

Location	Meadow Works Great North Road Barnet EN5 1AU	
Reference:	20/5818/FUL	Received: 2nd December 2020 Accepted: 9th December 2020
Ward:	Oakleigh	Expiry 3rd February 2021
Case Officer:	Dominic Duffin	
Applicant:	Mr Stuart Morris	
Proposal:	Demolition of 12no. employment units and erection of eight new dwellings with associated amenity, refuse, parking and communal play area	

OFFICER'S RECOMMENDATION

Approve subject to s106

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)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the

purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

£200,000 contribution as mitigation for the loss of employment space in line with policy DM14 of the adopted Location Plan

The first instalment of £100,000 to be paid prior to commencement and

The second instalment of the £100,000 to be paid on 50% completion of the Development

RECOMMENDATION II:

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

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

Location Plan (MW105),
Proposed Site Plan (MW102 Rev A March 2021),
Existing Block Plan (MW104),
Site Sections (MW106),

Elevations - proposed- House Type A (MW108),
Floorplans - proposed- House Type A (MW100),
Elevations - proposed- House Type B (MW109),
Floorplans - proposed- House Type B (MW101),

Planning, Design and Access Statement 01/12/2020
CONSTRUCTION LOGISTICS / MANAGEMENT PLAN, November 2020, Paul Mew Associates
Air Quality Assessment dated Nov 2020 - Ref:16-2877
Internal Daylight Analysis Report, Nov 2020, -Ref:16-2877
Daylight, Sunlight and Overshadowing Report dated November 2020, Ref:16-2877

Drainage Strategy/SUDS Appraisal, October 2020, Ref: 16-2877 Rev B
Economic Statement - Woodhouse Estates
Land Contamination Statement, October 2020, ref: 16-2877 Rev B
Transport Statement Nov 2020 Paul Mews associates
Building Condition Survey received 09 December 2020
Noise Impact assessment November 2020 ref: 16-2877 Rev C
Utilities Appraisal October 2020 ref: 16-2877

Flood Risk Assessment and Drainage Strategy January 2021 ref: 16-2877
Preliminary Ecological Appraisal March 2021 ref: 16-2877 Rev A
Stage 1 Road Safety Audit - Designers Response, Ref: PMA35/JAJ/RSA1, March 2021, Paul Mews Associates
Stage 1 Road Safety Audit Report, Ref: PMA35/JAJ/RSA1, March 2021, CJ Safety Audit
Energy Statement November 2020 Ref:16-2877
Bat Activity Survey 2021, Amphibian, Reptile & Mammal Conservation Limited

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

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

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

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

2012), and Policies D3,D4, D8 and G7 of the London Plan 2021.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies S10, SI1, D13 and T7 of the London Plan (2021).

- 6 Notwithstanding the parking site layout plan submitted with the planning application, a plan showing details of the off-site highway works including relocation of lighting column, delineation of the public highway boundary and reinstatement of the footway adjacent to the site entrance shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall be required to enter into a s278 agreement with the council for any off-site highway works. This must include the reinstatement of any redundant crossovers to footway.

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

- 7 Prior to the occupation of the development, evidence that the internal road has been constructed to adoptable standards shall be submitted to the local planning authority or a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 8 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 16 (long stay) and 6 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 9 Notwithstanding the parking site layout plan submitted with the planning application, prior to occupation, 10 parking spaces will be implemented as shown Drawing No MW 102 . Thereafter, 10 off-street parking spaces including shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

- 10 Before the permitted development is occupied, details of refuse storage/collection

arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

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

- 11 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 2 active and 1 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T.6 of the London Plan

- 12 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policy D4 and G7 of the London Plan 2021.

- 13 The recommended enhancements and mitigation as set out within the Syntegra March 2021 report at section 6.2, shall be implemented in full and adhered to throughout the site preparation, demolition, construction and post-implementation process, incorporated into the design, and managed in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London

Plan Policy G.7.

- 14 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with Policy SI.1 of the London Plan 2021.

- 15 a) A site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

b) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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

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

- 16 The scheme shall proceed in accordance with the measures outlined in the submitted Syntegra Noise Report (November 2020) and the recommendations shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 201

- 17 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy SI.1 of the London Plan 2015.

- 18 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021.

- 20 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan 2021.

- 21 No dwelling shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens or methods to screen balcony areas adjacent to neighbouring properties, The screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 22 The development hereby approved shall not be occupied until detailed design drawings and details of construction phasing based on the principles of Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The submitted information should include the following;

1. Supporting hydraulic design calculations to correspond with the SuDS design layout; the applicant needs to carry out an assessment of the proposed drainage network during the 30-year design rainfall in accordance with the Design and Construction Guidance (March 2020) (conditioned)
2. Evidence of Thames Water agreement for rate of discharge to their system
3. SuDS maintenance programme
4. SuDS on-going maintenance responsibilities and,
5. SuDS detailed design drawings

The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policy SI.13 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 October 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to secure contributions relating to loss of employment space, in order to mitigate the impact of the development. Therefore, in the absence of a Section 106 agreement, the proposal would not address the impacts of the proposed development contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £__ payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

19021101.pdf

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

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

Please visit

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

- 3 The applicant shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to the highways section prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to the highways section. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a site which consists of part garden/part commercial land, accessed from Dale Close, a residential cul-de-sac consisting of two storey, traditional semi-detached and terrace dwellings. The immediate area around the site is predominantly residential with mainly traditional dwellings, as described above, suburban in character. The site is within the Oakleigh ward.

