

Location **133 Brent Street London NW4 4DA**

Reference: **20/4357/FUL** Received: 18th September 2020
Accepted: 18th September 2020

Ward: Hendon Expiry 18th December 2020

Case Officer: **Dominic Duffin**

Applicant: Readysset Resources Limited

Proposal: Redevelopment of the site to provide an 8-storey building comprising Class E use on the ground floor, Class E(g)(i) - offices - and (ii) - research and development - use on the first, second and third floors with 9 residential units on the fourth, fifth, sixth and seventh floors. Associated amenity space, refuse storage, cycle parking and 13no. off-street car parking spaces

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

- 1 The proposal results in an eight storey building outside of an identified location for tall buildings, contrary to Policy CS5 of the LB Barnet: Local Plan Core Strategy DPD (2012), Policy DM05 of the LB Barnet: Local Plan Development Management Policies DPD (2012), Policy D9 of the London Plan (2021) and Section 38(6) of the Planning and Compulsory Purchase Act 2004
- 2 The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)

- 3 The proposed development is not supported by a legal agreement to secure green travel plan measures to promote sustainable means of travel and, in the absence of a legal agreement to secure a Travel Plan and associated monitoring, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021.
- 4 The proposed development, by virtue of the resultant long term post development pressure for pruning/removal of existing trees, would reduce their amenity value and fail to adequately protect existing trees, appropriately mitigate the impact on visual amenity and achieve a suitable visual setting for the building. In the absence of a formal undertaking to meet the cost of tree planting along Brent Street, the proposal would result in unacceptable detriment to the character and appearance of the application site and surrounding area, contrary to Policies CS1, CS5 and CS15 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)
- 5 The proposed development provides inadequate outdoor amenity space for future occupiers and does not include a formal undertaking to mitigate this by contributing to off site amenity space improvements. The proposal would therefore not address the impacts of the development, contrary to Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).
- 6 The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the Mayor's London Plan (2021), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

SITE LOCATION PLAN: CGL-XX-00-DR-A-010100

EXISTING GROUND FLOOR / SITE PLAN: CGL-XX-00-DR-A-010105

EXISTING NORTH & SOUTH ELEVATIONS: CGL-XX-EL-DR-A-020111

PROPOSED FRONT & REAR ELEVATIONS: CGL-XX-EL-DR-A-060220 Rev A
PROPOSED NORTH AND SOUTH SIDE ELEVATIONS: CGL-XX-EL-DR-A-060221
Rev B
PROPOSED FRONT & REAR CONTEXT ELEVATIONS: CGL-XX-EL-DR-A-
060222
PROPOSED NORTH & SOUTH CONTEXT ELEVATIONS: CGL-XX-EL-DR-A-
060223
PROPOSED SECTION AA: CGL-XX-SE-DR-A-060224 Rev B

PROPOSED GROUND FLOOR / SITE PLAN: CGL-XX-00-DR-A-050205 Rev D
PROPOSED GROUND FLOOR PLAN: CGL-XX-00-DR-A-050210 Rev D
PROPOSED FIRST FLOOR PLAN: CGL-XX-05-DR-A-050211 Rev C
PROPOSED SECOND FLOOR PLAN: CGL-XX-02-DR-A-050212 Rev C
PROPOSED THIRD FLOOR PLAN: CGL-XX-03-DR-A-050213 Rev C
PROPOSED FOURTH FLOOR PLAN: CGL-XX-04-DR-A-050214 Rev A
PROPOSED FIFTH FLOOR PLAN: CGL-XX-05-DR-A-050215 Rev B
PROPOSED SIXTH FLOOR PLAN: CGL-XX-06-DR-A-050216 Rev B
PROPOSED SEVENTH FLOOR PLAN: CGL-XX-07-DR-A-05021 Rev B
PROPOSED ROOF PLAN: CGL-XX-RF-DR-A-050218 Rev A

TREE CONSTRAINTS PLAN: 200614 01 Rev A

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

Please visit

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

- 4 The applicant is advised that an application under the Highways Act (1980) would need to be submitted for any works proposed on the public highway to facilitate the development on any scheme granted consent. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant should submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

This application has been brought before the Committee at the request of Cllr Finn for the following reason:

I feel that the application is not inappropriate as the development in the context of adjoining buildings etc, would be a catalyst for development in the Brent Street area by attracting further developers of retail, residential and commercial units and would fit in with the plans to develop the Barnet Hub.

The size i.e. the height is slightly higher than ideal but is not unreasonable in the current climate of modern High Road settings with an open green aspect

1. Site Description

The application site is located on the western side of Brent Street, just north of the junction with Brampton Grove, a residential road which runs behind the site, within the Brent Street Town Centre, but outside the Key Retail Frontage. The site is 'L' shaped in form and consists of areas of hardstanding and overgrown vegetation, there are no existing buildings on the site.

The adjoining site is occupied by the Hendon Post Office, a part single/part 2 storey brick building on the corner with Brampton Grove, and this site is the subject of a separate recent planning permission, 20/5081/FUL, for the erection of a four storey building of a mixed-use -community building including retail premises at ground floor level.

The site, the subject of this application, borders the post office plot on both Brent Street and Brampton Grove, with vehicle access from Brampton Grove.

The site is boarded up along Brent Street. A three-storey residential block ("Homemead") adjoins to the north-west and Churchill House, an office building lies to the north. Burnham Court, a four-storey development, is located across Brent Street to the east.

As the site is located within the designated Town Centre, there is a variety of retail, commercial and residential uses within the surrounding area. The site is adjacent to the part single / part two storey Post Office building. The site is not within a conservation area and does not include any listed buildings. Notwithstanding its Town Centre location, the site has a PTAL Rating of 2, demonstrating low access to public transport links.

