

LOCATION: Crown Honda
Hyde Estate Road
London
NW9 6JX

REFERENCE: 20/3906/FUL Validated: 02.09.2020

WARD: Colindale Expiry: 02.11.2020

CASE OFFICER: Carl Griffiths

APPLICANT: Parkside Investments Limited

PROPOSAL: Phased redevelopment of site comprising the demolition of all existing buildings and structures and construction of a mixed-use development to comprise a two storey podium level with three buildings above ranging in height from 20 to 24 storeys providing a range of uses including up to 470 residential units (Class C3), office and workspace (Class B1), self-storage (Class B8), flexible community space (Class D1) and a café (Class A3), associated 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)

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

- 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 £141,000
- RTP monitoring fee of £20,000;
- Car club – provision of 5 spaces

- 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:

Non-Financial Obligation	Outputs
Progression into Employment (unemployed under 6 months)	20
Progression into Employment (unemployed over 6 months)	13
Apprenticeships (minimum NVQ Level 2)	34
Work Experience	44
School/College/University Site Visits	400
School/College Workshops	220
Local Labour	20%
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	% by Hab Rooms	% by Units
Affordable Rent	38	69.8%	77%
Intermediate	128	30.2%	23%
TOTAL AFFORDABLE	166	100%	100%

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 to 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 £40,000 to be made towards the cost of a review of local CPZ's and implementation costs if demonstrated to be necessary.

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.

Section 38/Section 278 works to be undertaken in respect of a new or upgraded crossing to be provided on Hyde Estate Road with the design to be submitted to and agreed in writing by the LPA.

Any other Section 38/Section 278 works to be undertaken in respect of highway, footway improvement works within the Active Travel Zone of the site with the final scope of works to be agreed with the LPA.

Any highway works necessary pursuant to the Refuse and Servicing condition to be undertaken under Section 38/Section 278.

A contribution of £400,000 to provide additional bus services in the vicinity of the site.

A contribution of £20,000 to be made towards improvements to Hendon Central LUL Station

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 20/3906/FUL under delegated powers, subject to the conditions as 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 (2021) published 3rd March 2021 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. This document replaced the London Plan 2016.

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 DP9 on behalf of the applicant. The Report requested an EIA Scoping Opinion (under Section 13 of the Regulations) and the LPA subsequently issued a Scoping Opinion in April 2020 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 and is set out below:

ES Chapter (Volume 1)	Topic
Chapter 1	Introduction
Chapter 2	Environmental Impact Assessment Methodology
Chapter 3	Alternatives and Design Evolution
Chapter 4	The Proposed Development
Chapter 5	Demolition and Construction
Chapter 6	Socio-Economics
Chapter 7	Traffic and Transport
Chapter 8	Air Quality
Chapter 9	Noise and Vibration
Chapter 10	Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare
Chapter 11	Wind Microclimate
Chapter 12	Effect Interactions
Chapter 13	Likely Significant Effects and Conclusions
Chapter 14	Mitigation and Monitoring Schedule
Chapter 15	Glossary and Abbreviations

1.0 Site Description

- 1.1 The site is located to the east of the A5 adjacent to the junction with Hyde Estate Road. The site is 0.87 hectares in size and is bound to the east by Hyde Estate Road and to the north by the BT Telephone Exchange and Switching Centre. A brook, known as the Silk Stream, is situated to the east of the Site beyond Hyde Estate Road.
- 1.2 The site is currently occupied by a two-storey Crown Honda car showroom, servicing and workshop facility (Sui Generis) and two adjoining single-storey garage units occupied by National Tyres & Autocare and Halfords Autocentre (Class B2). Surface-level car parking (circa. 136 spaces) associated with the existing uses is provided across the Site.
- 1.3 Whilst the majority of the Site comprises hardstanding, the site boundary to the south and to the west is lined with low-level planting and shrubbery. There are also a number of small trees scattered across the Site, none of which are subject to Tree Preservation Orders (TPOs).
- 1.4 The Site is not located within a Conservation Area, nor is it situated within close proximity to any listed buildings.

2.0 Proposed Development

- 2.1 Permission is sought for the phased redevelopment of the site comprising the demolition of all existing buildings and structures and construction of a mixed-use development to comprise a two storey podium level with three buildings above ranging in height from 20 to 24 storeys providing a range of uses including up to 470 residential units (Class C3), office and workspace (Class B1), self-storage (Class B8), flexible community space (Class D1) and a café (Class A3), associated car and cycle parking, public open space, landscaping, vehicular and pedestrian routes, servicing and access arrangements and other associated works.
- 2.2 Phase 1 is located at the east of the Site, comprising Units A and A2 and the associated car parking. Phase 2 is located at the west of the Site, comprising the Crown Honda Car Showroom and associated car parking.
- 2.3 The development would entail three tall buildings with a hexagonal form and heights of 20, 23 and 24 storeys. The development would be linked across both phases at podium level with a pedestrian bridge, creating a single, cohesive, podium-level

garden. Access to the podium level would be from two points, one from the A5 and one from Hyde Estate Road.

