  
0615\_X\_GE(AA-BB)01\_XX C (Elevation AA-BB)  
0615\_X\_GE(AA-EE)01\_XX A (Street Scenes)  
0615\_X\_GE(CC-DD)01\_XX C (Elevation CC-DD)  
0615\_X\_GE(EE-FF-GG)01\_XX C (Elevation EE-FF-GG)  
0615\_X\_GS(AA-BB)01\_XX C (Section AA-BB)  
0615\_X\_GS(CC-DD)01\_XX C (Section CC-DD)  
0615\_X\_GS(EE-FF)01\_XX C (Section EE-FF)  
1094 A3 02 B (Detailed Planting Proposals)

Accommodation Schedule Rev.E, Anyo (Dated 20.12.2019)  
Acoustic Assessment Report, RBA Acoustics Ltd (dated 13.12.2019)  
Air Quality Assessment 1.0, Temple Group Ltd (dated 03.02.2020)  
Arboricultural Implications Assessment, Broad Oak Tree Consultants Limited (dated 23.12.2019)  
Energy and Sustainability Strategy, MWL (dated February 2020)  
Flood Risk Assessment, Herrington Consulting Limited (December 2019)  
Landscape Management Plan Rev A, Liz Lake Associates (Dated December 2019)  
Phase 1 Preliminary Risk Assessment (Desk Study, Soil Consultants Ltd (dated 11.04.2019)  
Planning Statement and Design and Access Statement, Henry Planning  
Preliminary Ecological Assessment, green shoots ecology (dated December 2019)  
Transport Assessment, Paul Mew Associates (dated December 2019)  
Travel Plan, Paul Mew Associates (dated December 2019)  
Utilities Statement, MWL (dated December 2019)  
Ventilation Strategy, MWL (dated December 2019)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans

as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

- 4 a) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 Notwithstanding the parking layout submitted with the planning application, prior to the practical completion of the entire approved development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking space in the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Prior to the first occupation of the approved development, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, at least 167 (long stay) and 3 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of

traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 Prior to the commencement of development (including demolition, site clearance and ground works), a Stage 1 and Stage 2 Road Safety Audit shall be undertaken in relation to the proposed car park and access on Golders Green Road. The results of the audit shall be submitted to and approved in writing by the Local Planning Authority. Any necessary works identified within the audit shall thereafter be fully implemented prior to the first occupation of any part of the development.

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

- 9 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility.

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

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

- 10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the first occupation of the approved development, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 11 Prior to the practical completion of the entire approved development, a Car Park Management Plan detailing the allocation of car parking spaces, all on-site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason: To ensure that parking is provided and managed at the development in the interests of highway safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

- 12 a) Prior to the commencement of above ground works, a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

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

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

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

- 14 Part 1

The development hereby approved shall be carried out in strict accordance with approved Phase 1 Preliminary Risk Assessment (Desk Study) by Soil Consultants dated 11 April 2019.

c) If the approved Phase 1 Preliminary Risk Assessment indicated any risk of harm, a Method Statement detailing the remediation requirements, using the information

obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

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

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

- 15 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 16 The approved mitigation measures as set out in the report by Temple ref T2294.1, dated 24.06.2019 shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

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

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

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

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

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

- 18 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved within the approved Arboricultural Implications Assessment for Proposed Residential Development by Broad Oak Tree Consultants Limited dated 23 December 2019 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

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

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

- 20 Before the development hereby permitted is occupied, details of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details.



Reason: To safeguard local amenity in accordance with policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012) and policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 21 a) Prior to carrying out above ground works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate the secure by design measures to be installed across the site.
- b) The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

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

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

- 23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% (11no flats) constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 24 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 36.48% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 25 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 on any part 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 townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

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

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

- 27 The proposed development hereby approved shall be carried out in full accordance with the submitted Landscape Management Plan Rev A, Liz Lake Associates (dated December 2019) and maintained for all landscaped areas for a minimum period of 25 years.

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

- 28 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 29 The proposed development hereby approved shall be carried out in strict accordance with the proposed ecological mitigation and enhancement measures as contained with the approved Preliminary Ecological Assessment, Green Shoots Ecology (dated December 2019) and shall be permanently maintained thereafter.

Reason: To ensure that ecological improvements are secured in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012).