2. Relevant Site History

The site has an extensive planning history of which the following is considered relevant:

Reference: 17/7497/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Approved subject to conditions

Decision Date: 12.04.2018

Description: Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

Reference: W08536H/06

Address: 133 Brent Street London NW4 4DA

Decision: Approved following legal agreement

Decision Date: 21.09.2006

Description: Construction of five storey building plus basement, to provide commercial floorspace at ground floor level and a total of 9 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

131 Brent Street

Reference: 20/5081/FUL

Address: Hendon Post Office, 131 Brent Street London NW4 4DA

Decision: Approved subject to conditions/S106 Agreement

Decision Date: Committee Resolution - 09.03.2021

Description: Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities

3. Proposal

This application seeks permission for the redevelopment of the site to provide an 8-storey building comprising Class E use on the ground floor, Class E(g)(i) - offices - and (ii) - research and development - use on the first, second and third floors with 9no residential units on the fourth, fifth, sixth and seventh floors. The proposal would include associated amenity space, refuse storage, cycle parking and 13no. off-street car parking spaces

The proposed residential mix is as follows:

2 x 1-bedroom flats

2 x 2-bedroom flats

4 x 3-bedroom flats
1 x 4 bedroom flat

The parking spaces would be provided to the rear and accessed from Brampton Grove. Separate refuse facilities (residential/commercial) would be provided to the rear at ground floor, and a storage area for cycles would also be located on the ground floor.

The first four floors would form the commercial block with the upper 4 floors of residential recessed to the front, rear and western side. The building would be predominantly glazed and brick, with a glazed "Penthouse" top floor, further recessed. The second and third floors to the rear would have further recesses above the first/ground floor. Upper floors would be served by terrace/balcony areas.

4. Public Consultation

Consultation letters were sent to 437 neighbouring properties. 60 responses were received comprising 52 letters of objection and 8 letters of support. The responses received can be summarised as follows:

Objections

- The building is unacceptably large, has no comparisons nearby, and would be significantly out of character.
- Increase in parking and congestion issues.
- The scheme will significantly overlook adjoining residential development
- There is no need for further commercial space within the area and existing commercial space is unused.
- The siting and design detracts from the nature of the surrounding properties and the quality of life for those living in its immediate vicinity.
- Tall buildings are not supported at this location, outside strategic locations for taller buildings.
- The scheme is too dense and would dominate the setting.
- the range of dwelling sizes and type of housing undermines the suburban character or local distinctiveness.
- Lack of housing choice/affordable housing.
- Proposal is completely out of character and will dominate the setting.
- The scheme will impact detrimentally on the amenity of adjoining neighbours.
- The proposed development does not seek to protect and enhance the local neighbourhood parade of shop.
- There will be problems with overshadowing, loss of privacy via overlooking.
- Where will elderly local people be able to get their pensions and pay bills in an already shrinking High Street?
- The design is poor.
- It will be overlooking and blocking out light on many gardens
- A proposal for number 131 Brent Street has been submitted
- for 4 storeys. As a result, an 8 storey building at 133 Brent Street seems very out of character for the area and will have a negative visual impact on the building line.
- The proposal is for a tall building outside a strategic location contrary to policy
- The commercial element and only 9 residential units is an attempt to avoid making a contribution to affordable housing.
- Increased noise and disturbance from vehicles.
- No engagement with the local community prior to submission.

- . I'm also concerned about the impact of the proposed building on the existing Post Office which is vital to the neighbourhood.
- Lack of parking which will lead to parking stress locally.
- The proposed uses will require much more parking spaces.
- Daylight and Sunlight Study, based on static model and statistical analysis no illustration of max and min envelopes of shadow, I would contend deep long shadows will be generated during winter in excess of those shown, reducing light for Burnham Court Residents.
- Traffic Impact analysis displays 50 additional journeys per day generated by development, I contend that is low, full occupancy of the offices must generate more journeys by car. Brent Street is gridlocked Monday to Friday 8.30-9.30 and 16.00 - 18.00 the proposed development can only add to this.
- Proposed design does not integrate with Churchill House, Post Office, Burnham Court and nearby buildings on Brent Street being red brick/ stock brick with uniform windows.
- Whilst understanding the need to redevelop Brent Street, an 8 storey building is entirely out of character with the local area and will be an eye-sore.

Support

- We have considered the above plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time.
- Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and I look forward to seeing the proposal come to reality.
- This is a long overdue proposal which will provide much needed high-quality offices and residential spaces that our neighbourhood is acutely lacking. In addition, the proposed development will enhance the aesthetic aspect of Brent street which, very few can argue against, is rather tired looking.
- The street has been devoid of major investment for decades and consequently looks and feels rather tired. It has potential to raise itself and look more appealing.
- Given the woes of the retail sector and to provide support to attract better quality operations the street needs to provide employment accommodation and increase city centre living which will, in turn, increase footfall/shopping.
- The idea is to regenerate the former Police station site, which stands next to the Post Office behind fencing and has lain vacant for many years. The proposal includes circa 13,000 sq ft of offices and 9 resi units. The proposed development is wholly in accordance with national planning policy to regenerate town centres, provide employment and much needed homes.
- As a long-term resident of Hendon, and frequent user of the high street, I am in support of this ambitious development, that will serve to enhance the high street and make it a more welcoming and usable space.
- The existing vacant lot is also somewhat of an eyesore and is long overdue for development.
- The commercial use on several floors is also appreciated. This will complement the proposals at 131, as will the high-quality materials being proposed, with fine brick detailing.
- The proposal sits forward of the approved scheme at 133. It is our view that there is already a wide expanse of pavement in front of the site which has had good quality street trees planted

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 National Planning Policy Framework (Revised 19th February 2019) 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, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS6, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM11, DM14, DM17.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 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

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

- Barnet Trees Policy (October 2013)
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Affordable Housing/Dwelling Mix;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Highways;
- Refuse provision;
- Other considerations;

5.3 Assessment

Principle

Redevelopment

The application site has been subject to a number of previous applications for the construction of a mixed-use development. The most recent application reference 17/7497/FUL granted consent for the following development;

Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

This scheme differs principally through the elimination of a basement level and raising of the building to 8no storeys - defined as a 'tall building' under policy DM05. This is discussed further below.

