

Location **84 West Heath Road London NW3 7UJ**

Reference: **20/4748/FUL** Received: 7th October 2020
Accepted: 12th October 2020

Ward: Childs Hill Expiry 11th January 2021

Case Officer: **Josh Mclean**

Applicant: Harrison Varma Projects Ltd

Proposal: Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground.

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. Provision of Affordable Housing
Early and late stage review mechanism with a cap of £6.5million.
4. Carbon Offset contribution
Contribution of £46,752 towards the Council's carbon offset fund.

5. Air Quality
Contribution of £2,941 towards making the development air quality neutral.
6. Skills and Employment
On-site or Off-site contribution towards skills and employment.
7. Travel Plan and Monitoring contribution
Provision of Residential Travel Plan with incentive of £300 per unit (max £13,300) and monitoring contribution of £10,000.
8. S278 Works
Associated highways works under S278.
9. Monitoring of Legal Agreement
Contribution towards monitoring of the legal agreement.

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:

2031 PL-0001 (Site Location Plan)
2031 PL-0002 (Proposed Ground Floor_CMP Plan)

2031 PL-0100 (Existing Site Plan)
2031 PL-0101 (Existing Basement Plan)
2031 PL-0102 (Existing Ground Floor Plan)
2031 PL-0103 (Existing First Floor Plan)
2031 PL-0104 (Existing Second Floor)
2031 PL-0105 (Existing Roof Plan)

2031 PL-0150 (Demo GA Ground Floor)
2031 PL-0151 (Demo GA First Floor)
2031 PL-0152 (Demo GA Second Floor)
2031 PL-0153 (Demo GA Roof Floor)
2031 PL-0154 (Demo GA Basement)

2031 PL-0180 (Existing East & West Elevations)
2031 PL-0181 (Existing North & South Elevations)

2031 PL-0200 D (Proposed Site Plan)
2031 PL-0208 C (Proposed Basement Level)
2031 PL-0209 E (Proposed Lower Ground Plan)
2031 PL-0210 F (Proposed Ground Floor Plan)
2031 PL-0211 E (Proposed First Floor)

2031 PL-0212 E (Proposed 2nd Floor)
2031 PL-0213 D (Proposed 3rd Floor)
2031 PL-0214 C (Proposed 4th Floor)
2031 PL-0215 D (Proposed 5th Floor)
2031 PL-0216 C (Proposed Roof)

2031 PL-0230 C (Proposed Elevations)
2031 PL-0231 C (Proposed Elevations through lightwells)

2031 PL-0235 B (Proposed Sections)

2031 PL-0700 D (Area Plan (NIA) - Basement)
2031 PL-0701 D (Area Plan (NIA) - Lower Ground Floor)
2031 PL-0702 D (Area Plan (NIA) - Ground Floor)
2031 PL-0703 D (Area Plan (NIA) - First Floor)
2031 PL-0704 D (Area Plan (NIA) - Second Floor)
2031 PL-0705 D (Area Plan (NIA) - Third Floor)
2031 PL-0706 D (Area Plan (NIA) - Fourth Floor)
2031 PL-0707 D (Area Plan (NIA) - Fifth Floor)

Air Quality Assessment, Syntegra Consulting (dated October 2020)
Arboricultural Impact Assessment, Landmark Trees (dated 23/12/2020)
Archaeological Desk Based Assessment, Stephen Levrant Heritage Architecture Ltd (dated February 2021)
Construction Management Plan, Harrison Varma Projects Ltd
Daylight and Sunlight, BVP (dated October 2020)
Design & Access Statement, Wolff Architects
Dusk Activity Survey Report, Syntegra Consulting (dated August 2020)
Energy Strategy Report, Syntegra Consulting (dated October 2020)
Financial Viability Assessment, DS2 LLP (dated December 2020)
Financial Viability Assessment Review, Gerald Eve LLP (dated February 2021)
Flood Risk Assessment & Drainage Strategy, Syntegra Consulting (dated October 2020)
Landscape Masterplan, Cool Gardens Landscape Associates (dated 24/09/2020)
Noise Impact Assessment, Syntegra Consulting (dated September October 2020)

Planning Statement, SM Planning (dated October 2020)
Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020)

Residential Travel Plan, Caneparo Associates (dated October 2020)
Stage 2 Report Rev. P1, Building Services Group (dated 30/09/2020)
Statement of Community Involvement, Kanda (dated January 2021)
Transport Statement, Caneparo Associates (dated October 2020)

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) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4
- a) No development (other than demolition works) 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).