2.4 The ground and first floors of the development below podium level would accommodate a range of non-residential uses whilst the three hexagonal buildings atop the podium would accommodate the residential accommodation.

2.5 The development would propose the following floorspaces:

Use	Proposed (GIA sqm)	Proposed (GEA sqm)
Residential (Class C3)	48,206	51,753
Flexible Office / Workspace (Class B1)	711	778
Self-Storage (Class B8)	768	776
Café (Class A3)	188	196
Flexible Community (Class D1)	337	377
Shared Plant, Refuse and Cycle Parking	561	582
Total	50,771	54,462

2.6 In terms of the residential provision, the development would deliver 470 residential units in a range of unit sizes and tenures, with 35% provided as affordable units. The development would be delivered in two phases with Phase 1 delivered as 100% affordable. The development proposes the following overall residential mix:

Tenure	1 bed	2 bed	3 bed	Total
Private	97	177	30	304
Intermediate	60	54	14	128
Affordable Rent	4	13	21	38
Total	161	244	65	470
%	34%	52%	14%	100%

2.7 In terms of parking, a total of 136 secure car parking spaces would be provided at first floor level within the podium, equating to a provision of 0.28 parking spaces per dwelling. 14 wheelchair accessible bays whilst 20% of the car parking spaces will benefit from electric vehicle charging points, with the remaining 80% delivered as passive charging spaces. 900 secure short stay and long stay cycle spaces would be provided at ground floor level and within the public realm, which would be allocated as follows:

- Residential Long Stay – 860 spaces;
- Residential Short Stay (Visitor) – 13 spaces;
- Non-residential Long Stay (Employee) – 15 spaces; an
- Non-residential Short Stay (Visitor) – 12 spaces.

3.0 Relevant Planning History

- 3.1 The application site has extensive planning history, largely relating to minor applications for works to the existing buildings. These applications are not considered to be relevant to the consideration of the current scheme and as such are not listed. Those applications considered to be of most relevance are set out below.

Crown Honda Showroom

- 3.2 Planning permission was originally granted on 16th February 2009 (Ref: H/04142/08) for 'Construction of a motor car dealership comprising B1(c)/B2 car workshop (809sqm), B8 parts store (160sqm), B1(a) offices (578), car showroom (683sqm), external car display and car parking, following the demolition of the existing offices and extension and conversion of the existing warehouse / workshop building. Alterations to vehicular access from Hyde Estate Road.
- 3.3 A Certificate of Lawful Development (Ref: 20/0446/191), was granted in October 2020 to demonstrate that the existing lawful use of the building is Sui Generis in its entirety.

Units A and A2

- 3.4 Planning permission was originally granted for Units A and A2 as part of the wider consent which included the Sainsbury's site to the south. Planning permission was granted in June 1992 (Ref: W00632DC) for the erection of 3 industrial buildings (Class B2), a retail store (Class A1), petrol filling station and associated car parking.
- 3.5 Units A and A2 have since been subject to numerous applications, most recently with planning permission having been refused in July 2015 (Ref: 15/02772/FUL) for the change of use of both units to a car showroom.

4.0 Consultations

- 4.1 As part of the consultation exercise, 702 letters were sent to neighbouring occupiers with 9 objections and 1 letters of support subsequently being received.

Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the objections received from neighbouring residents can be summarised as follows. In the interests of brevity, objections have been summarised and categorised. The substance of each objection is addressed within the main body of the report.

- Development is incongruous within its context
- Local infrastructure cannot cope with additional development
- Insufficient parking
- Overlooking and daylight/sunlight of neighbouring properties
- Excessive building heights
- The development would conflict with the use of the adjacent Royal Mail delivery premises
- Development will add to existing traffic congestion
- The tall buildings may impact on wind conditions adjacent to the site

Responses from External Consultees

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

Consultee	Response
Greater London Authority	<p>London Plan policies on industrial land, housing, design, heritage, access, energy, flood risk and transport are relevant to this application. The application is broadly supported in strategic planning terms, but the following matters should be addressed to ensure full compliance with the London Plan and the Publication Publish London Plan:</p> <p>Principle of development: The principle of a residential-led redevelopment of the underutilised brownfield and partial non-designated industrial site is broadly supported, subject to provisions to secure the full re-provision of industrial floorspace.</p> <p>Affordable housing: The development proposes 36.5% affordable housing by habitable room split 70:30 in favour of affordable rent. Subject to the resolution of the above with regard to industrial reprovision, the scheme may follow the Fast Track Route. In the event the fast track threshold is not met, the development must follow the Viability Tested Route.</p>