The proposal would result in the development of office space on the ground floor, and Research and Development on floors 1-3, both uses now covered by the newly created Class E under the amended Use Class Order.

Redevelopment of the site is not opposed in principle - subject to the considerations below

Employment Uses

The employment generating aspect includes, Ground floor Class E, Class E(g)(i) - offices, and (ii) research and development - use on the first, second and third floors.

New employment uses are directed to exiting town centres. The site is within the Brent Street Town centre. Policy DM14(b) states;

- i. All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.
- ii. New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.
- iii. Proposals for new employment space will be expected to provide on-site servicing for the intended use and include space for service vehicles.

The site is within a designated town centre location and as such the principle of office and R and D use at this location can be accepted. Residential use within town centres is long accepted as being beneficial to the vitality and viability of the town centres. The site is outside the retail frontage so an alternative to retail can be accepted - the new Class E affording greater flexibility in that respect. The mixed use of the site would also make more efficient use of a previously developed site as advocated within the NPPF.

The proposed research and development uses formerly fell within Class B1 (Business). The Government has outlined that one reason for the changes to the Use Classes has been the need to enable a repurposing of buildings on high streets and town centres. Given current circumstances, it is evident that town centres will face increased challenges and hence the use class changes aim to promote greater flexibility. In that regard its proposed incorporation into the mix of uses is in compliance with a thinking that continues to move towards greater flexibility in town centres. The new Use Class E also includes former A and D uses - retail and community uses, which are suitable uses within a town centre. The proposed mix is therefore deemed acceptable in principle.

Tall Building

Extending to 8 storeys in height, the building is classed as a "Tall Building" under Policy CS5 of the Local Plan: Core Strategy. Policy DM05 states that tall buildings outside the areas specified as strategic locations in Core Strategy Policy CS5 will not be considered acceptable. The site is outside of any such strategic location.

To supplement Barnet's Characterisation Study, a Tall Building Survey was undertaken and published to provide supplementary information about the nature of tall buildings in the borough. Although the existing tall buildings are identified, the area is not identified as being a 'Town Centre Cluster'.

As of 03rd March 2021 a new London Plan (2021) is in place and replaces the 2016 version. This is discussed below.

Mayor's London Plan 2021

On March 03rd 2021 the new London Plan was formally adopted which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years and supersedes the previous Plan.

As such Policy 7.7 is no longer relevant when assessing tall buildings. The policy has been replaced by London Plan policy D9. The new policy is discussed below.

Policy D9A identifies;

Based on local context, Development Plans should define what is considered a tall

building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost store

Policy CS5 of the Core Strategy identifies a tall building as one that is 8 storeys (26 metres) or more in height. At 8 storeys the proposed building meets this definition.

Policy D9B, identifies with regard to locations for tall buildings;

1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.

2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

As discussed above Barnet's Development Plan does identify strategic locations deemed suitable for tall buildings, and as detailed the site is not within such a strategic location. Policy DM05 advises that outside strategic locations identified in the Core Strategy, tall buildings will not be considered acceptable.

London Plan 2016 - Tall Buildings

In the Appeal Decision Letter relating to a recent appeal determination (22.01.2020) at the North London Business Park (APP/N5090/W/17/ 3189843) the Inspector had went into some detail in relation to planning applications for tall buildings outside of strategic locations.

The Inspector stated;

..." The Planning Brief for the site reflects the provisions of CS policy CS5 and DM policy DM05 by stating that "As this site is not within a strategic location, tall buildings will not be envisioned in this location". The Brief was adopted in March 2016 at about the same time as the LP. There is a tension between the LP and the Council's LDF because the latter restricts tall buildings to being in specified locations whereas the former envisages, in policy 7.7 and if the site is not identified as a location for tall or large buildings in the borough's LDF, the inclusion of an urban design analysis with an application for a tall building"... (para. 70)

The Inspector goes on to discuss the timing of the adoption of the Policies - 2012 in the case of DM05 and 2016 in the case of Policy 7.7 - and concludes;

... "The proposed development conflicts with CS policy CS5 and DM policy DM05, because its tall buildings would be in a location not specified as suitable for tall buildings in the Core Strategy. Section 38(5) of the Planning and Compulsory Purchase Act indicates that the London Plan, which was adopted after Barnet's Local Plan, should be favoured over the CS and the DM polices. But London Plan policy 7.7 does state that tall buildings should be part of a plan-led approach and the adopted Local Plan provides that approach"...

It was therefore acknowledged that an application for a tall building outside a strategic location, whilst in conflict with DM05, may still be judged against the criteria pursuant to Policy 7.7 of the London Plan which provides commentary on judging such applications outside strategic locations.

Whilst there was conflict previously between the London Plan and the earlier adopted Local Plan policies, it now appears that this conflict has been removed, and both local and regional policy directs tall buildings to specifically identified locations, in the case of Barnet, the strategic locations identified within the Core Strategy. The location of a tall building outside of the identified areas therefore results in conflict with both local plan policy on tall buildings and the new policy D9 within the London Plan 2021. The 2012 Local Plan has identified strategic locations where tall buildings may be appropriate. Barnet's Reg 18 Local Plan has identified a number of additional new locations where tall buildings may be appropriate, but this does not include Brent Street. The principle of a tall building at this location is therefore unacceptable in principle.