- 5
- 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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 6 a) No development (other than demolition works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

- 7 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 8 a) Prior to the first occupation of the hereby approved development, details of the proposed green walls and roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details

approved by this condition.

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

9 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

10 a) No development (other than demolition works) shall take place until details of foundations have been submitted and approved before works on the proposed building commence. The foundation design must take account of trees growing proximity to the development and will seek to minimise any harm to the root system. BS5837:2012 Trees in relation to design, demolition and construction- recommendations clause 7.5 provides acceptable guidance on foundations.

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

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01

11 All site works and works in connection with the development hereby approved shall be carried out in strict accordance with the recommendations set out in the approved Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020) and Dusk Activity Survey Report, Syntegra Consulting (dated August 2020).

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

12 Prior to the occupation of the approved development, all biodiversity and ecological

enhancement measures as set out in approved Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020) and Dusk Activity Survey Report, Syntegra Consulting (dated August 2020).

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 13 Prior to first occupation of the residential units, a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

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

- 14 Prior to occupation of the development hereby approved, 87 (long stay) and 2 (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.

- 15 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 Policy T7 of the London Plan 2021.

16 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 80% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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 T6 of the London Plan 2021.

17 a) Before the permitted development is occupied, details of servicing management plan including refuse storage and collection arrangements, including swept paths for emergency vehicles shall be submitted to and approved in writing by the Local Planning Authority.

b) 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.

- 18 The development hereby approved shall be implemented in accordance with the criteria / measures set out in the approved Noise Impact Assessment Ref: 20-7309, Syntegra Consulting (dated September 2020) and be retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012 and the Sustainable Design and Construction SPD (adopted April 2016).

- 19 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.

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

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

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

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

b) Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 22 Development shall not begin until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 25 Prior to the first occupation of the development, hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The strategy shall be designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bats - as set out within the approved Preliminary

Ecological Appraisal Report, Syntegra Consulting (dated August 2020).

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that appropriate lighting is provided as part of the development and to ensure that any protected species present are not adversely affected in accordance with Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

26 a) Prior to carrying out above grade works of the approved building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building.

The development shall only be carried out in accordance with the approved details.

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

27 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 SI 5 of the London Plan 2021 and the Mayors Housing SPG.

28 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to

comply with the requirements of Policy D7 of the London Plan 2021 and the Mayors Housing SPG.

- 29 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 47% 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) and Policy SI 2 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

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

- 31 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

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

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

RECOMMENDATION III:

- 1 That if the above agreement has not been suitably progressed by 30 September 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):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, air quality and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (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.

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

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

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

Crossrail, London's highest infrastructure priority.

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

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

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

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.

(as amended) relates to this permission.

- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>.

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

- 6 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 7 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed

to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 9 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation

requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 11 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 12 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 13 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate

measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 14 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 licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. 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).

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the north-east side of West Heath Road at the corner of Eden Close and measures approx. 0.4 hectares.

The site is currently occupied by a large detached building located centrally on the site with direct access from West Heath Road.

The surrounding area is characterised by large scale residential plots.

The site is not located within a conservation area, nor is the building statutory or locally listed. There are TPO designations around the site boundaries. The site is located within Flood Zone 1 and has a PTAL rating of 3.

2. Site History

Reference: ENF/0653/18

Address: Heathside High Preparatory School, 84 West Heath Road, London, NW3 7UN

Decision: Pending consideration

Decision Date: N/A

Description: Breach of Planning

Reference: ENF/01143/16

Address: St Margarets, 84 West Heath Road, London, NW3 7UN

Decision: Notice Issued

Decision Date: 17.01.2017

Description: Without planning permission the change of use of the property to a day school (Use class D1)

An Enforcement notice was served on 17.01.2017 for the following reasons:

1. The introduction into a previously quiet residential area of the incongruous patterns of activity associated with the school and, in particular, the increased comings and goings at either end of the school day has resulted in detriment to that character, contrary to policy CS5 of the adopted Barnet Core Strategy DPD (2012) and to policies DM01 and DM13 of the Development Management Polices DPD (2012).
2. Traffic generated by the day school, over and above that which might reasonably be associated with any fall-back position, likely reduces the free flow of traffic on local roads. Any increase in journey generation, whether resulting from a change in travel behaviour or an increase in the size of the school, will exacerbate the situation. Furthermore, any increase will also likely lead to an unacceptable risk to local highway safety, contrary to policy CS9 of the adopted Barnet Core Strategy DPD (2012) and policies DM17 and DM13 of the Development Management Polices DPD (2012)
3. By virtue of the noise and disturbance associated with access and egress the use of the site as a day school has a detrimental effect upon neighbours' standard of life and there exists the potential for an increase the level of general disturbance,

contrary to policies DM04 and DM13 of the adopted Development Management Polices development plan document (DPD) (2012).

Reference: 16/5298/192

Address: St Margarets, 84 West Heath Road, London, NW3 7UN

Decision: Lawful

Decision Date: 04.10.2016

Description: Internal conversion and use of the existing property to provide education and boarding accommodation (C2).

Reference: C04794C

Address: 84 West Heath Road London NW3

Decision: Refused

Decision Date: 03.07.1996

Description: Alteration to elderly persons home including the erection a new two storey rear extension to replace the existing rear wing.

Reference: C04794B

Address: 84 West Heath Road London NW3

Decision: Approved subject to conditions

Decision Date: 10.11.1995

Description: Alterations to elevations, front entrance ramp, fire escape staircases and general refurbishment of elderly persons home.

Reference: C04794

Address: St. Margarets, 84 West Heath Road NW3

Decision: Approved subject to conditions

Decision Date: 06.03.1974

Description: Erection of extension of staff room

3. Proposal

The application seeks permission for the demolition of the existing building and erection of six-storey building with lower-ground and basement levels. The proposed building comprises of 45no. self-contained units, consisting of 3 x 1-bed, 39 x 2-bed and 3 x 3-bed units. The existing site access from West Heath Road would remain, with car parking provided at basement level and accessed via 2no. car lifts from the south side of the site. The proposal would also provide communal and private amenity spaces and associated facilities.

The proposed development was amended during the course of the application, consisting of the following changes:

- Adjustment of unit LGF-01 to avoid the Tree Protection Zone of the sycamores in the northern corner;
- Removal of car ramp and replacement with 2no. car lifts;
- Submission of proposed views within Eden Close; and

4. Public Consultation

Consultation letters were sent to 101 neighbouring properties. Following the receipt of amended plans and publishing of new information, periods of re-consultation was undertaken.

In total, 110 responses have been received, comprising 107 letters of objection and 3 letters of support. This include multiple letters from the same household as a result of the re-consultation periods.

The objections received can be summarised as follows:

- Loss of C2 use;
- Shortage of care home spaces;
- Non-compliance with Barnet Local Plan policies
- Overdevelopment;
- Loss of existing building;
- Loss of non-designated heritage asset;
- Out of character and scale;
- Excessive density;
- Excessive height;
- Low quality design;
- No provision of affordable housing;
- Loss of internal features;
- Inappropriate housing mix;
- Overlooking;
- Impact on neighbourhood outlook;
- Inadequate provision of car parking on site;
- Overprovision of car parking spaces;
- existing parking stress;
- increased traffic;
- impact on security;
- Air quality and pollution;
- Adverse impact on trees;
- Insufficient amenity space;
- Impact on ecology;
- Displacement of the water table;
- Impact on underground streams
- Disturbance during construction phase;
- Submitted viability reports are misleading and understated;
- Submitted daylight/sunlight report fails to address the effect on neighbouring properties without the effect of existing tree cover;
- Disagreements with the findings of the submitted technical reports.

The letters of support can be summarised as follows:

- Supportive of change of use to residential;
- Trees on site are to be preserved;
- Issues caused by the school;

Internal / External Consultees

Arboriculture

In terms of the impact on trees, there are no objections.

Design Council

The proposal was subject to an independent design review by the Design Council. Comments received will be detailed further within the report.

Ecology

Having reviewed the ecology documents provided with the application we are satisfied that the evidence provided by the applicant sufficiently addresses potential impacts and implications on biodiversity receptors and therefore it can be recommended that the application may be approved with some conditions attached.

Environmental Health

No objection subject to conditions being attached relating to construction method statement, air quality and noise.