	<p>Urban design and heritage: The design responds well to the local context and proposes a high-quality redevelopment. Further information in relation to the ground floor treatment of residential buildings and active frontage. No harm has to nearby heritage assets has been identified.</p> <p>Climate Change: Further information in relation to carbon reporting, estimated energy cost, overheating, capacity for future connection to a DHN, the proposed GSHP systems, and carbon offsetting. The applicant should confirm the carbon shortfall in tonnes CO2. A WLC assessment and CE statement should be provided.</p> <p>Transport: The development should secure highway mitigation to facilitate improve cycle infrastructure around the site. Assessment of the impact of the development on Hendon Central Station is required to establish if mitigation is required. A financial contribution of £400,000 is estimated to be required to provide extra capacity to meet the needs of the development (paragraphs</p>
Environment Agency	<p>We have no objection to the application on flood risk grounds. The site is located partly in Flood Zone 2 outside of the 1 in 100 year plus climate change flood extent, and not within 8m of a main river and therefore falls under our Flood Risk Standing Advice.</p>
Metropolitan Police – Designing Out Crime	<p>I do not object to this proposal but due to the reported issues affecting the ward, high levels of burglary within Barnet, I would respectfully request that a planning condition is attached to any approval, whereby the development must achieve Secured By</p>

	<p>Design (SBD) accreditation, prior to occupation.</p> <p>It is also very important to highlight that public access to the podium garden area is not an ideal scenario from a crime prevention perspective (reduced levels of legitimate activity, reduced natural surveillance etc) and should be avoided where possible. However, if this public access requirement needs to remain, then appropriate mitigation via physical gate/boundary security and a robust security strategy from estate management should help to ensure that this area is cleared and secured from public access during hours of darkness and help to remove potential issues of crime and disorder from occurring within the estate.</p>
<p>Andrew Dismore AM</p>	<p>This is another unacceptable planning application, for an overly dense and tall development on the A5, next to three other huge developments.</p> <p>Three skyscrapers of 20 to 24 storeys is far too high, and in conjunction with other proposed tall buildings in the area will lead to a tunnelling effect along the A5, a straight road dating back to Roman times. It creates an overbearing appearance for the street scene.</p> <p>470 units on a small footprint is too dense. This will put tremendous pressure on local services, such as the already overburdened bus network. Local schools are already oversubscribed, as are local GPs. Local infrastructure cannot cope.</p> <p>There is a lack of parking in this development. We know that other large developments in this area tend to be occupied by families, not single people, given the relative affordability of these</p>

	<p>properties. These families tend to be car owners, for which there is no parking available, which will put pressure on neighbouring roads.</p> <p>The mix of units is also unacceptable. The borough has a great need for family sized homes, which are not provided here. There is also insufficient affordable housing, falling well below the 50% target for which the borough should be aiming.</p> <p>For all of the above reasons, this planning application should be refused.</p>
Thames Water	<p>With the information provided, Thames Water has been unable to determine the waste-water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so as such, Thames Water request that a condition is attached requiring details of waste water discharge to be submitted for approved prior to commencement.</p>
London Borough of Brent	<p>The information made available during the consultation period was not sufficient to assess the impact of the development on the highway network within Brent's remit, and the application cannot therefore be supported on highway grounds at this time.</p>

- 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:

Consultee	Response
Environmental Health	No objection subject to appropriate conditions. Detailed comments incorporated into officer report below
Waste and Recycling	No objections raised.
Transport and Highways	No objections raised subject to appropriate conditions and S106 obligations. Detailed comments incorporated into officer report below.

- 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 the Crown Honda car showroom, servicing and workshop facility (Sui Generis) and two adjoining single-storey garage units occupied by National Tyres & Autocare and Halfords Autocentre (Class B2). The application site is not designated as a protected employment site however the B2 use is an employment use for the purposes of policy assessment. Employment policies within the development plan are not applicable to the Sui Generis use.
- 5.2 The existing B2 (Industrial) premises has a floorspace of 811 sqm whilst the proposed development would comprise 711 sqm of flexible use B1 floorspace along with 768 sqm of B8 floorspace, equating to a total reprovision of 1479 sqm of employment floorspace provision. Policy DM14 seeks to protect employment floorspace and in this case it is clear that the proposed development would entail an 82% uplift in B use class floorspace, in accordance with the objective of the policy.
- 5.3 Nevertheless, as well as a quantitative assessment of the employment floorspace provision at the site, it is important to consider the nature and type of the uses being reprovisioned. In this regard, Policy E7 of the Replacement London Plan (2021) is relevant and states that mixed-use redevelopment on non-designated industrial sites can only be supported where there is no reasonable prospect for continued industrial use or industrial/storage/distribution uses are re-provisioned as part of the mixed-use scheme.
- 5.4 In this case, whilst there is an 82% uplift in employment floorspace, 711 sqm of that provision would be flexible use B1 floorspace entailing B1-B1(c) uses. As set out

within GLA Stage 1 response, whilst potentially capable of providing replacement industrial capacity, unless designed to a B1c specification, the flexible nature of the floorspace could result in a loss of industrial capacity.

- 5.5 In order to ensure that there is no loss of industrial capacity, a cascade clause would be secured through the Section 106 Agreement which would ensure that the floorspace would be marketed first and foremost at potential B1(c) occupiers before cascading to other potential uses. In conjunction with the cascade clause, a strategy for marketing and engagement with potential light industrial occupiers to be submitted to the LPA would be secured.
- 5.6 Subject to the proposed S106 clauses, officers consider that the application is in full accordance with employment policies DM14 of the Barnet Local Plan and E7 of the London Plan/
- 5.7 Having established that the employment 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 and commercial.
- 5.8 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.”
- 5.9 The development provides a limited amount of retail and community/leisure floorspace at ground floor level within the proposed residential blocks. The proposed range and scope of the retail and community uses facilitate a well-balanced mix of commercial activity and local services across the site. Given their limited scale, these additional uses are unlikely to impact on vitality or investment in the surrounding local and district centres. On this basis, officers consider that the application is not in conflict with Policy
- 5.10 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 uses and the principle of development is acceptable.