Character and appearance of the site, street scene and surrounding area

Policy DM01 of the Local Plan expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The application has been supported by a Design and Access Statement and Planning Statement which addresses the overall design approach with this scheme.

The Design and Access Statement by "Child, Graddon, Lewis" provides an urban design analysis of the immediate and wider area. The submission acknowledges that the development in the immediate area is lower scale than what is proposed here - largely 2-4 storey development. It is stated the recessed upper floors would reduce the bulk and prominence of the building. Reference is also made to nearby taller buildings: "Sentinel House" 11 storeys in height, "Belle Vue", and "Upper Fosters" - a redevelopment which includes existing and proposed taller buildings. The submission also references taller buildings across the borough.

The Design and Access Statement suggests that;

"The site location at a junction of roads where the street widens presents the opportunity to create a dynamic focal point and node along Brent Street, utilising the buildings envelope to create interest with a more active street frontage and make best use of the more generous public landscaping in front".

As outlined above, the application site falls within the Brent Street Town Centre, an area characterised by two-to-four storey buildings containing a mix of commercial, residential and community uses. To the south-west of the site along Brampton Grove and Chapel Walk, the immediate area is characterised by two-storey residential dwellings.

Whilst it is the case that the local area does contain a handful of taller buildings and indeed that tall buildings have been granted consent elsewhere within the Borough; each site will have to be judged on their own merit.

The taller buildings referenced above are mid twentieth century developments set away from the main thoroughfare of Brent Street. As a result of its location combined

with the comprehensive nature of the development at the time, the Fosters estate has established its own character, which the recent consent builds upon, whilst in the case of Belle Vue and Sentinel House, constitute standalone, dominant structures incongruous to their wider context and setting. The buildings now appear dated architecturally, at odds with the predominant lower-scale character of the area and neither desirable nor numerate enough to suggest that other isolated examples of taller buildings would be justified against the otherwise established backdrop of two-to-four storey buildings within this section of Brent Street.

The site is at present adjoining a part single/single-storey structure sitting adjacent to a relatively open area, including a grassed road verge and deep footpath, although as discussed above, this site is the subject of a separate application for a 5-storey building, which has recently been agreed at Planning Committee, and the associated s106 Agreement is currently being formulated, so a decision can be issued pursuant to the committee resolution. The application site itself benefits from extant consent for a five storey building and this current proposal is considered within that context.

Notwithstanding that fact, the introduction of an eight-storey building within this space and within close proximity to more modest development, is considered to result in a visually dominant and overbearing building scale, which would be detrimental to the visual appearance and spatial character of the application site and this part of Brent Street. The proposal would be seen and experienced alongside various noticeably lower and smaller-scale developments situated along Brent Street and from the residential area to the rear. Notwithstanding that the proposal would introduce an active frontage at ground floor level, the building would appear as a large and conspicuous addition at a prominent location.

Whilst the application site is within a town centre, it is not located adjacent to an important transport hub or immediately upon the junction. The application site forms part of a lower-scale, low-medium density area, with a poor PTAL rating and is sited immediately adjacent to two-storey dwellings. Therefore, it is not considered that the site benefits from any nodal qualities and there is insufficient policy or design justification for the proposed height and scale - and resultant departure from the predominant building scale and massing within the area surrounding the application site.

Consequently, it is considered that the proposed eight-storey building would be incongruous and detrimental to the established character and appearance of this section of Brent Street and would be visually overbearing in relation to adjacent buildings in the immediate locale. It is accepted the building is recessed on the upper floors but this is not considered to result in a significant reduction to the dominant impact in particular from properties to the rear and in views along Brent Street (north and south) - from which longer range perspectives are also obtainable - and Brampton Grove (from the west)

Whilst the applicant makes reference to the 5-storey development granted consent at the site, the scale of that scheme is significantly reduced from what is proposed in this case, commensurate with both the scheme recently agreed at committee at the adjoining Post Office site and the wider setting.

As outlined above, the area surrounding the application site comprises of a mixture of different architectural forms and elevational treatments - including pitched and flat roofs, brick and render. The proposed development would provide a contemporary flat roofed building, with a stepped form and would include red hued brick cladding, large areas of glazing and include private balconies. In that respect,

the resultant materials would reference common building forms within this part of Brent Street.

However, while the design is considered to have some merit and there is no in-principle objection to a more modern architectural expression at the application site, the proposed design when coupled with its discordant and overbearing scale, would appear overly prominent within the streetscene and would jar with the common height and character of this part of the Town Centre.

As such, it is considered the scale proposed in this current application would cause unacceptable harm to the character of the area and as such conflict with Policy DM01 of the Local Plan and Policy D9 of the London Plan. As such, the in-principle position of Policy DM05 is similarly vindicated.

Affordable Housing/Dwelling Mix

The scheme proposes 9no units and as such there is no requirement to provide affordable housing on the site.

The proposed residential mix is as follows:

2 x 1-bedroom flats
2 x 2-bedroom flats
4 x 3-bedroom flats
1 x 4 bedroom flat

National and London Plan (2021) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough". The scheme does include a mix of unit sizes to provide for a range of households within the local community, including family sized dwellings, identified as been of particular local need under DM08 - comprising 3-bed and 4-bed units. In that respect this housing mix is considered acceptable.

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

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Privacy / Overlooking:

Section 7 of the Residential Design Guidance SPD (2016) states that:

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties

with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

In terms of buildings surrounding the site, the Post Office lies to the south, detached houses along Brampton Grove to the west, a three storey residential block (Homemead) lies to the north-west and Churchill House, a commercial building lies to the north, with Burnham Court across Brent Street to the east.