Greater London Archaeological Advisory Service (GLAAS)

Following the submission of an Archaeological Desk-Based Assessment, it is unlikely that the proposed development would have a significant archaeological impact at this location. No further assessment or conditions are therefore necessary.

Secure by Design

The Design and Access Statement (DAS) for this application includes excellent and comprehensive recommendations from the agent of how they will incorporate security and crime prevention measures for the proposed development, via Secured by Design recommendations. I do not object to this proposed application and if planning is approved, I would respectfully request the inclusion of a planning condition, whereby this development must achieve Secured by Design accreditation, prior to occupation. SBD implementation is recommended due to crime types and levels upon the ward and burglary statistics across the London Borough of Barnet.

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to the water network, we would not have any objection to the above planning application.

Traffic and Development

No objection subject to a S106 agreement securing travel plan monitoring and recommended conditions.

Transport for London

TfL understands the site will encourage the use of sustainable/active travel modes, with the primary objective of the Residential Travel Plan to encourage travel to the site by

means other than the private car. The most successful method of achieving this aim would be to eliminate all car parking. TfL would strongly support a move to a car free development.

In line with the ambitions set out in the Mayor's Transport Strategy and the Intend to Publish London Plan, TfL welcomes a Travel Plan that aims to encourage residents and visitors to use sustainable modes of travel to/from the site through the promotion of public transport, walking and cycling.

A Draft Construction Management Plan (CMP) has been submitted. A full CLP should be developed in accordance with Transport for London guidance. This should be secured through a condition. A Delivery and Servicing Plan (DSP) should be secured by condition and discharged in consultation with TfL prior to the development becoming operational.

Elected Representatives

Cllr Anne Clarke

I request that the committee carefully considers the volume and strength of the objections, especially from those who live nearest the development. There are clear concerns around height, road traffic, the size of the plan as well as loss of the current building. The height is not acceptable in this location, and the building would be out of keeping with the local area. Many residents are rightly worried about an increase in traffic on West Heath Road both during the development and afterwards. Separately, LB Barnet should investigate traffic matters on West Heath Road. It is regrettable that the proposed green wall did not make the plan, I had been looking forward to this as a design feature. It's clear from reading the objections that scepticism of the plan comes from the experience residents have had of other housing developments that do not fit in with the area.

Local Amenity Groups

Hendon and District Archaeological Society

84 West Heath Road is in an Archaeological Priority Area; the redevelopment proposed is extensive, and involves basements. Historic England may therefore wish to consider asking for an archaeological condition

The Victorian Society

We object to the proposals on the grounds that they involve the loss of a significant non-designated heritage asset.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS10
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM10, DM16, DM17

Supplementary Planning Documents

Affordable Housing (February 2007 with updates in August 2010)

Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Green Infrastructure (October 2017)

Planning Obligations (April 2013)

Residential Design Guidance (April 2016)

Sustainable Design and Construction (April 2016)

5.2 Planning Assessment

Principle of development

Loss of C2 Use Class

The building was previously in the ownership of the London Borough of Camden as a Care Home (Use Class C2) known as St Margarets. The building was disposed by LB Camden and was acquired by Heathside Preparatory School. The school initially had received a Certificate of Lawful Use (LDC) for "*Internal conversion and use of the existing property to*

provide education and boarding accommodation.” Use as a boarding school would fall within the same C2 Use Class.

Separate Enforcement action was taken against the school for 'Without planning permission, the change of use of the property to a day school (Use Class D1).'

From the evidence gathered as part of the enforcement action, the site was used by Heathside Preparatory School from day one as a D1 day school (now Class F1). Whilst there may have been elements of boarding accommodation at a later date, these were not sufficient in scale to change the nature of the use to a boarding school. Therefore, as the day school use of the site was unlawful and the boarding accommodation was insufficient to be classed as C2, the last lawful use of the property was as a care home within class C2.

Community or education uses are covered by Barnet policy DM13. Paragraph 14.1.2 of this policy defines community and education uses as "health centres, dentists, schools and further education, spaces for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worship and some policing facilities." Given that the site was unlawfully used as a day school, the proposal cannot be considered to involve the loss of an education use. The loss of a boarding school is not considered relevant either as the building was not sufficiently used for the purposes of C2 use. From the above summary, the application therefore does not involve the loss of an education use.