The commercial element of the site, which is part of the Meadow Works undesignated industrial area, consists of a mix of largely corrugated commercial units, accessed by a through road passing from Great North Road and linking with Dale Close. The buildings are in a generally dilapidated/ageing condition and are somewhat in contrast to the predominantly residential character of the area. The site is not within a conservation area and there are no nearby listed buildings. The site is within Floodzone 1 but within a Critical Drainage Area.

2. Relevant Site History

Reference: 20/0335/QCE

Proposal: The proposal is for 8 no. new build houses, incl associated roads, amenity etc The removal and relocation of 11 of the 50 existing commercial units on the wider site. 1100m2 of change of use from commercial to residential.

Decision: Advice Issued (21st September 2020).

Reference: 18/1511/FUL

Proposal: Demolition of existing buildings and redevelopment of site to provide a total of 57 self-contained flats (comprising 42x two-bed flats , 15x one-bedroom flats) within 1no. three to four storey block with basement (to front of site) and 1no. three storey block (to rear of site). Provision of 60 parking spaces and 144 cycle spaces at basement and ground floor levels. Associated amenity space, refuse/recycling storage and electricity sub-station. Access via Great North Road and Dale Close

Decision: Refused - Appeal against non-determination dismissed (21.01.20) - Appeal dismissed (21.01.2020)

Reference: B/00016/11

Proposal: Extension to the time limit for implementing outline planning permission N02856T/07 dated 25/03/08 for 'Redevelopment of site, retaining employment and A3 use with access off Great North Road, erecting nine 3-bed town houses to rear creating a separate access off Dale Close (OUTLINE).

Decision: Approved (28/12/07).

Reference: N02856T/07

Proposal: Redevelopment of site, retaining employment and A3 use with access off Great North Road, erecting nine 3-bed town houses to rear creating a separate access off dale close. (OUTLINE)

Decision: Approved (28/12/07).

3. Proposal

Consent is sought to demolish 12 of the industrial units on the site and construct 8 no. new dwellings. A portion of the employment use at the site would be retained, those to the east towards Great North Road. The western side of the site, accessed from Dale Close, and including the rear portion of a number of gardens on Hillier Close., would be developed

8 no. new build houses comprising 3 no. 4 bedroom dwellings and 5 no. 3 bedroom dwellings would be provided. Each house has a private rear garden and a 3m2 private front facing balcony. The following housing mix is proposed;

House type A - 112m2, 4b 6p house (3 storey).

House type B - 100m2, 3b 5p house (3 storey).

The dwellings would be 3 storey, finished with a contemporary aesthetic, and finished with London Stock brick, a rendered ground floor and zinc roof. The eaves level would be 7.5m with a ridge height of 9.0m

The site has been configured with a terrace of 3 no 4 bed houses on the West section of the site and a terrace of 5 no 3 bed houses on the East section of the site.

10 parking spaces would be provided to the front of dwellings. and a children's play area has been included in the South East corner of the site.

4. Public Consultation

Consultation letters were sent to 91 neighbouring properties. 16 responses were received comprising 6 letters of objection and 9 letters of support and 1 representation. The responses received can be summarised as follows:

Objection

- Concern about the use of materials and zinc roof.
- Concern about the loss of employment space.
- The proposal will impact the amenity of residents on Wycherley Crescent and Hillier Close.
- Proposal will result in the loss of garden land.
- There is not enough parking to serve the development
- Need for Electric Charging Points.
- The proposed houses are too many, too high and above all too close to the properties of Wycherley Crescent.
- The scheme proposes eight 3-storey town houses; yet another attempt to introduce 3-storey housing into a 2-storey area, creating a precedent for further increases in the scale of buildings in this area.
- The whole scheme will create overlooking, overshadowing loss of outlook and security issues for residents of Wycherley Crescent living in proximity to Meadow Works.
- The loss of mature trees on the garden land will destroy the habitat of a variety of bird species.
- Concern about disturbance during the construction phase.
- Concern that there has been poor communication with neighbours.
- The proposed dwellings will be out of character at this location.
- Concern a right of access road is being blocked up and incorporated into the plans.
- Our property and those of neighbours will suffer direct loss of visual amenity and access to sunlight.
- Overlooking and privacy issues - three storey townhouses overlooking standard two storey houses with small private gardens.
- Security of Wycherley Crescent houses will be compromised.
- Irrespective of future promises, change of use will cause irretrievable loss of primary industrial jobs at a time when they are most needed.
- The site owners have neglected the site in order to justify redevelopment.
- Utilities such as water already is unable to cope effectively.
- Please consider the security impact of the side entrance gate to the rear of the properties, where detailed.

Support

- Welcome the provision of family homes in the area.
- Proposed employment units are of poor quality for modern business practices.
- Proposal will be of benefit to the residents of Dale Close who have witnessed amenity concerns with the existing use.
- The proposal will be much safer for the residents of Dale Close than having industrial units at the end of the road.
- Support this long-needed development of a run-down site.
- Welcome the reinstatement of Dale Close as a cul de sac.

- The application will remove a site which has become an eyesore causing high levels of noise and disturbance for neighbours.
- This new proposal is in keeping with the area and will enhance Dale Close and create a more calm and environmentally friendly street.

A letter of support was also received by the Rt. Hon. Theresa Villiers M.P for Chipping Barnet making the following comments;

I write in support of this application which I gather is also backed by the Barnet Residents' Association and the Barnet Society, although both make points about some of the design and materials for the houses which they feel could be improved in order to be more in keeping with the character of the surrounding residential properties.

I also note the points made by one resident about the need for additional parking spaces to be allocated to the new dwellings. I share the view that 10 parking spaces for eight dwellings is insufficient given that these are four bedroom family homes many of which will have two cars if not more. Perhaps these points can be considered by the planning committee?