The nearest residential dwelling on Brampton Grove (No.6) would have the rear of the proposed block facing the flank boundary of this property, and its rear amenity area. The proposed rear elevation includes an array of balconies and terraces to serve the new uses. There would be a distance of approximately 21m from the nearest proposed rear balconies to the rear boundary line and flank elevation of the house, which is tight to the common boundary with 133 Brent Street. This would meet the Council's overlooking guidance as set out in the Residential Design Guidance SPD (2016).

The aspect to the eastern side of the property will materially change. However it is not considered that the proposed development would appear particularly imposing, and a good level of outlook would remain from the rear garden area and dwelling. Whilst the amount of development is significant, it is not considered that the amenity of existing residents would be significantly affected. There would be some increased overshadowing of the north facing garden in the earlier part of the day, but this would not be highly detrimental. As such the proposed development is not considered to have a detrimental impact on the amenity of the residential properties to the west along Brampton Grove.

Homemead to the north-west is a three-storey residential building comprises of 8no. flats along the flank boundary of the site. The proposed windows along the northern elevation would face towards the adjacent site at Homemead.

The bulk of the building would be adjacent to the parking area serving Homemead. However, there is some concern that the amount of windows in this flank, set at a slight angle to Homemead, and the large terrace areas, would potentially result in material overlooking of the facing windows on Homemead.

The nearest windows on Homemead would be set approximately 13.0m from the first-floor terrace serving the commercial element. Nearside windows in the flank elevation serving the commercial use would retain a gap of 15.5m to facing windows at Homemead.

The upper terrace areas would retain a similar distance with upper floor residential windows set a further distance behind this, retaining a gap between facing windows of approximately 21.0m, in line with the SPD requirement for opposing habitable rooms.

The proposed rear balconies/terraces in order to address a concern relating to overlooking, would need to be mitigated with the installation of 1.8m privacy screens along the northern side of the balconies and terrace areas. Mitigation in the form of screens and obscure glazing within the commercial part of the building, and on residential terraces within 21.0m, would reduce any impact to an acceptable level. Suitable screening could be agreed by condition.

Burnham Court, a residential block, is located opposite the site, across Brent street and there would be no serious impact on the amenity of residents of this block with a separation distance of 37m between the new scheme and this building.

Daylight / Sunlight:

Policy DM01 states that:

e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The applicant has provided a Daylight and Sunlight Assessment. This assesses the impact of the proposed development on the levels of daylight and sunlight adjacent properties would receive should it be built.

The aim of the study is to assess the impact of the development on the light receivable by the neighbouring properties at 1 to 8 Homemead, 129, 131, 137 to 139 & 154 Brent Street, 17 to 24 & 25 to 32 Burnham Court and 6 Brampton Grove.

The report concludes that all windows and amenity areas would receive adequate levels of daylight/sunlight as tested under BRE Guidelines. Any impact on surrounding properties would be marginal and would not lead to an excessive impact on amenity.

Officers can accept the conclusions of the report, and it is not considered the proposal would result in significant overshadowing.

Whether adequate amenity would be provided for future occupiers;

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units.

Each of the proposed flats would meet the highlighted minimum internal space standards as demonstrated below:

Flat 1: 3-bed, 6-person, 1-storey: 95m² required / 107m² provided
Flat 2: 3-bed, 6-person, 1-storey: 95m² required / 126m² provided
Flat 3: 3-bed, 5-person, 1-storey: 86m² required / 88m² provided
Flat 4: 2-bed, 4-person, 1-storey: 70m² required / 73m² provided
Flat 5: 1-bed, 2-person, 1-storey: 50m² required / 53m² provided
Flat 6: 3-bed, 5-person, 1-storey: 86m² required / 88m² provided
Flat 7: 2-bed, 4-person, 1-storey: 70m² required / 73m² provided
Flat 8: 1-bed, 2-person, 1-storey: 50 required / 52m² provided
Flat 9: 4-bed, 8-person, 1-storey: 117m² required / 126m² provided

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

Policy D.6 of the London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

It is considered that each flat would receive an acceptable level of outlook and daylight / sunlight. None of the flats would be single aspect north-facing.

Noise and Air Pollution:

As directed by the Council's Environmental Health Department, conditions relating to noise and air pollution can be attached to any approval. The conditions require a Demolition and Construction Method Statement, an Air Quality Report, an Acoustic Report and details of all site plant and methods of insulation against internally / externally generated noise. It is considered that this provides sufficient scope to ensure appropriate mitigation measures to protect both neighbouring and future occupier amenity in relation to noise and air pollution.

Environmental Health advises that historically the land was a police station, therefore there is a possibility of contamination from asbestos and in made ground. A condition agreeing a preliminary risk assessment for contaminants would also be deemed necessary.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposed units are all served by balcony/outdoor amenity areas which will provide a level of private amenity space to serve the residents of the development as below.

Flat 1: 25m² required / 68m² provided
Flat 2: 25m² required / 53m² provided
Flat 3: 25m² required / 14m² provided
Flat 4: 20m² required / 7m² provided
Flat 5: 15m² required / 6.5m² provided
Flat 6: 25m² required / 13.6m² provided
Flat 7: 20m² required / 7.0m² provided
Flat 8: 15m² required / 6.5m² provided
Flat 9: 35m² required / 107m² provided

The development has a requirement to provide 205 sq. m of private amenity space and it is evident it provides significantly more at 282 sq. m. However, some flats would significantly exceed their requirement whilst some would have an under-provision. It is the case that all units will have some amenity space. The council's SPG Guidance "Sustainable Design and Construction" acknowledges that "Higher density development,

such as flats may not always be able to provide amenity space to the standards outlined.... Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation".