6.0 Residential Density

- 6.1 The replacement London Plan was adopted on the 2nd March 2021 replacing the earlier 2016 iteration of the London Plan. The 2021 Plan takes a less prescriptive approach than the previous plan 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.
- 6.2 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”
- 6.3 The density of the proposed development across all phases would equate to 540 units per hectare. Whilst this would be well in excess of the optimum density range set out in the previous 2016 London Plan, the assessment that must be made is against the 2021 London Plan where higher densities (exceeding 350 units per hectare) may be acceptable subject to additional design scrutiny (Policy D2). Policies D1, D1A and D1B of the 2021 London Plan place a great 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.
- 6.4 In this case, the application 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 application was subject to a robust pre-application process with the LPA, and officers are clear that the scheme represents a high quality of design
- 6.5 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, Rushgroves and the Silk Park developments. 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 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

7.2 Policy DM08 of the Local Plan states that new residential development should provide an appropriate mix of dwellings.

7.3 The development proposes 470 residential units across all phases with the following mix of units:

Tenure	1 bed	2 bed	3 bed	Total
Private	97	177	30	304
Intermediate	60	54	14	128
Affordable Rent	4	13	21	38
Total	161	244	65	470
%	34%	52%	14%	100%

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 bedroomed units, this is considered to be appropriate given the site’s characteristics and location. The 2 bed (4 person) units would also allow occupation as family accommodation. 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 3.1 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:

	Dwelling Type (bedrooms/persons)	Minimum Internal Floorspace (square metres)
Flats	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
Houses	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:

Outdoor Amenity Space Requirements	Development Scale
For Flats: 5m ² of space per habitable room	Minor, major and large scale
For Houses:	Minor, major and large scale

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	
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. All units will have access to private amenity space in the form of private balconies or internalised amenity space similar to winter gardens in accordance with the aforementioned standards. All residents will also benefit from access to communal amenity space at both podium level and roof level, whilst also benefitting from a range of internal shared ancillary amenity facilities.

Children's Play Space

- 7.11 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 London Plan Policy S4 expect a minimum of 10 sq.m. per child to be provided in new developments.
- 7.12 The child yield/playspace calculator was updated in June 2019, and in October 2019, and based on the updated calculator the development would have a child yield of 948 with a consequent requirement to provide 1,403 sqm of playspace. The development proposes a total of 1,135 sqm of playspace. Given the scale of the requirement generated from the updated GLA calculator, it is considered that in order to achieve quantitative compliance with the playspace requirement would likely require an excessive portion of the open space on the podium deck 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 including the public open space at podium level which is a significant benefit of the scheme.
- 7.13 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 and Outlook

- 7.14 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.
- 7.15 In terms of privacy and outlook, within the site the separation distances would be 26 metres between the facing elevations of Building A and Building B and 27 metres between the facing elevations of Buildings B and C. The distances are in excess of the recommended 21 metre minimum. Further, the fundamental design of the development with a hexagonal form with each building offset ensures that opportunities for direct overlooking or loss of outlook is minimised.

Daylight/Sunlight and Overshadowing

- 7.16 A 'Internal Daylight, Sunlight and Shadow Report' from Point 2 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.
- 7.17 In terms of daylight, the relevant assessment criterion is the Average Daylight Factor (ADF) as recommended by the BRE. In terms of ADF, the report sets out that of the 1313 rooms analysed, 1206 (92%) will meet or exceed BRE/British Standard daylight guidance for a bedroom (1%) or principal living space (1.5%) based on the Average Daylight Factor (ADF) methodology. 92% is considered to be a very good level of compliance in such an urban location, cognisant of the wider benefits of the scheme and is in excess of the level of compliance in comparable neighbouring schemes that have been approved.
- 7.18 In terms of sunlight, the relevant assessment criterion is Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). In terms of APSH, the report concludes that of the 687 rooms analysed on the basis that they have one or more windows which face within 90° of due south, 432 (63%) will meet or exceed BRE annual sunlight guidance of 25% in total and 5% during the winter months. This is considered to be a good level of compliance given the nature, location and characteristics of the scheme; again comparing favourably to neighbouring approved schemes.
- 7.19 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”.

- 7.20 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, apart from the enclosed upper floor communal roof terraces in towers A & C all areas will fully meet BRE guidelines. This is considered to be acceptable and further demonstrates the well designed layout of the development.

Noise

- 7.21 Chapter 9 of the ES, prepared by Ensafe, assesses noise impacts upon the Proposed Development and the existing noise sensitive dwellings, as a result of traffic noise and noise from commercial uses whilst consideration is also given to the cumulative impacts of road traffic and demolition and construction noise.
- 7.22 The Noise Assessments submitted set out that there will be no significant noise effects caused by the development. Additionally, the effects arising from the cumulative change in road traffic are not considered to be of any significance.
- 7.23 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. Conditions are attached accordingly.