30. Prior to installation of any photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

31. Development shall not begin until the following information, has been submitted to and approved in writing by the London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

#### Flood Risk Assessment

Assessment of flood outline for the 100-year plus climate change fluvial flood event based on detailed hydrological and hydraulic analysis.

Reason: To Ensure the development would be safe during the 100-year flood plus climate change flood event and will not increase flood risk to third parties by loss of the floodplain storage. To avoid piecemeal reduction of undefended floodplains because of the cumulative effects on their floodplain volume of storage and conveyancing capacity. To ensure that the flood risk is assessed, and any residual flood risks are mitigated and managed appropriately without increasing the flood risk elsewhere.

32. Development shall not begin until the following information, has been submitted to and approved in writing by the London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

#### Surface Water Drainage Strategy

Calculation evidence showing that the proposed SuDS would be able to continue draining the development during flood condition in Decoy Brook without risk of flooding in any part of the site.

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).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30.09.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
2. The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

### Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

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

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

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

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 9 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.
- 10 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of

the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 12 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW, 4-6 weeks before the start of works on the public highways.
- 13 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense. In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

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

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any



works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways

Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 15 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 16 Paragraph 163 NPPF (2019) indicates that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>50</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
  - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

According to the latest Environment Agency's Flood risk assessments: climate change allowance (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), within Flood Zones 2 or 3a, for more vulnerable development, the 'higher central' and 'upper end' allowances which are 35% and 70% in the Thames region should be applied to assess the flood risk. Furthermore, in accordance with the NPPF Residential development should be considered for a minimum lifetime of 100 years, unless there is specific justification for considering a shorter period. (<https://www.gov.uk/guidance/flood-risk-and-coastal-change#safe->

for-its-lifetime). Hence, the 100 year plus 70% climate change is appropriate for this site.

- 17 The London Borough of Barnet has been designated a Lead Local Flood Authority (LLFA) and as such has a statutory responsibility for leading the co-ordination of local flood risk management within the borough. This includes ensuring that flood risks from local sources, including surface water runoff, groundwater and ordinary watercourses and their interactions, are identified and managed. This includes new culverts, bridges or other structures in the watercourse or a change to the alignment or the banks of the watercourse.

It is recommended that discussions are held with the Council's drainage engineers to seek their views and advice.

## **Officer's Assessment**

This application was deferred from the FGG committee on 15 July 2020 so that Members were able to review the updated independent report from the Council's consultants of the applicant's submitted viability assessment.

### **1. Site Description**

The application site is located at the north-western end of Golders Green Road, towards the junction with A406 North Circular Road. This site historically comprised of a Harvester restaurant which was demolished a number of years ago and the site has since remained vacant.

The site measures approx. 0.4 hectares and is in L-shaped in form.

The site is situated between Princes Park Avenue to the south-east and Golders Green Road to the south-west. This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying heights, with traditional, suburban housing on the side streets and to the rear of the site. Princes Park Avenue is a residential street comprising of a mix of detached and semi-detached dwellings, which are predominantly two-storeys in height, with pitched roofs.

The site is adjacent to the four-storey commercial office block, Roman House which was built in the 1990's and to the other side, across the junction with Princes Park Avenue, is a three-storey purpose built residential block of flats known as Phildor Court. To the front of the site, Golders Green Road is characterised by commercial premises at ground floor with elements of residential accommodation above. On the opposite side of the site at 1-5 Princes Parade, permission has been granted for a part 4 and part 5 storey building under reference 19/4784/FUL.

The topography and site levels vary, sloping down towards the North Circular Road (A406) to the north-west and Decoy Brook to the north; and upwards to Golders Green to the south-east. The ground levels therefore drop from the corner of the site at its junction with Princes Park Avenue to where it meets its western boundary with Roman House and from the front of the site bordering Golders Green Road to the rear boundary with Decoy Brook.

### **2. Site History**

There is a comprehensive planning history on this site, however the most recent and relevant planning history is mentioned below. There are also numerous applications submitted and discharged in relation to conditions for reference 16/3806/FUL.

Reference: 19/4676/191

Address: 290-294 Golders Green Road, London, NW11 9PY

Description: Implementation of planning application ref: 16/3806/FUL dated 05/09/2016 for: `Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road`

Decision: Lawful

Decision Date: 2 December 2019

Reference: 17/7568/S73

Address: 290-294 Golders Green Road, London, NW11 9PY

Description: Variation of condition 1 (Plans) pursuant to planning permission 16/3806/FUL dated 05/09/2016 for "Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road." Variation includes re-configuring the layout of the building at basement and basement mezzanine level, including the removing an area from the south-east end of the building and removal of basement level two. Removal of spa to enlarge approved 4no flats at lower ground floor level. Reduction in the width of the front foyer area to increase the size of 4no flats (8, 9, 10 & 11) at ground floor level. New lightwells and soft landscaping to south-east end of building.