The Planning Obligations SPG advises that in such cases the development should make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space. Contributions will be used for both improving access to and the quality of existing open spaces as appropriate.

Para. 3.2.6 states that the amount of compensation required for a lack of outdoor amenity space in town centres and for some higher density schemes including tall buildings will be determined on a site by site basis taking into account the following factors:

- how much outdoor amenity space is required and how much is provided [if any],
- the size of the development,
- the amount of communal amenity space provided and its quality [if any],
- distance to and accessibility of the existing local public open space
- the existing quality of the public realm in the town centre
- other factors including the mix of uses on site

Whilst it is acknowledged the overall development does meet the policy requirement the greater number of units are under-provided (units 2-8) and no communal space, to off-set this, can be provided. These units are under-provided by a combined total of 65.5 sq m. Public amenity space in the area is not immediately accessible from the site - Hendon Park is 650m from the site, and the local public realm provides little in the way of amenity value for future residents.

As a result of the Town Centre location however, it is considered a contribution of £50 sq m x 65.5 sq m (£3,275) of shortfall on these units can be justified, and the contribution, securable through a s106 obligation, could be used for use in improvements to Hendon Park. It is considered that such an obligation would meet the test of CIL Regulation 122, and would be necessary to make the development acceptable in planning terms.

Accessibility:

The proposed development is required to be designed to comply with M4(2) standards. This could be secured via condition.

Highways

The site fronts onto Brent Street (A502), one of the main distributor roads in the Borough. The site which is currently vacant is situated in a busy town centre area flanked by a mixture of shops, offices as well as residential and commercial buildings.

There are parking restrictions (yellow lines) and short term parking spaces in the form of "pay by phone" spaces which operate Mondays - Saturday between 9am-5.30pm. The site is in, but at the edge of, a CPZ which operates on weekdays between 10am -5pm. However, several residential streets to the east and south of the site are not in a CPZ.

The site lies in an area with a PTAL score of 2 (poor). However, 5no bus routes can be accessed from stops which are located within 2 -6 minutes walking distance of the site on Brent Street and Finchley Lane.

Parking:

The proposal seeks to provide 9no residential units (2x1bed, 2x2bed, 4x3bed, 1x4bed) and 1487sqm of Class E (Commercial Business and Service) floorspace. Based on Policy DM17 of Barnet's Development Management DPD, the required parking provision for the residential apartments is 8 -13no spaces. With regard to the Class E element, for outer London sites it is 1 space per 100-600sqm GIA which equates to 3 -15no spaces.

Given the site has a PTAL of 2 (low), the Local Highway Authority recommend 11no spaces for the residential and 10no spaces for the Class E use. It is noted the subsequently London Plan (2021) advises maximum parking of 8 spaces to serve the residential element of this development, and 15 for the commercial element.

The applicant proposes 9no spaces for the residential and 4no spaces for the office use. Given that the site is in a town centre location with good access to bus services, the provision of 9no spaces for the residential and 4no spaces for the Class E use is considered to be acceptable, subject to consideration of the displaced residual commercial demand.

In that respect, the applicant has submitted findings from a recent Parking Survey carried out at the adjoining site, the subject of application 20/5081/FUL. The applicant on this scheme, carried out daytime parking surveys over a 500m distance of the site as recommended by the Lambeth Methodology for non-residential uses. The results indicated there was a total of 559 unrestricted kerbside space of which 414 was occupied and 145 spaces were available at time of peak use during the hours of 9am and 8pm. The survey also revealed that there was spare capacity on the "pay by display" spaces nearby. Additional spaces become available to visitors in the evening after the CPZ hours.

Based on the results of the parking survey and considering the level of parking demand associated with the scheme, it is considered that there is sufficient on-street parking spaces to accommodate any displacement from the scheme, in accordance with the provisions of DM17. Highways have accepted the number of proposed spaces and survey result - though they advise the applicant agrees to enter into a s106 agreement to deny residents of the development the right to purchase CPZ permits. Given the provision accords with the requirements of the Development Plan however, an obligation to restrict permits is not considered to meet the tests set out in the NPPF.

Also, the LHA accepts the proposal to provide 1no disabled space for the office and 1no disabled space for the residential use.

Cycle Parking:

Based on London Plan standards, for the proposed residential units, a minimum of 16no cycle parking spaces are required, together with 10no long stay and 3no short stay spaces for the Class E element. 20no long term cycle parking spaces are proposed for the residential units and 12no long stay spaces are proposed for the Class E use - but no short stay cycle parking is indicated on the ground floor plan.

3 short stay spaces must therefore be provided. Short stay cycle parking should be provided in a covered, secure and lockable environment. Also the type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a planning condition.

Electric vehicle charging:

Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure which equates to 3no active points and 3no passive infrastructure for future provision. Hence, a total of 6no electric vehicle charging points are required (active and passive) in accordance with London Plan standards.

This is considered to be achievable in principle and the type of charging points to be installed could be reserved by way of a planning condition in the event of an approval.

Internal layout, Access and Servicing:

Pedestrian access to the site is provided on Brent Street. Vehicular access to the site's car park is taken from an existing crossover on Brampton Grove. The access is via a narrow service road and visibility splays at this egress are below standard.

Highways requested that the pedestrian visibility splays are ensured at this egress, that the existing crossover is enhanced with tactile paving and that boundary treatment is modified to ensure minimum pedestrian visibility splay requirements are met. A Stage 1 safety audit of the site egress and car park was requested prior to determination.

The applicant has provided further details (TPA Transport Planning Associates, January 2021) which has been reviewed by Highways, who are satisfied that - subject to additional signage and safety measures as recommended - this could be secured by condition/s184 Agreement.