Specialist accommodation for older people is covered in Chapter 10 of Barnet's Development Management Policies DPD. Loss of specialist accommodation for the elderly is stated in paragraph 10.2.3 and states "*Loss of extra care housing will not normally be acceptable and compliance with Policy DM13: Community, Health and Education Uses will be expected to be demonstrated where community facilities may be lost.*" This sentence does not state that housing for the elderly is itself a community facility but seeks where community facilities are lost, they need to be justified under Policy DM13. The building was not used as extra-care and therefore does not fall under this policy.

Use Class C2 is defined as 'Residential institutions', however, there are no Barnet Local Plan policies which specifically relate to loss of C2 accommodation. Barnet Policy DM07 seeks to prevent loss of residential accommodation but the proposed development would still maintain residential accommodation, albeit in Use Class C3. Therefore, there is no conflict with this particular policy.

Queries have also been raised about the demand for C2 accommodation, however, there have been several recent examples of new care home facilities approved and constructed across the Borough and in proximity to the site. To the north-east of the site, there is The Oren (114-120 West Heath Road), an extra-care facility comprising up to 46no. extra care units. Also in proximity of the site and under construction are new care home sites at Hammerson House and 58 The Bishops Avenue. Approx. 3miles from the site, is also the provision of a new care home at Hendon Hall Hotel. This demonstrates that there is new provision of care homes being provided within this part of the Borough, with provision of over 300+ rooms / units.

Therefore, subject to compliance with all other relevant policies, Officers have no objection to the loss of C2 accommodation.

Demolition of existing building

The existing building is of some historical interest but has been extended and altered over time with a side wing extension which mimics the design of the existing building and a more recent two-storey rear element which projects a significant distance rearward into the site. It has also been fitted with various modern types across the building.

Given the considerable and insensitive alterations to the existing building it is not considered that the LPA could object to the demolition of the existing building. It is neither designated as a statutory or locally listed building nor located within a conservation area. Its visual setting is limited to the site itself due to the screening of the existing tall mature trees around the site boundaries. Concerns have been raised about the loss of internal fittings, however, these are not protected and could be removed at any time.

For the reasons set out above, the demolition of the existing building is accepted and is not considered to result in visual harm to the character and setting of the site or surrounding area.

Proposed C3 Use Class

The proposed C3 residential use would be compatible on the site and surrounding area both on policy and character grounds.

The proposed development would provide 45no. towards the Borough's housing supply which is strongly supported.

Housing Mix

The development proposes the following unit mix within the proposed building:

- 3 x 1-bed
- 39 x 2-bed
- 3 x 3-bed

The proposal would provide a variety of unit types within the development, which is seen as adding to mix and type of residential accommodation that is available within this area. There are a number of larger dwellings in the surrounding area and the offer of smaller units, such as 2-beds, offers the opportunity for those to downsize into a more suitable unit. As such, the proposed mix is considered to be acceptable.

Affordable Housing

The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The application is supported by a Financial Viability Appraisal (FVA) as no affordable housing units are proposed within the development. In order to robustly scrutinise the FVA, the LPA instructed an independent viability specialist, Gerald Eve LLP (GE), to undertake a review of the submitted viability statement. Following their review, GE have concluded that the scheme does not appear able to support any additional affordable housing justified on viability evidence. However, to ensure that any uplifts in sales values are captured

within the viability considerations of the scheme, GE recommend a review mechanism to be included within the S106.

Neighbouring residents have submitted their own viability report by BNP Parabis, reviewing the applicant's viability report (by DS2) and the Council's independent review (by GE). Their opinion is that both reports understate the housing revenue, and that a greater additional contribution towards affordable housing should be secured.

In response, GE having reviewed the resident's report, comment that the main difference appears to be BNP have adopted sales values significantly higher than that analysed by GE. They have also used a lower finance rate which isn't consistent with GE's recent experiences for similar schemes. With regard to Lane Value, the EUV calculated by GE was assessed by a specialist in the field of similar properties and GE do not consider BNP's comments therefore of ignoring existing use convincing. Sales values can be suitably resolved through a review mechanism which obligates the actually achieved values to determine if any surplus is due rather than opinion. GE remain satisfied with their findings and recommendations within their report.

In summary of the above, the independent viability review finds that the proposed development results in a deficit and is not viable to provide towards the provision of affordable housing. The application has therefore complied with the requirements of policy DM10 and a review mechanism will be secured as part of the package of planning obligations.