Agent of Change

- 7.24 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. 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.

7.25 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 and a S106 clause 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 scheme proposed would deliver 36.5% affordable housing on a habitable room basis, or 35% on a per unit basis, exceeding the 35% affordable housing threshold. proposed development proposes the following affordable mix:

Tenure	Total	% (by unit)	% (by hab room)
Affordable (Phase 1)	166	35%	36.5%
Private (Phase 2)	304	65%	63.5%
Affordable Tenures			
Intermediate	128	77%	69.8%
Affordable Rent	38	23%	30.2%

8.4 It should be noted that Mayor's Affordable Housing SPG and Policy H6 of the 2021 London Plan outline 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 30.2% London Affordable Rented homes (by hab room) for which there is the greatest demand in this part of the borough. 21 of the 65 LAR homes would be 3-bedroom family units representing 32% of the total provision and providing much

needed family sized affordable accommodation for 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 subject to confirmation on the affordability of the Affordable Rented units.
- 8.6 Having regard to all of the above, officers consider that the 36.5% 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 3 blocks across 2 phases with varying heights and forms. The following table summarises the heights of each of the blocks across both phases.

Building	Height (Storeys)
Building A	24
Building B	20
Building C	23

- 9.2 As is clear from the table above, all 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

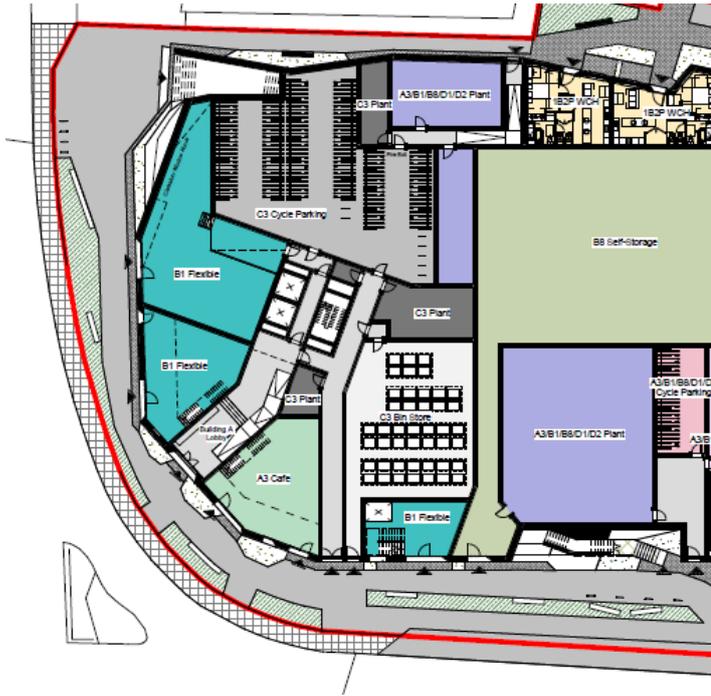
- 9.3 Policy D9 of the London Plan 2021 sets out that locations for tall buildings should be plan-led, and that development proposals for tall buildings should address their visual, functional, environmental and cumulative impacts.

- 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 which has consent for comprehensive redevelopment that would rise to a maximum of 17 storeys 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. To the south of the application site is the existing Sainsburys site which has consent for comprehensive redevelopment to provide 1309 residential units, a new supermarket in buildings of up to 28 storeys in height. Notwithstanding its location outside of the identified strategic tall building locations of Policy CS5, 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 in this case would be complimentary to the taller emerging character of the surrounding area. 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 brown tone).



(image looking from NE to SW)

- 9.8 Whilst there is lower rise development in the wider context, as can be seen above the site itself lies directly between the tall building development approved at the adjoining Sainsburys and Colindale Telephone Exchange sites so is congruent with the emerging height and scale of its environment.
- 9.9 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.
- 9.10 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
- 9.11 Within the ground floor level of Phase 2, fronting the A5 and Hyde Estate Road, the development would incorporate active frontages in the form of flexible B1, A3, residential entrances (Use Class C3) as well as entrances to the cycle store and B* storage premises. These can be clearly seen on the image below.



9.12 Within the ground floor of Phase 1, the development would provide active frontages through residential entrances along with an entrance to a further B8 unit. Again, this can be clearly seen on the image below showing the necessary active frontages.



ii) Successful integration into the urban fabric

9.13 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.

9.14 In order to allow for such an assessment to be undertaken by the LPA, the applicant has provided a Townscape, Built Heritage and Visual Impact Assessment (Peter Stewart Consultancy and Miller Hare) within the ES (Volume 2 Part 1). 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.