The proposed off-site highways works would consist of:

1. Provision of tactile paving at the site egress
2. Provision of "look left" & "look right" markings at the site egress
3. Repositioning and upgrading of the existing access on Brampton Grove
4. Upgrading existing waiting restrictions in the vicinity of the site egress

Arrangements will be made to move the bins to the site frontage on collection days and this is acceptable. While the LHA would prefer all loading to be undertaken off-street, it is accepted there is scope to load on the single yellow line on Brampton Grove. The site is expected to be serviced by vans and small lorries in the main. However, arrangements for emergency access include for a fire tender have not been provided.

Details of emergency access and a servicing management plan including refuse storage/collection arrangements are requested and this must include the type of storage, elevations and dimensions of the bin stores. This is to be secured by way of a planning condition.

Parking Management Plan:

Given that no parking restrictions are proposed on site the issue of obstructive and non-residents parking therefore needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces should be provided and reserved by condition in the event of any approval.

Trip Generation:

The development is expected to generate 5 two-way vehicle trips during the AM Peak (8-9am) and 6 two-way vehicle trips during the PM Peak (5-6pm) and 50 two-way vehicle trips daily. In all, the development will generate 18 person trips during the AM peak and 19 during the PM Peak. 15 two-way person trips are generated by the development daily. This level of trip generated is unlikely to have a significant impact on the local highway network.

Travel Plan:

A contribution of £10k is requested towards travel plan monitoring. Whilst individually, neither element exceeds the TfL threshold for travel plans, the combination of uses, and their trip generating potential, would have a significant impact, and it is considered the Travel Plan requirement can be justified.

This is to be secured via a section 106 agreement. In addition, a contribution of £300 to fund green travel plan measures such as oyster cards, cycle loan, car club, etc for each household is requested. This makes a total of £12,700.

Having assessed the proposals, TfL Spatial Planning confirms they have no strategic transport comments to make on this planning application.

Planning obligations:

The following planning obligations are recommended:

- 1) That the applicant enters into a s184 agreement for the proposed off-site highways works listed associated with the development
- 2) A financial contribution of £10k is requested towards travel plan monitoring
- 3) A financial contribution of £300 per household towards green travel measures such as oyster cards, cycle loan, car club, etc. (£2,700)

Other Matters

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The residential refuse and recycling storage is located within an integral storage area within the site. Residents and occupiers will carry their waste a short distance (as allowed by Building Regulations) from their unit to the store. Each storage area is sized to accommodate the required capacity. The residential bin stores are not ideally situated for access by the Local Authorities; however a bin store on Brent Street would take up part of the active street frontage, and the access on Brampton Grove is required for vehicular access. Therefore, on collection dates the bins will be moved from the bin stores to the location shown for collection and returned. A condition requiring further details of both residential and commercial refuse storage areas and collection points and the site's refuse collection strategy can be attached to any permission.

Trees and Landscaping

The Trees and Landscaping Officer advises that the tree report highlights that there would be impacts on trees growing on adjoining land within Homestead and that these trees

would help soften the visual massing of the building at a human level. A detailed method statement is required to minimise the harm to the trees and the root system.

Landscaping:

The current proposal will impact on the existing trees growing to the north of the site within Homestead on Churchwalk. These trees provide significant visual amenity in the local area and will provide a strong visual softening to the massing of the building.

There is no meaningful scope to provide soft landscape within the site boundary, yet the building - being 3 stories higher than the previous approval - would require significantly greater visual softening. Therefore, it is considered that new trees could be provided on the streets locally.

The arboricultural report recommends specialist foundation designs for the building to reduce the harm/impact on these trees. A pile foundation that bridges the rooting areas, or a cantilever foundations that would give a larger area of undisturbed soil within the application site, are required. This will mean fewer tree roots pruned for and will help maintain the health of the trees.

However, these trees will be under long term post development pressure for pruning/removal due to their proximity to the building. It is very likely that in the longer term the amenity the trees provide will reduce from such actions.

Given the scale of the development, 40 new street trees would provide some level of improvement and mitigation in relation to the visual impact of the building and to compensate for the future threat to these trees and their high amenity value. These could be secured as part of the Section 106 Agreement in the event of an approval (40 new trees at £650.00/tree being a total contribution of £26,000)

Ecology:

The applicant has provided details of biodiversity net gain and ecological enhancements (Eight associates 22nd January 2021 "Biodiversity Net Gain"), these enhancements could be agreed by condition on any approved scheme. A green/brown roof is appropriate for this application and would contribute to the ecological enhancement. The details can be secured by condition.

Drainage

The site is within Floodzone 1 which has a low probability of flooding.

A SuDS strategy has been proposed for the development in accordance with all relevant best-practice guidance and the principles of the sustainable drainage hierarchy, along with local planning policy requirements. The suitability of specific SuDS components has been evaluated based on the site and development proposals. A number of SuDS components are proposed as part of a surface water drainage strategy for the site, specifically:

- o Green roofs.
- o Pervious paving.
- o Attenuation storage.
- o Flow control device to limit rate of discharge from site.

Assessment of Flood Risk

The Drainage team advise that whilst the development site is located in Flood Zone 1, the site is located within a critical drainage area. It is at some risk (<25%) of groundwater flooding.

To ensure the site has been assessed against flooding from all sources in accordance with the National Planning Policy Framework at para.163 (2019) and its practice guidance, footnote 50 indicates the following:

A site-specific flood risk assessment should be provided for all developments in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

The applicant has submitted further information (Eight Associates 26th January 2021) to address concerns. This has been reviewed by the Council's Drainage Consultants who accept the conclusions of the submission, including the Flood Risk Assessment conclusions

It is however advised that further information, as below, is secured before the commencement of works;

- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013; currently, the Flood Studies Report (FSR) design rainfall 1975 has been used (conditioned);
- Evidence of statutory authority agreement for discharge into the existing Thames Water sewer (conditioned);
- Evidence of SuDS adopters (conditioned); and,
- SuDS construction phasing (conditioned).