Residential Internal Space Standards

The London Plan and Barnet's Sustainable Design and Construction SPD outlines the minimum gross internal floor area required for different dwelling sizes.

The proposed units would be large in footprint and far exceed the minimum space standards. Each unit would benefit from good outlook and Officers are satisfied that adequate levels of daylight and sunlight would be received.

Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. The SPD requires 5sqm of outdoor amenity space per habitable room.

Using the Barnet SPD requirements, the scheme proposes approx. 180 habitable rooms and therefore requires a total of approx. 900sqm of amenity space.

The proposed amenity provision has been development to ensure that each dwelling is provided with private outdoor amenity space, with either a balcony or terrace. The total amount of private amenity measures 965.4sqm.

In addition, there is a large area of communal garden available around the proposed building at ground floor and a further 515sqm of shared amenity space is provided in the form of a communal roof terrace.

Overall, there is a minimum of 1,480.5sqm of amenity space being provided within the development which is compliant with the Barnet SPD requirements. Overall, it is considered that acceptable levels of outdoor amenity space are available to all future residents. Further explanation and assessment of the proposed landscaping will be set out further within the report.

Privacy and overlooking of future residents

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

Reviewing the proposed plans, Officers are satisfied that there would no overlooking concerns within the proposed development. At ground floor level, it is proposed to install landscaped boundaries to provide privacy to those specific units.

Noise Impacts on Future Residents

In relation to noise impacts on the proposed development, the application is accompanied by a Noise Assessment report.

The report identifies that the site is within a 'low-medium' risk area in terms of noise. Subject to detailed measures being incorporated within the design (i.e glazing, ventilation), adequate internal noise levels can be achieved. The assessment has demonstrated that external noise level criteria would be achieved within the proposed amenity areas.

Overall, the report finds that subject to the detailed design measures being included within the development, there would be no harmful impacts to future residents in terms of noise.

Air Quality Impacts

An Air Quality Assessment has been submitted in support of the application. The results indicated that an acceptable level of building emissions from the scheme, however, transport emissions were calculated as exceeding the Air Quality Neutral benchmark. As such, mitigation is proposed in the form of installing electric vehicle charging points and a financial contribution in line with the Air Quality Neutral guidance has been secured.

Secure by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development and design to achieve Secure by Design Accreditation.

Impact on the character and appearance of the existing site, street scene and wider locality

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

Layout

The proposed layout has been informed by a plot analysis which is set out in the Design and Access Statement (D&A). This calculates the existing building as occupying 20% of the site, with an average plot ratio of 30% amongst those within the surrounding immediate area. It then identifies a potential development area, excluding existing tree root protection areas (RPAs) and a separation buffer to existing boundaries.

The proposed layout/form sits centrally within the site which steps in both vertically and horizontally on all elevations. The proposed layout would have a site coverage of 33.5% which is reflective of plot ratios as identified by the D&A analysis. The proposed front building line facing West Heath Road follows that of existing properties to the south and to the west on the opposite side of the site. It is considered the proposed building footprint is sufficiently distanced from the site boundaries.

Overall, the proposed layout and footprint is supported by Officers and a high quality hard-surfaced and landscaping details, involving maintenance and management will be secured by condition.

Scale, Massing and Height

Scale and height is varied across the proposed development, with stepped back upper levels on the north-eastern and north-western elevations. The proposed development seeks to concentrate massing and height towards the front / middle of the site with a maximum height of six storeys (excluding basement and lower ground) with the upper level being recessed. The proposal steps down towards the rear of the site with the rearmost element being three storeys in height.

Whilst the proposed development would represent a significant increase in building mass and height, Officers consider that this can be suitably accommodated within the site due to the extensive and large screening around the site. The transition and step down in height towards the rear is considered to be acceptable as it is reflective of the neighbouring scale.

In terms of massing, the proposed building is broken up by a number recessed and projecting sections, transition in heights and a setback top floor. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposed buildings.

The applicant has taken the proposal to The Design Council and has been subject to their independent Design Review Panel. Officers have been provided with their formal comments which states that they consider the height, bulk and mass to be appropriate in principle. The Review Panel was supportive of the massing strategy which has helped break up the visual weight of the proposed building. They continue that the step-back on the upper levels succeeds in reducing the bulkiness and that cranking the plan has helped to make better use of the site and supports an improved internal layout. The inclusion and design of the balconies is helping to articulate and break up the mass of the building.