9.15 Based on the submitted TBHVIA, officers consider that the development would successfully integrate with the emerging context. Whilst there are some views where the height of the development would be visible in the context of the lower rise residential development in the wider context, these are mostly longer views and the prominence of the development would be no greater than that of the approved

neighbouring development. The height strategy is considered to represent 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.

iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline

9.16 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 height of the development means it would be not be perceptible in the backdrop and as such there would be no impact on the setting of the view.

iv) Not cause harm to heritage assets and their setting

9.17 The application is not located within the vicinity of any conservation area, however there is a Grade II listed milestone located to the south of the site, within the neighbouring Sainsburys site. 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, it is considered that the proposed development in the wider setting of the asset would have negligible impact on the significance of the Grade II Listed Milestone.

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

9.18 As part of the ES addendum, the applicant also provided a chapter incorporating a wind microclimate assessment (Chapter 11 – RWDI). The assessment takes account of baseline wind conditions then goes on to model wind conditions with the proposed development in situ.

9.19 The assessment sets out that with the implementation of the mitigation measures outlined, all pedestrian accessible locations around the proposed development in the context of the existing surrounding buildings would have acceptable wind conditions for the intended pedestrian use. With the cumulative surrounding buildings scenario, most of the of locations around the site would have acceptable wind conditions for the intended use. However, in three specific locations, the conditions would be windier than suitable for their intended uses. As a result,

further mitigation measures have been recommended at these locations and would be secured by condition.

- 9.20 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

- 9.21 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

- 9.22 In terms of layout, the development entails three tall buildings of 24, 20 and 23 storeys atop a two-storey podium. Access to the podium would be from two access points on the A5 and Hyde Estate Road. The layout and in particular the podium deck has been subject to a rigorous design-led pre-application process. The podium deck would be publicly accessible and would create a safe, attractive and welcoming pedestrian link across the site which would ensure connectivity with the site and its surroundings. The gradient and the design of each of the ramped access points has been carefully considered to maximise pedestrian movement.
- 9.23 The layout and positioning of the buildings was the subject of an iterative design-led pre-application process and it is considered that the current proposals respond well to the emerging urban grain of the surrounding developments

Design and Appearance

- 9.24 In terms of appearance, the design has iterative pre-application process to test different options. The current proposals represent an exemplary architectural approach in terms of the overall approach and in terms of the proposed detailing. In particular, the irregular balcony pattern and soft landscaping on the building facades add visual interest and soften the bulk and mass of the development.

Conclusion

- 9.25 Having regard to all of the above, officers consider that the principle of tall buildings 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 an exemplary design quality and is in accordance Barnet Policy DM01. With this in mind, it is considered that the exemplary design quality should be considered as a significant benefit of the scheme.

10.0 Amenity Impact on Neighbouring Properties

Daylight

10.1 The applicant has submitted a Daylight/Sunlight report within the ES (Chapter 10) which is inclusive of a full daylight assessment from Point 2. 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 locations as necessitating the additional assessment:

- Hyde Crescent
- Alberrillery Court
- Colindale Telephone Exchange (future development scenario)
- Silk Park (future development scenario)
- Goldsmith Avenue
- Colin Gardens
- Malvern Court
- Rhodan Gordon Court
- The Hyde Primary School

10.3 In light of the above, officers consider that both the scope and the methodology of the daylight assessment was appropriate.

10.4 The results of the assessment show that 1309 of the 2021 windows tested would be in compliance with the VSC targets equating to 65% compliance. In particular, these

failures would be focused on 3 rooms within Abertillery Court along with Silk Park and Colindale Telephone Exchange future development scenarios. In terms of the existing Abertillery Court buildings, the harm would be limited to 3 rooms. In terms of the future development scenarios, the daylight levels in each of the neighbouring developments would already be limited by overhanging balconies. Overall, it is considered that the level of daylight impact is acceptable on balance.

Sunlight

- 10.5 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.
- 10.6 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:
- 10.7 The assessment considered all appropriate properties and the assessment sets out that 691 of 841 windows would be in compliance with BRE standards in terms of both APSH and winter APSH, equating to a compliance level of 82%. This level of compliance is considered to be good in the context of the urban surroundings.

Privacy and Outlook

- 10.8 If both developments were built out, Building A would be situated less than 15 metres from the south elevation of the westernmost 17 storey building of the Telephone Exchange development. In order to minimise any opportunity for mutual overlooking, the building has been designed with a hexagonal form which allows for the window positioning to be offset from the windows opposite. Buildings B and C and would enjoy a greater separation distance from the shared boundary with the Telephone Exchange site allowing for compliance with the recommended 21m separation distance.

Conclusion

- 10.9 With the above in mind, officers consider that, on balance, the application is in accordance 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 The 2021 London Plan, requires within Policy SI2 that major development are to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- be lean: use less energy and manage demand during operation.
 - be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
 - be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site. be seen: monitor, verify and report on energy performance.
- 11.2 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.
- 11.3 With regards to the energy hierarchy set out within the aforementioned London Plan policy, it is considered that the application is broadly in accordance. The application is accompanied by an Sustainability Statement from XCO2 which sets out that the energy efficiency measures and sustainable energy measures that would be incorporated within the scheme.
- 11.4 The residential and non-residential elements of the development are estimated to achieve a reduction of 52 and 17 tonnes per annum (11% and 28%) respectively in regulated CO2 emissions compared to a 2013 Building Regulations compliant development. This is in line with the London Plan targets of a minimum 10% and 15% improvement on 2013 Building Regulations from energy efficiency.
- 11.6 Heat pumps are proposed in the form of a (centralised) GSHP system. A COP of 3.4 is assumed for heating and 6 for cooling. The applicant is proposing to install 66.5 kWp of Photovoltaic (PV) panels equating to circa 350 sq.m of net PV area and 57,427 kWh of electricity generation. A roof layout has been provided however at Stage 1, the GLA outlined that there may be scope for additional PV equipment to be accommodated at roof level.
- 11.7 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 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.