Decision: Approved following legal agreement

Decision Date: 8 August 2019

Reference: 16/3806/FUL

Address: 290-294 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Approved following legal agreement

Decision Date: 5 September 2016

Reference: 15/05062/FUL

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 67 residential flats with ancillary resident's spa facility, associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Refused

Decision Date: 4 February 2016

Appeal Reference: APP/N5090/W/16/3155067

Appeal Decision: Dismissed

Appeal Date: 29 November 2016

Reference: F/05593/13

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Refused

Decision Date: 6 March 2015

### **3. Proposal**

The application seeks permission for the erection of a part two, part four, part five and part six storey building with lower ground floor and basements providing 111no. residential flats. The scheme also comprises of the provision of associated car and cycle parking, refuse and recycling provision, landscaping and associated other works.

The proposal would take the form of a front block, comprising of 5-storeys on the south-eastern side nearest Princes Park Avenue and 6-storeys on the north-western side nearest Roman House. These elements would have linked two-storey section at the bottom and a gap at the upper levels between the two building elements,

The rear block would comprise of part-three and part-four elements in the north-eastern corner, extending up to 5 storeys and connecting to the front block by a two-storey element.

Of the total, 111no. units proposed, will be 9 x 1B1P, 36 x 1B2P, 38 x 2B4P and 28 x 3B6P.

The proposal comprises of the provision of a mix of private and communal amenity spaces.

Vehicular access is proposed on the north-western corner of the site from Golders Green Road, which leads down to the basement mezzanine and basement levels. Here, 141no. car parking spaces (including 12no. wheelchair spaces) are provided at these levels with 177no. cycle parking spaces.

### **4. Public Consultation**

Consultation letters were sent to 399 neighbouring properties. 16 responses have been received, comprising 15 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- Overdevelopment;
- Increased built form over previous existing Harvester building;
- Inappropriate density and high build nature;
- No affordable housing provision;
- Loss of light;
- Loss of privacy;
- Overlooking;
- Overbearing;
- Increased traffic congestion;
- Insufficient provision of parking spaces;
- Negative impact on the water use and drainage;
- Impact on infrastructure;
- Increased flood risk;
- Impact on existing trees;
- disturbance from construction;
- Lead to serious traffic disruption and queueing of Princes Park Avenue and Golders Green Road;
- Cumulative impacts with nearby development sites;

- Significant implications for water and sewage and other local services;
- Overcrowding.

The letters of support received can be summarised as follows:

- Similar to the latest approved plan;
- Increased gap between the two units on the plan; therefore, we cannot object based on light.

#### Internal / External Consultee Comments

**Arboricultural Officer** - The scale of the development prevents the replacement planting of TPO trees.

**Drainage** – awaiting updated comments.

**Environmental Health** – No objection subject to conditions.

**Secure by Design** – No objection

**TfL** – TfL is unable to support the proposal in its current form due to significant excessive parking provision.

**Thames Water** – No objection of waste or water grounds.

**Traffic and Development** – No objection subject to provision of S106 agreement and conditions.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## The Mayor's London Plan 2016

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

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

### *Draft 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 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.

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

## Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17,

## *Barnet's Local Plan (Reg 18) 2020*

Barnet's Local Plan Regulation 18 Preferred Approach was approved for consultation on 6<sup>th</sup> January 2020. The Regulation 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### Supplementary Planning Documents

- Affordable Housing (2008)
- Green Infrastructure (2017)
- Planning Obligation (2013)
- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Planning Assessment**

Planning permission was granted in September 2016 (reference 16/3806/FUL) for the erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60no. residential flats. A subsequent S73 application (reference 17/7568/S73) was approved in August 2019 for various minor material amendments.

The original application has been implemented and confirmed through Certificate of Lawful Development reference 19/4676/191 dated 02.12.2019.

## **5.3 Assessment of proposals**

### Land Use / Principle of development

Historically the site was occupied by a public house and restaurant which were demolished some time ago and the site now lies vacant.

The site benefits from an implemented permission for a wholly residential development and as such the redevelopment of the site is considered acceptable.