However, for too long this site has been an eyesore and the proposal to provide eight family dwellings is to be welcomed. Additionally, the restoration of Dale Close as a cul-de-sac will be a relief to the residents who for many years have had to put up with their road being used by site traffic as access to Meadow Works.

I would be grateful if you could make the planning committee aware of my support for this application when it is determined. I believe that this proposed development will improve life significantly for Dale Close residents and I also welcome the new homes which will be provided.

A letter of support was also received from Cllr Sachin Rajput making the following comments;

I write in relation to the current planning application at Meadow Works in Oakleigh Ward which is under consideration.

I am broadly in favour of this proposal and am of the view that this will benefit the immediate locality. Residents living in Dale Close in particular who are generally affected by site traffic going through their road into the Meadow Works industrial estate will find relief from the same if the application is granted which is welcoming.

If Officers are minded to recommend this application for approval, consideration should be given to adequate screening as concerns neighbouring residents in the immediate locality.

Can Officers please kindly advise if and when this matter will be going to committee as I would like to address the committee in support of the same.

The Barnet Society supports this application;

Although we regret some loss of sunlight to, and view from, houses in Wycherley Crescent, we welcome new family homes and gardens in keeping with local townscape, and the improvement they would make to traffic, pollution, amenity and security in Dale Close.

We do, however, have a few comments:

- The choice of red zinc for the roofs is unusual for housing and could be reconsidered. Zinc

sheets do not relate to local housing styles but more to the recent undesirable industrial units on the site now being removed. The older historical Meadow Works industrial buildings have slate roofs. Relative to roof tiles or slates, zinc sheets may be more difficult for residents to maintain, and often create internal noise transmission problems when it rains unless properly sealed with acoustic insulation.

- The only exception to the generally good streetscape design are the large lounge windows on the ground floor. These will not be at all private, and will necessitate permanent internal blinds or tall external planting in the front gardens to screen living rooms from public view.
- Although there are solar cells on roofs and the Design & Access refers (on p.8) to an Energy Strategy, this is not included in the application.
- The loss of employment space is unfortunate, and the marketing and commercial report referred to in the D&A Statement (p.4) is absent. However, it appears that the units being removed were very low quality and possibly unused for some time, and the majority of the remainder of the site is being retained for employment use.

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, CS3, CS8

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM014, DM16, 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)
- Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Impact on Trees/Ecology;
- Provision of refuse storage.

5.3 Assessment of Proposals

Principle of Development at this Location:

Loss of Employment

Policy DM14 of the Local Plan advises on schemes which propose alterations to existing employment sites. Policy DM14 sets out that loss of a Class B use on such a site will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term, and a suitable period of effective marketing has been undertaken.

This application has been accompanied by a Marketing and Commercial Report by Woodhouse Estates, commissioned in October 2020. The application submission relays how the site has 49 lettable units, 12 of the units would be lost from employment use under this application, demolished, and replaced by 8 houses. It is stated that 6 of these units are unoccupied and the 5 occupied units would be rehoused or offered rehousing within the remaining industrial area. There would however be a net loss of 12 industrial units. It is stated that as of October 2020, occupancy across the whole Meadow Works site is as follows: 39 units occupied/10 units vacant.

In relation to the 12 units affected by the proposed development, the submission details that 4 units are occupied and 8 units are vacant.

There has been recent planning history at the site, this has included consent to develop this western section of the site to provide 9 No. dwellings (B/00016/11 & N02856T/07). There has also been a recent appeal determination (APP/N5090/W/18/3216659) following an appeal for non-determination of an application (18/1511/FUL) for the following development;

"Demolition of the existing buildings, change of use from B1 (light industrial), B8 (warehousing) and A3 (cafe) to C3 (residential), comprising 15 one bed flats, 42 two bed flats, 60 car parking spaces and 144 cycle parking spaces".

Under the appeal application, which was for the redevelopment of the entire Meadow Works site for residential use, the Inspector stated the following;

...."The appellant's argument is that the site is not in a location where the local employment market is focused - namely a more established industrial area, town centre or main concentration of industrial activity in proximity to the M1 - and the surrounding residential context and restricted access render the site a more isolated and lower quality industrial area. Be that as it may, a detailed financial analysis has not been presented to substantiate that the above factors would result in yields too low to support refurbishment of the somewhat dilapidated site. No marketing exercise for the employment use of the site is presented. Moreover, there is a lack of assessment of local employment needs"....

"...Given the above, the proposal would be contrary to Policy DM14 of the DMP, which, sets out that loss of a Class B use on such a site will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term, and a suitable period of effective marketing has been undertaken"....

...."It is acknowledged that the superseded 2009 Barnet Employment Land Review recommended the site for release for alternative uses. Moreover, if sufficiently robust justification were provided for the proposed loss of employment use and floorspace on the site, a £635,068 financial contribution would be required, as calculated by the Council, based on the Barnet Delivering Skills, Employment, Enterprise and Training from Development Supplementary Planning Document (2014). The appellant has indicated that they would be willing to pay this sum, and has submitted an unsigned draft Unilateral Undertaking with this included"...

Meadow Works site provides circa 35,850 sq ft of floorspace, the proposed scheme would see the loss of 12 units by the development proposal, which combined, provide approximately 6,690sq ft of floor space, a loss of approximately 18% of the entire employment site. It is stated that 8% would relate to occupied units and existing tenants could be rehoused within the remaining site as part of a phasing of the development.

Marketing Campaign

The Woodhouse Estates submission outlines that;

"The client has consistently marketed the site through several high footfall online portals such as EG Property Link, Gumtree for the last 5 years (see Appendix 3 for adverts for the

last 5 years) demonstrating that the client has activity marketed the units throughout and sought tenants to fill vacant units.