In terms of neighbouring development within the locality, it is noted that a similar scale and design of building was approved at The Oren, 114-120 West Heath Road. This scheme is located to the north-east of the site and was approved under reference 16/5993/FUL. The scheme comprises of six storeys, with a recessed top level and similar projecting and recessed bays. Further to the above example, on the opposite side of the road, there are two sites of Oak Lodge and Oracle Apartments which comprise of five storeys.

Appearance and Materials

The architectural expression follows a formal approach with bays and windows appearing in consistent intervals.

The predominate material is brick which is acceptable and the design would incorporate the use of variances in the brick orientation and projection to help break up the massing and provide visual interest. In addition, the use of a contrasting cladding on the upper level is considered to provide further visual distinction.

The Council's Urban Design Officer is supportive of the development and the proposed architecture. The Design Council Review Panel were also supportive of the material palette and welcome the use of the lighter brick.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies. The site is heavily screened by mature trees and landscaping around the site boundaries with limited visibility and as such the scale and design is considered to be acceptable.

Amenity Impact on Neighbouring Properties

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Amenity is a consideration of London Plan policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, Overlooking and Outlook

The Barnet Residential Design Guidance SPD states that 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. Shorter distances may be acceptable between new build properties where there are material justifications.

The site is surrounded by residential properties within Eden Close to the north and north-east, of which the site shares a boundary with No.8 whilst the road of Eden Close separates the site from Nos. 1 & 2 and No.88 West Heath Road. To the south-east and south, the site shares boundaries with Nos 6 - 12 Westover Hills, as well as No.74 West Heath Road.

The separation distances are measured to each street as follows:

- Eden Close - the scheme achieves an approx. 12m distance from the rear elevation to the north-eastern boundary treatment with No.8. A 20.5m window to window separation is maintained and there are significant mature and tall trees along this boundary which will prevent overlooking. This distance increases as the building form steps back. Nos 1 and 2 Eden Close are sited between 25-35m away from the proposed built form. Due to the siting and orientation of these properties, views towards these properties would be obscure and are again screened by mature trees.

- Westover Hill - measured from the south-eastern elevation, there would be in excess of 25m to the rear elevations of nos. 6 - 12. This exceeds the SPD guidance and therefore no overlooking concerns are considered to be detrimentally harmful. Again, there is considerable screening along this boundary;
- West Heath Road - there is approx. 25m separation from the proposed to both the north (no.88) and south (no. 74).

One particular concern has been raised from an adjoining property regarding privacy and security of the residence. The issues of privacy have been addressed above and it is considered that there is adequate separation distance between the sites and the presence of existing mature and tall trees along the boundary will help provide the required privacy. In terms of security, the Met Police were consulted on this specific issue and they considered that there is no reason to object to this development from a security perspective. They find the proposed security for the new development to be excellent, with a high boundary fence to deter against intrusion. They also consider the mature tree lining will provide additional privacy. Any proposed balconies are located some distance away from the neighbouring residence and with the mature tree line and will unlikely have any clear line of sight into the neighbouring residence and garden.

Daylight and sunlight

An assessment on daylight and sunlight on neighbouring buildings has been submitted in support of the application. The report conducted an analysis on a considerable number of properties in the immediate area:

- 88 West Heath Road
- 1 Eden Close
- 8 Eden Close
- 6 -12 Westover Hill
- 74 West Heath Road / 4 Westover Hill
- 71 - 79 West Heath Road

88 West Heath Road

This property is located to the north-west on the opposite side of Eden Close. There are four windows which face towards the application site. The results confirm that the windows assessed would achieve 0.89, 0.88, 0.99 and 0.99 of the existing value which exceeds the BRE criteria of 0.8.

1 Eden Close

This property is located immediately to the north of the proposed development. For daylight, the results confirm that the existing values are below 27%. However, the BRE states that an adverse effect would only occur if the proposed value is less than 27% and less than 0.8 of the existing value. The results found that the existing windows would achieve 0.95 or 0.9 of the existing value, exceeding the BRE criteria. Therefore, there would be no adverse effect in daylight.