The GLA have also requested additional detail in respect of carbon reporting, estimated energy cost, overheating, capacity for future connection to a DHN, the proposed GSHP systems, and carbon offsetting which would be secured at Stage 2.

Other Sustainability Issues

- 11.8 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 H5 of the London Plan 2021 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	Total	% (by unit)	% (by hab room)
Affordable (Phase 1)	166	35%	36.5%
Private (Phase 2)	304	65%	63.5%
Affordable Tenures			
Intermediate	128	77%	69.8%
Affordable Rent	38	23%	30.2%

- 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 – 20
 - Progression into employment, more than 6 months – 13
 - Apprenticeships – 34
 - Work experience – 44
 - School / College / University site visits – 400
 - School / College workshops – 220
- 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 £141,000) 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 5 car parking spaces within the site to be provided and retained for use by the car club.

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

- 12.13 The application would make a contribution of £400,000 towards the provision of additional or enhanced bus services in the vicinity of the site. Such a contribution is necessary to mitigate the impact of the development on public transport and to ensure that it can continue to operate efficiently.
- 12.14 The application would also secure the highway and footway improvements within the vicinity of the site including a new or improved pedestrian crossing on Hyde Estate Road and highway/pedestrian improvements as demonstrated through an Active Travel Zone assessment.
- 12.15 The development proposes 129 parking spaces which represents a parking ratio of 0.27 for the residential element of the development. As a result, it is considered necessary for a £40,000 contribution to be secured to fund a CPZ review and implementation if considered necessary. In addition, all residents would be precluded from applying for a residential parking permit in surrounding CPZs.

Carbon Offset Contribution

- 12.16 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.

12.17 This contribution would be based on the formula set out within GLA guidance and would be secured through the Section 106.

Community Infrastructure Levy

12.18 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.

12.19 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 Owing to the Site’s location in Flood Zone 1, which indicates a low risk of tidal and fluvial flooding, it was agreed with LBB that flood risk be scoped out of the ES. The planning application is, however, supported by a Flood Risk Assessment, prepared by RMA. The assessment sets out that the proposed development will be safe and that it would not increase flood risk elsewhere. In terms of SUDS, a condition is attached requiring the submission for a strategy for approval.

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 from RMA 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 prior to being undertaken.
- 15.3 The submitted AQA concludes no significant adverse impacts from the proposed development which is considered to be reasonable and robust by the Council's EHO.

16.0 Transport / Highways

- 16.1 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

- 16.2 The London Plan 2021 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.
- 16.3 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

- 16.4 The development proposes the following levels of residential parking provision:
- Phase 1: 46 car parking spaces (inclusive of 5 disabled spaces) for 166 residential dwellings
 - Phase 2: 83 car parking spaces (inclusive 9 disabled spaces) for 304 residential dwellings
 - Total Residential Provision: 129 car parking spaces for 470 residential dwellings (ratio of **0.27 spaces per dwelling**).
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- 16.5 The development proposes the following levels of non-residential car parking provision is to be as follows:
- Phase 1: 0 spaces for A3 café (196 sqm), B1 flexible (778 sqm), B8 self-storage (136 sqm) and D1 flexible community (97 sqm)
 - Phase 2: 3 disabled spaces for B8 self-storage (639 sqm) and D1 flexible community (280 sqm)
- 16.6 In terms of the level of residential parking, officers consider that the 0.27 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.
- 16.7 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 £400,000 bus contribution; pedestrian and cycle improvements; travel plan incentives of £300 per new occupier. 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.
- 16.8 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 whilst to the south the Sainsburys/Silk Park development was approved with a parking ratio of 0.33 both of which are broadly comparable to the level proposed with the current application.
- 16.9 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. A £40,000 contribution would also be secured to fund a study into local CPZs and for the implementation of an additional

CPZ if considered necessary. This would ensure that overspill parking would be minimised.

Cycle Parking

- 16.10 Cycle parking would be provided to a quantum that is compliant with London Plan policy. Cycle stores for all uses meet with at least the minimum standards of the London Plan and LCDS. The provision of suitable LCDS compliant cycle stores would also be secured by condition to ensure that the cycle stores are fully usable and functional.

Public Transport Impact:

- 16.11 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.
- 16.12 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 £400,000. A £400,000 contribution has been agreed by the applicant accordingly and would be secured through the S106 to be used to increase the frequency of bus services in the vicinity of the site. Subject to this contribution, it is considered that the impact of the development on nearby bus services would be fully mitigated.