The most recent paid for advertising campaign lasted 18 weeks and produced the following results:

1. Direct email enquiries: 74
2. Viewings: 15
3. Rented units: 2

We would expect 20+ enquiries a week on average, for units of this type, so the level of interest in the local area is below average".

Of the 15 viewings, 2 units were subsequently let. Of those declined, concerns related to the quality of units, ceiling heights, lack of parking.

The Woodhouse Estates report indicates that for the previous 4 years, whilst there has generally been good levels of occupancy at the site, the proposed units for demolition (Units 38-49 inclusive) have witnessed long periods of vacancy, with some units remaining vacant for this entire period.

A Condition Survey, accompanied by photographic records has also been submitted. This record does highlight a proliferation of corrugated metal units, limited in size, with a general dilapidated and poor appearance, located to the west of the wider site.

In summary, the Woodhouse Estates report concludes;

"...

1. There has been a consistent number of vacant units over the past 5 years despite being competitively priced with ongoing marketing activity. This indicates there is a surplus supply for the amount of demand from businesses in the local area
 2. Should the proposed 12 units be removed, in the event planning is granted, the remaining number of rentable commercial units will meet local demand for this size and type of space
 3. Based on the past four years of occupancy / vacancy rates, only 8% of floor space will be lost
 4. The majority of the unoccupied units sit within the area of the site proposed for re-development; this is mainly due to their poor condition; and
 5. The 4 tenants in the part of the site affected by the proposed development will be relocated within the site as part of a phased relocation, ensuing there will be no job losses
- This report concludes that the proposed development of Meadow Works Industrial Estate will not lead to any material loss of employment opportunities in the area; however, will meet ongoing local area demand for these types of units.

The supporting text to Policy DM14 states that *"Outside Locally Significant Industrial Sites, the Industrial Business Park and the Business Locations, all employment spaces will be protected where viable to enhance Barnet's local economy and support enterprise potential.* Employment spaces are defined as Class B1, B2 and B8 under the Use Classes Order. Effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed. Once this can be satisfied then partial loss for residential and employment use may be permitted. The impact on local employment will be considered and re-provision, preferably of small business units will be favoured which can secure an equivalent amount of floorspace and level of employment. A financial contribution will be required for employment training where this cannot be delivered

satisfactorily on site. Further details are set out in the SPD on Contributions to Enterprise, Employment and Training".

In addition to demonstrating a lack of viability in the short, medium and long term, proposals to redevelop employment spaces need to demonstrate why a site is no longer suitable.

The following factors should be evidenced:

- o is the building purpose built for employment or has it been adapted?
- o does the size of the building make it suitable for small or medium enterprises (SME's)?
- o is the site or building part of a wider employment area and would the loss affect the continued operation of neighbouring uses?
- o how accessible is the site by road and public transport?
- o is the site suitable for another employment use such as office space?
- o is the existing building obsolete/not fit-for purpose to meet modern day commercial requirements.

Further to this, policy CS8 (Promoting a strong and prosperous Barnet) states that the Council will support businesses by safeguarding existing employment sites that meet the needs of modern business and encouraging development that improves the quality of existing provision.

With reference to the first consideration, the applicant has included adverts for units placed on "Gumtree" advertising units to let of varying sizes and at various prices. It is notable that it is difficult to tie any of the advertised units to the Meadow Works site, by way of an attached address or contact details. Whilst reference has been made to 74 direct email queries, none have been submitted in support of the application. The applicant has since provided further detail stating;

"When I started managing the site in Spring 2020 one of my first actions was to try and increase revenue in order to mitigate current monthly losses. Part of this strategy involved trying to increase site occupancy through additional marketing communications. Please note, my background is advertising and marketing with 15 years' experience in various sectors so felt equipped to manage this personally rather than through a third party.

Having reviewed previous communications, I felt the following was needed:

- 1) A more generic comms. approach i.e. not to focus on one specific size unit given most small businesses are unsure of exactly what space they need; both in terms of size, amenities etc.
- 2) In relation to the above point, given the visual look of the vacant units, more generic imagery would drive better initial engagement.
- 3) Focus spend on a more targeted website with strong search functionality i.e. location searches etc.

I therefore produced 3 adverts, which were posted on the commercial lettings site EG Property Link. These contained generic images and highlighted 3 different size units to showcase variety.

This paid for marketing campaign was live for 6 months and produced the following result:

- Direct email enquiries: 74
- Viewings: 15
- Rented Units: 2

Engagement in the ads was lower than I would normally expect, but I am told, higher than previous campaigns. However, unit uptake was in line with previous marketing campaigns for the site. From the above and previous results, I concluded that Meadow Works is currently meeting the immediate area's demand for the type of industrial unit the site offers; meaning we are likely to permanently run at 80% occupancy with 10 vacant units".

Under the appeal determination, the appellant made a case that the site was essentially not suitable for employment use, and was outside a more established industrial area, town centre or main concentration of industrial activity and the surrounding residential context and restricted access render the site a more isolated and lower quality industrial area. Whilst some of the marketing information submitted dates back 4 years, none was submitted at appeal to address this key consideration under Policy DM14.

It does not appear any local advertising with Letting Agents was undertaken. Woodhouse Estates, or local agents, do not appear to have been involved in any commercial marketing of the site, however the applicant points to his own marketing and some limited success in getting units let.

The evidence on marketing therefore amounts to the Woodhouse Estates submission, detailing advertising on Gumtree, with extracts from website feeds which are difficult to link to the site, but with the further information provided by the applicant and his own attempts to let the units over the last year.