### Housing Quality

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.

### Dwelling Mix

Policy DM08 of Barnet's 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.

The proposal is comprised of 111no. market sale dwellings which is split as follows:



- 9 x 1B1P (8%)
- 36 x 1B2P (33%)
- 38 x 2B4P (34%)
- 28 x 3B6P (25%)

The proposed development is considered to provide a mixture of dwelling types with 25% being family units identified as priority under policy DM08.

### **Affordable Housing**

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. Council policies seek a tenure split of 60% social rented and 40% intermediate housing.

The Mayor of London has published the affordable housing and viability SPG, which effectively accepts schemes which propose a minimum level of 35% without the need to submit a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme cannot viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.

The application is accompanied by a Financial Viability Assessment produced by Avison Young which sets out that following the viability appraisal assessment the scheme is not economically viable. The Council has had the submitted Financially Viability Assessment independently assessed by Savills. Both parties have agreed that the scheme is unviable to provide affordable housing. However, regardless of the viability position, the applicant has offered to continue to contribute to the Council, an in-lieu payment consistent with the previous approved FUL and S73 applications. This is a sum of £640,000 which will be secured as a S106 obligation with a further review mechanism to secure a further contribution of up to £100,000 (capped contribution) should this be viable.

### **Residential Space Standards and quality of accommodation**

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The size of all the units would comply with the minimum spaces requirements.

The vast majority of the proposed units are single aspect with exception of those units located on the corners of each block where dual aspect outlooks have been achieved. It is not considered to be an in-principle issue as none of the units would be directly north facing. Each unit would benefit from large floor to ceiling windows to increase the level of daylight and sunlight received into each unit. Previous applications have accepted units contained within the lower ground level and it is considered that on balance with the floor to ceiling windows and with the lightwells are sufficiently large to allow light to pass through, the units considered to provide adequate levels of amenity for future occupiers of these units.

Each unit would benefit from access to a private terrace or balcony and in addition there are a number of communal gardens and terrace areas. A total of 1156.9sqm of private amenity space is provided within the scheme and 2324.6sqm of communal space. The provision of external spaces is therefore compliant in terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to provide 5sqm of usable outdoor communal or private amenity space per habitable rooms.

### **Wheelchair Housing**

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 schemes should have 10% wheelchair home compliance, as per London Plan policy 3.8.

The submitted Planning Statement and Design and Access Statement sets out that 10% of the proposal 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.

### **Design, Layout, Massing and Height**

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike.

Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance.

### ***Layout***

The proposal is laid out in two main blocks; the front block facing onto Golders Green Road (GGR) and Princes Park Avenue (PPA) and the rear block which runs along the north-eastern part of the site.

At the immediate corner of GGR and PPA, the proposal is more prominent but steps back towards the front elevations of PPA. Officers consider that whilst this element would be forward of the building line of properties on PPA, the site forms its own different character and not part of PPA.

The layout is predominately similar to the previous approved scheme; however, the front block has now been shifted forward, further away from PPA towards Golders Green Road.

Overall, as the proposed layout predominately follows the approved footprint of the previous permission, the proposed layout is considered to be acceptable. The proposal is considered to improve the layout relationship with PPA as the front block has been shifted slightly forward further away.

## ***Scale and Massing***

The proposed front block would be five storeys in height at the southern end with six storeys at the northern end nearest Roman House. As per the previously approved application, there will be a two-storey linked element and a gap above in order to give the front block the appearance of two linked elements and to reduce the overall bulk and massing of the front block. In comparison to the approved scheme, the northern element is sited further back from Roman House and the southern element is smaller in width and height.

At the rear elevation of the front block, there is an increased separation between the two elements at 2nd floor level and above. This is considered to be a further positive improvement over and above the approved scheme.

At the corner of GGR and PPA, the block steps down from five storeys to two storeys. This transition in height is considered to be acceptable and is also reflective of the previous scheme. As the front block will be shifted away from No.1 PPA, the relationship between the site is improved.

Concerns have been raised with the proposal's siting now being shifted closer to GGR and that its massing and bulk has a more visual impact on the streetscene. However, the proposed front façade would measure approx. 2 to 3m back at varying distances. In comparison to application references 18/2492/FUL and 19/4784/FUL at 1-5 Princes Parade which is opposite the application site, a part-four and part-five storey building which is sited directly onto the footpath (with no setback) was originally approved by the FGG committee in November 2018. The approved balconies on the front façade project over onto the footpath below. As such, whilst the proposed development has been shifted forwards, Officers do not find that this results in a significantly harmful visual impact on the character and appearance of the site or streetscene.