8 Eden Close

This property is located to the north-east and there are windows in the flank elevation facing the application site. The results found that all 5 windows at ground floor level would

achieve above the 0.8 existing value, satisfying the BRE criteria. Given the ground floor windows pass the BRE requirements, it is reasonably assumed that the 5 windows at first floor level would also pass.

6 -12 Westover Hill

These houses are located to the south-east and south of the proposed development, with rear windows facing the application site. All the windows measured would exceed the BRE criteria.

74 West Heath Road / 4 Westover Hill

These properties are located immediately to the south of the site. The results confirm that there would be little change with results of 0.96 and 0.98 to the existing values. Therefore, there would be no adverse effect.

79 - 79 West Heath Road

These properties are located to the west of the proposed development on the opposite side of the road. Due to the distances between the site, there would be no impact in terms of daylight on these properties.

Sunlight

The results of the neighbouring residential properties that face within 90 degrees of south demonstrates that BRE's criteria both annual and winter sunlight would be satisfied to all windows.

Overall, Officers accept the findings that the proposed development will not give rise to a significant impact upon the daylight or sunlight amenity received to these properties.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area. In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for a residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment and plant noise. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Transport, highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases

in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential car parking

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

Based on the above requirements, the proposed development has a parking provision range of between 42 and 66 spaces. The application site is located within a PTAL rating of 3 (moderate). The proposed development comprises of 61 car spaces which is within the acceptable policy DM17 range. Conditions will be attached to ensure that the required level of disabled spaces and electric vehicle charging points are proposed on site.

The proposal provides 89no. long cycle parking spaces and 4no. short stay spaces which is compliant with the London Plan.

Trip generation

An analysis of the potential trip generation from the site has been carried using industry standard database called TRICS. The results show that the development will generate 7 two-way vehicle movements during the AM peak (8-9am) and 7 two-way vehicle movements during PM peak. The corresponding total person trips are 27 and 30 (two-way).

The Highways Officer considers that the impact of this level of trip generation on the surrounding highway network is unlikely to be significant.

Refuse / recycling

The Highways Officer has confirmed that the location of refuse storage across the site is acceptable. Details of the service management will be secured via condition.

Having considered all the factors above, it is considered that the proposed development is acceptable on highways grounds.

Landscaping, trees and biodiversity

Barnet Local Plan Policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Landscape

A landscape masterplan and detailed landscape drawings have been submitted in support of the application. These demonstrate a very ornamental landscape scheme. Whilst concerns have been raised by the Arboricultural Officer in terms of its benefits or practicality, it is considered that these details can be conditioned for further discussion.

The proposal also consists of areas of green roofs and roof terraces and these elements are considered to be acceptable.

Trees

The site is enclosed by mature trees, with TPO designations to the north-east, south-east and west.

A revised Arboricultural Report and amended plans have been submitted to address a couple of raised concerns from Officers. These includes the removal the car access ramp to the south and adjustment of unit LGF-01 to avoid the Tree Protection Zone of the sycamores in the northern corner.

The Council's Arboricultural Officer has reviewed the additional submitted information and raises no objections in respect of trees subject to appropriate conditions.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal and Dusk Activity Survey which has been reviewed by the Council's Ecology Consultants. They confirm that they are satisfied with the evidence provided sufficiently addresses potential impacts and implications on biodiversity receptors and there recommend that the application be approved subject to conditions.

Energy and Sustainability

London Plan Policy SI 2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

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

London Plan Policy SI 2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan Policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 47% CO2 reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. This has been calculated as a payment of £46,752.

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Below Ground Drainage Strategy. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

7. Planning Balance

After an assessment of the proposed development, officers consider that the development is acceptable having regard to the relevant local and national policies. The proposed development would provide a high quality residential development, having an acceptable impact on the character and appearance of the site and wider locality. The proposed, building form and orientation ensures that there is no significant harm on the amenities of neighbouring properties and the highways impact is considered to be acceptable. Following the receipt of amended plans, the impact on trees is considered to be acceptable.

The proposed benefits of the scheme are:

- Redevelopment of existing vacant site;
- Provision of 46no. new residential units;
- Provision of construction jobs secured through the development; and
- CIL contributions to improve local infrastructure.

In addition to the compliance of development plan policies, it is considered that the package of public benefits are of importance and attract positive weight in the decision making.

8. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations

which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