The appeal determination outlined a specific concern that the site had not been effectively marketed 1 year ago (Determination date: 21st January 2020). There is some concern that no real evidence has been provided covering the last 6-9 months that demonstrate effective marketing of the site to address this concern.

The Inspector had further concern that no detailed financial analysis has not been presented to substantiate that yields would be too low to support the refurbishment of the somewhat dilapidated site and that there was a lack of assessment of local employment needs.

The submission has been supported by a Condition Survey which details that some of the units are in a poor state of repair, but there is no analysis as to whether a refurbishment could secure the long term viability of the site.

The submission indicates there would be no loss of employment as occupied units could potentially be rehoused within the retained section of the site. However, 12 units would still be lost and if there is the potential for these units to remain in viable use, this could have a material impact on local employment provision.

Some concern therefore exists that the continued use of the section of the site to be replaced by housing or employment purposes, has been given every opportunity to continue in this use.

Short, Medium and Long term Viability

The NPPF at Para 121 (Making Effective use of Land) states that;

Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) 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, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

As detailed above Policy DM14 provides criteria in order to ascertain whether a site is suitable for modern employment practices (discussed below).

- o is the building purpose built for employment or has it been adapted?
- o does the size of the building make it suitable for small or medium enterprises (SME's)?

The buildings on the application site were built for employment purposes, but are now generally smaller units in relatively poor condition, and the site seems to have expanded on a relatively ad hoc basis. That is not to say that the units could not be of use to future occupants, and the wider site is relatively well occupied. Whilst smaller and medium sized occupiers could avail of the premises, it is fair to say that more modern purpose-built units would provide a more attractive proposition.

- o is the site or building part of a wider employment area and would the loss affect the continued operation of neighbouring uses?

The site is not designated for employment but as discussed above, the area for redevelopment is part of a wider site providing employment. The units on the eastern side of the site are more substantial in size, some are brick built, and the occupancy levels are higher. It is not considered the loss of the 12 units would necessarily impact the viability of the rest of the site. The continued operation of the other stand-alone businesses should be able to continue. The applicant also advises that occupiers within the units to be lost, could be rehoused within the remaining section of the site. It is not considered the loss of 18% of the site, would have a significant impact on the remaining site, and there may be some benefit in consolidating the eastern section of meadow Works for employment.

- o how accessible is the site by road and public transport?
- o is the site suitable for another employment use such as office space?

The site is not within an established industrial area, town centre or main concentration of industrial activity in proximity to the M1. The site has a PTAL rating of 3 which indicates average levels of access to public transport. 7 bus routes (307, 384, 107, 326, 234, 263 & 34) can be accessed from stops within 1-5 minutes walking distance of the site. The site could be described as entirely in accessible, although it is more isolated than some of the more established industrial areas, and the building stock is of a poorer quality and the site has limited access and ancillary facilities.

A further concern is the surrounding residential context. The site has a direct access onto Dale Close and there is no doubt that this arrangement, would not only be an impediment to redevelopment to other employment uses, but the two uses would sit uneasy together, and it is clear from representations that the B uses of the site result in levels of noise and disturbance which would not be usually the case within a residential road. The proposal would remove the road access onto Dale Close and could reinstate the cul-de-sac nature of the road.

o is the existing building obsolete/not fit-for purpose to meet modern day commercial requirements.

The applicant has submitted a Condition Survey of the premises and it is the case that the units for removal are somewhat dated and appear to be in a state of disrepair. The materials finish of corrugated steel and internal fit-out would not particularly amount to sought after premises. The application site is cramped and ancillary facilities such as parking and forecourt storage provision are limited. As discussed above, adjoining uses further restrict the site, in terms of its suitability for employment purposes.

Conclusion on Loss of Employment

It is evident that previously under the 2009 Employment Land Review, the council were open to considering other uses for the site and it is considered that, particularly the western section, is an incompatible use with the adjoining residential properties. There is some concern with regards to the marketing of the units, however the above analysis concludes that the loss of 12, fairly dilapidated units, would not have a significant impact on local employment provision, and a fairly substantial employment use would remain.

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential-led mixed-use development in appropriate locations. Paragraph 118 of the NPPF advises that LPA's should give great weight to the benefits of reusing previously developed sites. The location of the proposed development on a previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

The loss of employment use and floorspace on the site, would require a financial contribution, as calculated by the Council, based on the Barnet Delivering Skills, Employment, Enterprise and Training from Development Supplementary Planning Document (2014), and this could mitigate the employment loss. On balance, it is considered the redevelopment of the site can be accepted and the loss of 12 units to residential can be accepted.

The council's Employment/Learning section has provided comment on the application. The calculated Financial Contribution requirement, for the 621SQM, Loss of Employment Floorspace is;

- That the Site's Planning Application, Section 13 confirms 621SQM of Loss of Employment Floorspace equating to 51.75 jobs.
- The required financial compensation/ contribution for this Loss of Employment Floorspace is $£5340 * 51.75 = £276,345$

During negotiations with the council, it was agreed that whilst some of the Commercial Units; B1(c), are rentable upon the Applicant's Marketing (email dated 07/02/21), they are mostly dilapidated. There was therefore agreement to;

- o Request a Financial Contribution of £200,000 by way of a S106 agreement to be paid as follows;
- o The first instalment of £100,000 to be paid prior to commencement
- o The second instalment of the £100,000 to be paid on 50% completion of the Development

- o The Planning Application and upon undertaking our SPD-SEET tests, is not required to discharge any Employment and Skills requirements as defined with Table Part 1a

The securing of this contribution through S106 - a planning obligation - would mitigate the loss of employment floorspace in this case.

Density

Policy D6 of the London Plan notes that schemes should optimise housing density or be refused.