Servicing / Deliveries / Freight

- 16.13 As initially proposed, the servicing strategy would make use of two proposed bays on Hyde Estate Road. On reviewing this arrangement, the Councils Highways officers raised concern at the potential safety risks of the servicing bays. The applicant subsequently undertook additional investigation to establish if all of the servicing requirements could be undertaken on site.
- 16.14 The additional assessment established that it would be theoretically possible for all of the servicing to be undertaken on site from an on-site location in Phase 2. Such an option may impact on the efficiency of the servicing arrangements and as such it is considered prudent that further details are required by condition. A robust condition is suggested which would require a further Road Safety Audit of the street bays to be undertaken which would then inform the final design and final servicing strategy. Any changes to the approved highway layout (in terms of the bays) would then be undertaken through Section 38 or Section 278.

Conclusion

- 16.15 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

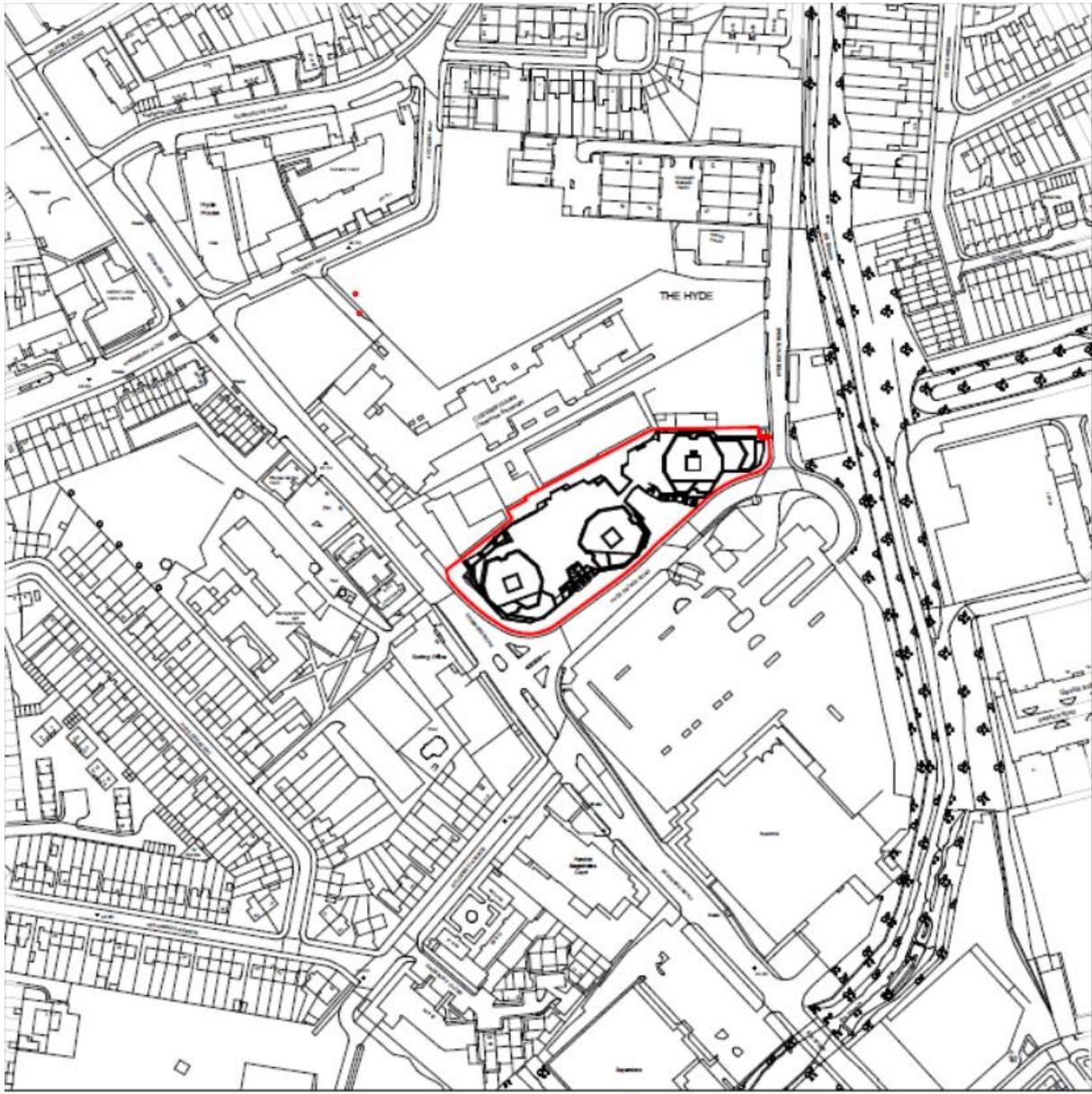
21.1 In conclusion officers consider that the development is acceptable having regard to the relevant local, regional and national policies.

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 which are considered to weigh in favour of the application and justify a departure from the development plan.

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 which will be set out in the Addendum prior to the Committee meeting.

Appendix 1: Site Location Plan



Appendix 2: Conditions

Conditions and Informatives will be reported in full in the Addendum.