This could be secured by condition and the submitted information is acceptable, and agreed, subject to a suitable condition requiring these details.

MET Police

The Crime Prevention Officer has reviewed the submission and concludes no objection to this proposal (on proviso that rear car park is protected by secure gates). Due to the reported issues affecting the ward and high levels of burglary in Barnet, it is recommended that a planning condition be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly.

Construction Management Plan

For such a large development, the construction work is likely to have an impact on surrounding roads and must therefore be carried out in a sensitive manner. A demolition and construction management and logistics plan is therefore requested by way of a planning condition in the event of approval.

Sustainability

The proposed carbon dioxide savings measure result in an overall saving of 47.09%, exceeding 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 CO2 emissions, equating to a financial contribution of £49,053 to the Borough's offset fund, the shortfall in carbon emission tonnes per annum over 30 years at a cost of £60 per tonne, in line with Greater London Authority Guidance, and as detailed in the council's Sustainable Design and Construction SPG (para.2.8.4). This could be secured by Legal agreement.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI.2 of the London Plan (2016 Minor Alterations).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

5.4 Response to Public Consultation

It is considered that the majority of issues raised in third party correspondence have been addressed within the report.

-Design

-A proposal for number 131 Brent Street has been submitted for 4 storeys. As a result, an 8 storey building at 133 Brent Street seems very out of character for the area and will have a negative visual impact on the building line.

-Proposed design does not integrate with Churchill House, Post Office, Burnham Court and nearby buildings on Brent Street being red brick/ stock brick with uniform windows.

-Whilst understanding the need to redevelop Brent Street, an 8-storey building is entirely out of character with the local area and will be an eye-sore.

See design and character sections above.

- Loss of privacy, overshadowing and overlooking

See amenity section above.

- Noise and disturbance during construction

Disturbance can be reduced with appropriate conditions.

- Increased traffic in an area which already sees traffic congestion

See highways/parking section above.

- There is no need for further commercial space within the area and existing commercial space is unused.

The site is within a designated town centre where commercial uses are directed.

-Tall buildings are not supported at this location, outside strategic locations for taller buildings.

See the principle of development section above.

-Lack of housing choice/affordable housing.

-The commercial element and only 9 residential units is an attempt to avoid making a contribution to affordable housing.

The number of units does not trigger a requirement for affordable housing

-No engagement with the local community prior to submission

The proposal is not a large scale major application requiring formal community consultation.

-I'm also concerned about the impact of the proposed building on the existing Post Office which is vital to the neighbourhood.

It is not considered the proposal will impact the Post Office site adjacent, which as stated is subject to a separate planning application currently being considered.

-Daylight and Sunlight Study, based on static model and statistical analysis no illustration of max and min envelopes of shadow, I would contend deep long shadows will be generated during winter in excess of those shown, reducing light for Burnham Court Residents.

It is not considered the proposed scheme would lead to serious overshadowing of any nearby properties, including Burnham Court on the opposite side of Brent Street.

-Traffic Impact analysis displays 50 additional journeys per day generated by development, I contend that is low, full occupancy of the offices must generate more journeys by car. Brent Street is gridlocked Monday to Friday 8.30-9.30 and 16.00 - 18.00 the proposed development can only add to this.

Professional highways advice does not raise an issue with this aspect of the scheme.

Support

- We have considered the above plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time.

- Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and I look forward to seeing the proposal come to reality.

- This is a long overdue proposal which will provide much needed high-quality offices and residential spaces that our neighbourhood is acutely lacking. In addition, the proposed development will enhance the aesthetic aspect of Brent street which, very few can argue against, is rather tired looking.

- The street has been devoid of major investment for decades and consequently looks and feels rather tired. It has potential to raise itself and look more appealing.

- Given the woes of the retail sector and to provide support to attract better quality operations the street needs to provide employment accommodation and increase city centre living which will, in turn, increase footfall/shopping.

- The idea is to regenerate the former Police station site, which stands next to the Post Office behind fencing and has lain vacant for many years. The proposal includes circa 13,000 sq ft of offices and 9 resi units. The proposed development is wholly in accordance with national planning policy to regenerate town centres, provide employment and much needed homes.

- As a long-term resident of Hendon, and frequent user of the high street, I am in support of this ambitious development, that will serve to enhance the high street and make it a

more welcoming and usable space.

- The existing vacant lot is also somewhat of an eyesore and is long overdue for development.
- The commercial use on several floors is also appreciated. This will complement the proposals at 131, as will the high-quality materials being proposed, with fine brick detailing.
- The proposal sits forward of the approved scheme at 133. It is our view that there is already a wide expanse of pavement in front of the site which has had good quality street trees planted

It is accepted that the site is currently under-used and that investment, which is laudable to some degree in these times, would bring many positive benefits, including bringing investment into the town centre and increasing local housing supply. There is no objection to the principle of redevelopment and the council will always seek to bring forward development which improves the role and function of its town centres. However, for the reasons highlighted above, there are concerns with the scheme, and the positive benefits do not outweigh these material concerns with the scheme. A reduced development, as per the previous consent at the site, or the adjacent approved scheme, could bring similar benefits, whilst potentially removing the concerns with this scheme.

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

The proposed development would represent a departure from the policies contained within the adopted Development Plan in respect of the introduction of a 'tall' building, against which other material considerations do not provide compelling justification to determine otherwise - as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The proposal is considered to be excessive at this location for the reasons highlighted above, resulting in unacceptable harm to the character and appearance of the area. The application is therefore recommended for REFUSAL