The site has a PTAL Rating of 3. The predominant character of the area is residential and in that respect a housing scheme would in principle be a suitable land use given the prevailing character of the immediate environs. A density range of 40 units per hectare would be provided which is commensurate with the low-density character of the area. In any case the density range given in the London Plan has now been removed. Unit sizes, unit mix, the quality of accommodation, design/character, and impact on the amenity of neighbouring occupiers are just as key considerations, as well as striking an appropriate density. Any submission can be judged against these key indicators when attaining an appropriate density, and scheme, for a site.

Unit Mix

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 policy places emphasis on the need for 3- and 4-bedroom family units.

The proposed mix for this 8 unit scheme is as follows;

3 no. 4 bedroom dwellings and 5 no. 3 bedroom

It can be noted that a strong provision of family sized units is provided with this scheme, indeed the entire provision is for family sized units, and this is to be welcomed.

Affordable Housing

Policy DM10 states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, with 40% local policy provision on schemes providing 10 or more units. As the proposed development relates to 8 dwellings this requirement is not triggered.

Conclusion

In light of the above, the replacement of the existing buildings with a residential scheme can be accepted subject to a contribution towards employment training, owing to the loss of the employment space. The scheme characteristics will need to comply with other material indicators in terms of the appropriate level of development that the site can sustain. Other considerations are discussed below.

Impact on the character and appearance of the site and wider area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

Policy DM01 states, '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'.

Context will therefore be of high importance involving a site by site assessment. With regards to the immediate surrounds, as discussed residential dwellings, suburban and traditional in design, very much predominate. The scheme would adjoin Dale Close, effectively extending this cul-de-sac, but with a separation at the access. Dwellings in Dale Close correspond with the prevailing character of the wider area in their traditional scale, form, layout and design.

The proposal would replace the existing employment units with Townhouse type dwellings with full floor space over three floors is proposed. Under the recent appeal determination, the Inspector concluded that the substantial brownfield nature of the site offered the opportunity for a more bespoke development which need not simply replicate the twentieth century suburban pattern and style found locally. Whilst a more reduced site would be developed under this application, and Dale Close's character would increase in importance, there would be no in principle issue with a more modern development, which could remain divorced from Dale Close. The change in character when entering the site from Dale Close, means that it could represent a standalone status, and there is the potential to allow a bespoke scheme which does not slavishly follow the more traditional, older properties, found locally.

Short runs of terrace, as proposed, do make up the character of the wider area. The scheme proposes a largely brick finish, with balconies to the front, and zinc cladding to the upper floor flanks and roof. The materials would provide a mix of contemporary and traditional influences, and the more traditional designs in the older residential dwellings are referenced as opposed to replicated.

The zinc roof finish is perhaps the most contentious element in the finish, but as discussed above, this scheme will provide its own streetscene, it is divorced from surrounding development somewhat, and it is not considered the introduction of contemporary elements results in a poor aesthetic. A scheme of this nature, using good quality materials, which can be secured by condition, but with a more bespoke design, raises no in principle objections. It is not considered that a replication of development on Dale Close would be entirely necessary given the site is divorced from this street.

3 storey is proposed, but as discussed above, the scheme is sufficiently divorced from Dale Close dwellings in order to avoid any poor relationship, both developments could co-exist without any undue impact on the character of the wider area.

The properties would have a shallow frontage onto the public roadway, but again on a standalone development this raises no serious concerns, private amenity space would be located to the rear. A communal amenity area and children's park is a positive trait and provides a good sized, usable, public space for occupants of any new scheme.

Garden land would also be lost with regards to the proposal in order to provide rear amenity space for the eastern 3 dwelling terrace. The council's Local Plan acknowledges the

important character role that gardens play in the suburban setting and care should be taken to ensure that this is not to the detriment of the character of the wider area. It appears that enough garden space would remain to serve the relevant properties on Hillier Close, and undue harm could be avoided in terms of character, as this space would essentially be substituted to provide gardens for the new dwellings. Shorter garden areas serving dwellings is the dominant character of Hillier Close.

Quality of accommodation for future occupants:

Policy DM01 of the Development Management Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance, both updated 2016) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

Dwelling size:

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. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single.

A mix of 3 and 4 bedrooms are proposed, with the following London Plan requirements;

House type A - 4b 6p house (3 storey) London Plan requirement 112 sq m. Floor Area: 112m²

House type B - 3b 5p house (3 storey) London Plan requirement 99 sq m. Floor Area: 100m²

Based on the above, the proposed dwellings would meet the requirements of the London Plan and Barnet's Sustainable Design and Construction SPD (2016) for the relevant dwelling sizes.

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 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.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximises the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

The proposed provision of dual aspect dwellings would result in a good level of outlook and the layout of the dwellings is acceptable. Although some of the ground floor windows are close to the proposed footpath/road, there is a short section of defendable space to the front, and on a cul-de-sac development it is not considered this would significantly impact on amenity.

Amenity Space:

External Amenity Space: Para. 2.3.1 of the SPG states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

The proposal would provide approximately 615 sq m of amenity space, approximately 490 sq m of private amenity space, and 125 sq m of public amenity space. All the proposed dwellings would benefit from private amenity space, and some would have reasonably generous rear gardens.