The proposed rear block would be connected by a two storey link and then stepping up to five storeys and then back down to part four and part three storeys. This variance in height and bulk is considered acceptable and helps break up the perceived massing. The separation gap between the front and rear blocks has been increased at the upper levels which brings a further improvement in terms of perceived massing. Again, as the proposed massing and bulk of the proposed development is reduced or comparable to the previous approved scheme, this element is considered to be acceptable.

When considering the scale of the development, the proposal is either improving upon the position or reflecting the implemented scheme and as such it is not found to be adversely harmful to the character and appearance of the street scene and wider locality. In addition, it is noted that there are a number of similar height buildings along GGR within close proximity of the site.

## ***External appearance***

The proposals submitted indicate that the development would be constructed with brick as the principal material. In order to provide variety to its appearance, a two-tone brick colour would be used between the building elements, with differing brick textures such as protruding brick. Vertical elements are also incorporated through the position of structured large full height floor to ceiling windows.

Overall, Officers consider that the scheme is of a high quality and would integrate well within its surrounding context.

### **Amenity Impact on Neighbouring Properties**

Barnet policy DM01 states that proposal should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

#### ***Privacy, overlooking and outlook***

The site is located within a predominately residential area with a variety of building forms. In terms of potential impact there are existing residential properties to the south-east along PPA and to the north-east in James Close.

Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

To the south-east, there is a row of two-storey, semi-detached properties along PPA. It is measured along the rear block that there is a minimum distance of 12m at the closest points to the rear gardens of PPA. There would be in excess of 21m from the proposal to the closest habitable windows along PPA. As such, it is considered that the intervening distances are acceptable and would not result in harmful overlooking from the rear block.

To the north-east is James Close comprising of two purpose built flatted blocks. It is measured that there is an approximate intervening distance of 20m, with a number of trees along the boundary. Only a small number of trees in this area are proposed for removal to facilitate the development or for safety purposes. However, there will still be a considerable number of trees along this boundary for screening purposes. In addition to the indirect angle to the windows of flats in these blocks, it is not considered that harm loss of privacy or overlooking would arise. It is not considered that the proposals would cause harmful loss of outlook or appear visually overbearing as perceived from the rear windows of properties on James Close.

The proposed massing across the scheme is broken up by setbacks and variances of height across the site. As perceived from no.1 PPA, the building would be two storeys in height and has now been shifted further forward away from the property. The rear outlook from No.3 PPA would be over the two-storey element of the rear linked section. Within this proposal the separation gap at the upper levels between the front and rear blocks has been increased which is considered to further improve the outlook over and above the previous permission. Given the similarities between this scheme and the previous one, it is not considered that the proposals would appear unduly overbearing or visually dominating from the rear gardens and windows of any neighbouring properties.

#### ***Loss of light***

Within the previous application, the impact of overshadowing was principally focused on the impact of No.1 PPA. It was considered that due to the site orientation and separation distances, Officers were satisfied that the proposals were otherwise satisfactory that the proposal would not cause harmful loss of light to neighbouring occupiers on PPA and James Close. As the scheme improves the relationship to No.1 PPA, it is considered that

as it was impact previously considered acceptable, there are no further concerns raised within this application.

Previously, whilst it is acknowledged that there is likely to be some difference in what is perceived as a result of the development given the existing vacant nature of the site, the impact on neighbouring residents in respect of loss of light would not be so harmful as to warrant the refusal of the scheme.

## **Transport / Highways**

Policy CS9 of the Barnet Core Strategy 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 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

### ***Car Parking***

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 as follows:

One-bedroom units	0.0 to 1.0 space per unit
Two to three-bedroom units	1.0 to 1.5 spaces per unit
Four or more units	1.5 to 2.0 spaces per unit

The site lies in an area of PTAL score of 3 (average). Based on the PTAL of the site, a policy complaint scheme would necessitate a range of between 80 and 148 parking spaces for the 111 residential units.

The scheme proposes a total of 141 car parking spaces including 12 disabled bays which would fall within the required DM17 provision. The Council's Traffic and Development Officer is satisfied with the proposed car parking provision.