For houses, amenity space should be provided in the form of individual rear gardens. The requirement for dwellings is as follows;

For Houses:

- 40 m² of space for up to four habitable rooms
- 55 m² of space for up to five habitable rooms
- 70 m² of space for up to six habitable rooms
- 85 m² of space for up to seven or more habitable rooms

All the units would have access to at least 48 sq. m of private amenity space, garden sizes range from 48-77 sq. m. The 3 bed units would have a requirement of 55 sq. m and the 4 bed 85 sq m. Whilst some of the units would have an under-provision (3 bed 3-7 sq. m, 4 bed 10-15sq, m shortfall) this is supplemented with the public space, which is a real asset to the scheme, and this is considered a suitable provision to meet the needs of future residents of a 3- and 4-bedroom scheme. The communal amenity space and play area would ensure a good level of amenity space provision for future residents.

Accessibility:-

The proposed development would be required to be designed to comply with M4(2). This can be secured via condition.

Privacy and overlooking:-

It is not considered there would be any potential for harmful or significant overlooking with the garden areas, they would remain usable and of benefit to future occupiers.

Daylight and sunlight:-

On the basis of the proposed layout, arrangement and design of the units, in addition to the orientation of the proposed dwellings, it is considered that the proposed development would provide adequate daylight and sunlight to future occupiers.

Conclusions on the amenities of future occupiers:-

It is considered that with appropriate conditions a suitable level of amenity would be provided for future occupants and this aspect of the proposal can be agreed.

Impact on amenity of neighbouring occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy. It states that a minimum of 21 metres is required between facing windows of habitable rooms and a minimum of 10.5 metres between windows and neighbouring amenity spaces.

The proposed development retains a good separation distance to other dwellings on Dale Close, and with the flank to flank relationship there would be no serious infringement on amenity.

A Daylight/Sunlight Report has been submitted in support of the application by Syntegra. This concludes that in terms of daylight and sunlight, assessed openings on Hillier Close and Wycherley Crescent would receive suitable levels when assessed against BRE Guidelines. The submission does note some level of overshadowing of adjoining gardens in Wycherley Crescent but concludes any impact to be acceptable.

With regards to the dwellings abutting the rear gardens of the 3 block terrace, a distance of 10.0m would be retained to the common boundary with the abutting properties on Hillier Close (No.37, 39 and 41). The rear elevation to rear elevation distance would exceed 21.0m (27.0m) and given the separation distances and the fact that garden areas on Hillier Close would still remain generous, it is not considered that there would be a significant infringement on amenity. Whilst there would be some overshadowing of the rear sections of gardens, this would not cause significant impact and the scheme would not appear excessively overbearing or lead to a loss of daylight/sunlight to rear facing windows. The proposed arrangement is acceptable.

Rear Gardens on Wycherley Crescent (No.6 - 20) abut the northern boundary of the site and the side elevation of the northern most dwellings would be located close to the common boundary. Whilst the dwellings are 3 storey in height they would be located at the bottom of reasonable depth gardens, which range in depth from 13.0m - 17.0m.

Whilst there would be some overshadowing of garden areas, it is not considered that there would be a significant loss of amenity with this relationship. Overlooking of adjoining properties on Wycherley Crescent would not be a concern, rooflights are high set within the roof plane, and it is not considered the dwellings would appear excessively overbearing. It is not considered that there would be a significant loss of outlook from rear garden areas, and as discussed above, they are a reasonable depth. Whilst overshadowing of garden areas is recognised, and there would be some impact on amenity, it is considered this scheme could be implemented whilst ensuring adjoining properties did not suffer adverse impacts on amenity, to a level which would warrant refusal.

Highways and Parking:

Highway Comments:

The site fronts onto Dale Close which is off Great North Road (A1000). It is not in a CPZ and it lies in an area with a PTAL score of 3 (average). 7 bus routes (307, 384, 107, 326, 234, 263 & 34) can be assessed from stops within 1-5 minutes walking distance of the site.

The proposal seeks to provide 8 new residential dwellings (5x3bed, 3x4bed). Based on Policy DM17, a maximum parking provision should be 9.5 - 13.5 spaces. The applicant proposes 10 parking spaces which is acceptable. The newly adopted London Plan standards would require a maximum of 98 parking spaces. Based on the site's PTAL of 3, the provision of 10 car parking spaces is acceptable in the view of Highways Officers. The applicant has submitted swept path drawings which show that family car can enter and exit these spaces safely. The minimum aisle width of 6.0m is also ensured. The swept path drawings also show that refuse vehicles will be able to turn around safely within the site.

However, some of the parking bays are close to the bend on Dale Close and also given that internal road will be a shared surface, a safety audit of the internal road layout is requested. It is recommended that the walkway adjacent to the parking spaces are 2.0m wide. The applicant has carried out a safety audit and submitted a revised plan reconfiguring the layout and extending the footpath from Dale Close. In order to achieve a better arrangement this results in the omission of 1 parking space. Highways accept the findings of the audit and this has been reflected Dwg No. MW102 Rev A.

Based on London Plan cycle parking standards, a minimum of 16 cycle parking spaces are required. 22 cycle parking spaces are proposed in the form of 2 long stay spaces in the rear garden of each property and 6 short stay spaces for visitors. Two of the properties have no direct access to the rear garden for cyclists. If cycle parking is to be provided in the rear garden then direct access is required. The short stay spaces are also located at the far end of the development and Highways would recommend that they are relocated to a more prominent and accessible location. The cycle parking proposals are therefore not acceptable in their current form. All long stay cycle parking must be provided in a secure, covered, lockable and enclosed compound while short stay cycle parking must be provided in a covered, secure and sheltered environment. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition is therefore recommended.

Arrangements for servicing and deliveries appear to be acceptable as lorries and larger vehicles will be able to enter and exit the site in forward gear. Also the refuse vehicles will be able to reach within 10 metres of each bin store. The location of the bin stores are acceptable. As refuse vehicles are expected to service the site, the internal access road is

unlikely to be adopted however it should be constructed to adoptable standards and evidence of this submitted to the council for approval. This can be conditioned.

Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure which equates to 2 active points and 2 passive infrastructure for future provision. Hence, a total of 4 electric vehicle charging points are required (2 active and 2 passive) in accordance with London Plan standards. The location and type of charging points to be installed are requested. This can be conditioned.

The demolition and construction logistics and management plan work has been submitted by the applicant. Officers have reviewed the plan and comment as follows:

- a) a site logistics plan is requested
- b) the maximum number of vehicle movements per day
- c) wheel washing facility is requested
- d) most direct route for construction lorries from the A1000 is recommended especially as a maximum of 4-6 daily deliveries are expected
- e) incentives to encourage workers to travel to the site by public transport
- f) details of interim community liaison officer requested
- e) appropriate signage to be displayed
- g) highway authority to be contacted for loading licences etc

An updated demolition and construction management and logistics plan is requested by way of a condition.

A "before" and "after" condition survey is requested by way of a condition.

Highways would raise no objection to the scheme subject to appropriate conditions and the application can be conditioned accordingly.

Drainage Comments

The LLFA request a Flood Risk Assessment, as, though the site is in Floodzone 1, it is within a Critical Drainage Area. The applicant has submitted a Flood Risk assessment and the LLFA confirm no objections subject to a condition.

Environmental Health

The Environmental Health officers have been consulted and as there has been noise and fume complaints occasionally from Meadow Works the proposed noise barrier is considered a good idea. Further detail could be agreed by condition.

Environmental Health agree with the conclusions of the Syntegra Noise and air quality report and recommend the noise mitigation proposed is conditioned.

A construction and method statement will be necessary.

All plant and machinery will need to minimise emissions by registering with the GLA NRMM website.

A contaminated land condition is recommended: part 1 is completed with the Syntegra desk top study which recommends a site investigation.

The application can be conditioned accordingly.

Ecological Considerations

The proposal will result in the loss of some garden land and the demolition of buildings. The submission is supported by an ecological appraisal (Syntegra March 2021) and a Bat Survey (Amphibian, Reptile & Mammal Conservation Limited) These confirm no bat presence on site, and that there was no evidence of other protected species. It is considered that the information provided is sufficient to support the above application. As such, no further surveys are required.

However, if at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably qualified licensed bat ecologist had been consulted and advice sought on how best to proceed legally. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2017 (as amended).

If demolition is delayed for more than one-year after the date of the bat survey, repeat bat surveys should be undertaken.

Ecological enhancements in the form of bird and bat boxes are recommended.

Sustainability

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. The submitted Energy Statement confirms savings of at least 35%. This level of reduction is considered to comply with the requirements of Policy SI.2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition could be attached to ensure compliance with the Policy.

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 5.15 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.

Barnet and Mayoral Community Infrastructure Levy:

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

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

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

Section 106

As discussed above, employment contributions owing to the loss of the existing Class B use, are considered necessary and could be secured through a S106 Agreement, on any approved scheme.

5.4 Response to Public Consultation

- The proposal will impact the amenity of residents on Wycherley Crescent and Hillier Close.

It is considered that the scheme design, and the use of conditions, will prevent serious overlooking of adjoining plots.

- Concern about the use of materials and zinc roof.
- The scheme proposes eight 3-storey town houses; yet another attempt to introduce 3-storey housing into a 2-storey area, creating a precedent for further increases in the scale of buildings in this area.
- The proposed houses are too many, too high and above all too close to the properties of Wycherley Crescent.
- The proposed dwellings will be out of character at this location.

As discussed within the report, it is considered the proposed development will form a separate entity within the wider area, and there is scope for variation.

- Concern about the loss of employment space.
- Irrespective of future promises, change of use will cause irretrievable loss of primary industrial jobs at a time when they are most needed.

Addressed within the report, it is considered any loss of employment can be mitigated, and agreed as acceptable for the material reasons outlined above.

- Proposal will result in the loss of garden land.
- The loss of mature trees on the garden land will destroy the habitat of a variety of bird species.

Discussed within the report above. Ecological enhancements can be secured by condition, and no protected species have been found during ecological investigations.

- There is not enough parking to serve the development
- Need for Electric Charging Points.

Addressed within the highways section above.

- The whole scheme will create overlooking, overshadowing loss of outlook and security issues for residents of Wycherley Crescent living in proximity to Meadow Works.
- Our property and those of neighbours will suffer direct loss of visual amenity and access to sunlight.

- Overlooking and privacy issues - three storey townhouses overlooking standard two storey houses with small private gardens.
- Security of Wycherley Crescent houses will be compromised.
- Please consider the security impact of the side entrance gate to the rear of the properties, where detailed.

Addressed within the report. It is considered that the scheme would not significantly infringe on the amenity of adjoining occupiers. The above analysis acknowledges some impact on properties on Wycherley Crescent, but any impact would be limited.

- Concern about disturbance during the construction phase.
- Concern that there has been poor communication with neighbours.

Disturbance can be mitigated with condition. Whilst there is no requirement to consult with neighbours, third party representations outline some contact was made.

- Concern a right of access road is being blocked up and incorporated into the plans.

Any issues of right of access would be a civil matter between the parties involved. It appears access can be retained to garages at the entrance to the site.

- The site owners have neglected the site in order to justify redevelopment.

The council has nothing to substantiate that the site was deliberately neglected.

- Utilities such as water already is unable to cope effectively.

No information available to suggest that local utilities could not serve an 8 unit development.

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

In light of the above appraisal, it is considered that the proposed development is acceptable. It is therefore recommended for approval subject to conditions and suitable legal agreement to secure contributions to mitigate the loss of employment space.