### ***Vehicular Access***

Vehicular access would be provided through an existing crossover on Golders Green Road on the north-western part of the site, closest to Roman House. The access road which would lead down to basement mezzanine and basement levels and would be suitably wide to accommodate two-way vehicle movements. The other two existing crossovers on GGR are to be closed off and reinstated.

### ***Cycle Parking***

The development would provide 196 cycle parking spaces which is acceptable and compliant with London Plan standards.

## ***Refuse Collection***

A number of bin stores are proposed at basement mezzanine level. The submitted strategy within the Transport Assessment states that residents would take their refuse / recycling from their apartment down to the basement mezzanine level to one of the stores. It is proposed that a private management company would collect the refuse and recycling bins and wheel them to the platform lift collection point ready to be taken to street level. At street level, the bins would be temporarily stored until collected by Barnet's waste collection team. The management company will then return the bins back to the bin stores at basement mezzanine level once collection has taken place.

## **Trees and Landscaping**

An Arboricultural Implications Assessment and Landscape Management Plan has been submitted in supported of the application.

The report advises that there is a belt of trees to the northern end of the site and along the eastern boundary. Several street trees are located adjoining the site in Princes Park Avenue. A number of these trees on site are included in the designated Tree Preservation Order on the site.

The Council's Arboricultural Officer has reviewed the report and comments that the proposed development requires the removal of a further seven individual trees and 2 more groups of trees. These are located along the boundary with rear gardens of Princes Park Avenue and the Woodlands. It is accepted that the quality of these trees is not high. The overall size of the basement footprint is similar to that previous approved.

TPO trees T3 and T4 adjacent to Roman House are proposed to be removed, however, this also the case within the previous scheme.

The proposed landscaping scheme indicates that new tree and hedge planting will be create principally added along the boundary with the rear gardens of Princes Park Avenue.

## **Sustainability / Environmental Issues**

### ***Energy***

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

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.

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.

The application is accompanied by an Energy and Sustainability Statement from MWL (February 2020) which sets out how the development accords to the London Plan energy hierarchy.

### Be Lean

Passive design measures included within the development to reduce energy demand would include the following:

- Passive design
- Energy efficient fabric
- Energy efficient lighting
- Efficient ventilation systems

These measures are assessed as providing a 13.96% reduction in regulated CO<sub>2</sub> emissions.

### Be Clean

At the present date, there is no decentralised heating network in close proximity of the site. There are no proposed plans for an area-wide heat network within the vicinity of the development. As such, the proposal includes the provision of individual, high-efficiency gas boilers to all flats.

No CO<sub>2</sub> emissions are proposed through this measure.

### Be Green

The applicant has investigated the feasibility of range of low and zero carbon technologies for the development and is proposing to install communal air source heat pumps and roof mounted solar photovoltaic panels.

Together these measures will result in a reduction of 26.18% reduction in regulated CO<sub>2</sub> emissions.

### Summary

An on-site reduction of 83.72 tonnes per annum (36.48%) for the domestic part of the development in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development. The carbon dioxide savings exceed the on-site target set within policy 5.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO<sub>2</sub> emissions, equating to a financial contribution of £150,696 to the Borough's offset fund.

## ***Accessibility***

The Planning Statement and Design and Access Statement confirms that the proposal would meet Part M4(2) of the Building Regulations for 90% of the development and 10% would meet M4(3) requirements.

## **Flood Risk / SuDS**

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".

The Decoy Brook lies to the north of the site. Reviewing the flood zone mapping, it indicates that the proposed development site is located primarily within Flood Zone 1. Although the very northern part of the boundary does fall partially within Flood Zones 2 (4% of site) and 3 (1%) of site.

The application is accompanied by a Flood Risk Assessment from Herrington Consulting (April 2019). No sequential test has been undertaken as the site already benefits from a permission (16/3806/FUL) for a residential scheme of near similar footprint. This permission has been implemented. Officers consider this is acceptable. In terms of the exceptions test, it is noted that only 1% of the site falls within Flood Zone 3. Therefore, the risk to the development is considered to be minimal. The benefits of the proposal are provision of new housing within the Borough and bringing forward a brownfield site which has been vacant for many years. Therefore, the exceptions test is considered to be met and outweighs the very limited risk on this site.

The flood risk assessment is currently being assessed by the Council's Drainage consultants and a further update will be provided to the committee. However, permission was granted for a similar footprint under reference 16/3806/FUL.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to completion of the legal agreement and compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and is acceptable on highways grounds. This application is therefore recommended for approval.



