

**21/2485/FUL - APPENDIX A:  
OFFICER RECOMMENDATION REPORT**

**Location** **Brent Cottage Brent Park Road London NW9 7AP**

**Reference:** **21/2485/FUL** Received: 4th May 2021  
Accepted: 12th May 2021

Ward: West Hendon Expiry 11th August 2021

**Case Officer:** **James Langsmead**

Applicant: Alaris Properties Ltd

Proposal: Redevelopment of the site comprising of a part 1, part 8 and part 9 storey building (plus a basement level) to provide 63no. self-contained residential units and associated car parking; secure cycle parking; refuse and delivery bay; refuse storage; plant; landscaping and amenity space.

**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

Provision of 12no. units (7 London Affordable Rent and 5 Intermediate). Early and late review mechanism.

4. Carbon Offset contribution

Contribution of £55,507.00 towards the Council's carbon offset fund.

5. Skills and Employment

On-site or Off-site contribution towards skills and employment.

6. CPZ Contribution

Contribution of £7,500.00 towards the review and extension of CPZ.

7. Restriction of Parking Permits

Contribution of £2392.01 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.

8. Travel Plan and Monitoring contribution

Submission of a Residential Travel Plan and a monitoring contribution of £15,000.00.

Contribution of £9,450.00 (£150.00 per unit) for travel incentives

9. Parks and Open Space Improvement Works in lieu of amenity space

Contribution of £12,700.00 Index Linked towards the improvement and enhancement of the Welsh Harp Reservoir Area within the London Borough of Barnet, or other appropriate area within the Borough.

10. S.278/S.184 Works

Associated highway works under S278/S184

1. provision of two vehicular crossovers
2. provision of dropped kerbs/informal crossing point (location to be agreed)
3. Removal and replacement of street trees (to be agreed with tree officer)
4. Resurfacing of the footway along the site frontage

11. Loss of Street Trees

Compensation for the loss of the street trees removed to accommodate the development has been calculated at £15,000.00

12. 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 and documents:

Plans:

- IF20-01 001 Location plan
- IF20-01 002 Rev C Proposed Site plan
- IF20-01 003 Proposed Block plan
- IF20-01 010 Rev. B Proposed Basement
- IF20-01 100 Rev. D Proposed Ground Floor
- IF20-01 101 Rev. A Proposed 1st floor
- IF20-01 102 Proposed 2nd floor
- IF20-01 103 Proposed 3rd floor
- IF20-01 104 Proposed 4th floor
- IF20-01 105 Proposed 5th floor
- IF20-01 106 Rev. A Proposed 6th floor
- IF20-01 107 Rev. A Proposed 7th floor
- IF20-01 108 Rev. A Proposed 8th floor
- IF20-01 109 Proposed Roof plan
- IF20-01 200 Rev. A Proposed North West Elevation
- IF20-01 201 Proposed South West Elevation
- IF20-01 202 Rev. A Proposed South East Elevation
- IF20-01 203 Rev. A Proposed North East Elevation
- IF20-01 204 Rev. A Proposed Street Elevation long
- IF20-01 300 Proposed Section AA
- IF20-01 301 Rev. C Proposed Section BB
- IF20-01 400 Existing Site plan
- DR-001 Rev. B - Surface Water Drainage Strategy
- DR-003 Rev. A - Surface Water Drainage - Details
- AW.001.1200 Rev. B - Landscape Roof Level General Arrangements
- AW.001.900 Rev. C - Landscape Illustrative Masterplan
- AW.001.1100 Rev. E - Landscape Eighth Floor General Arrangements

Documents:

- Daylight and Sunlight Report - 26 April 2021 - produced by Waldrams
- The Brent Cottage Landscape Strategy Document Revision 5 - 18.08.2021
- Brent Cottage - Urban Greening Factor Assessment (ref: 551595mcApr21FV02\_UGF) - 19 August 2021 - Produced by Greengage
- Traffic and Pedestrian Counts Survey (Excel) - 7th July 2021 - Produced by Auto Surveys Ltd
- Schedule of Residential Units - Brent Park Road - 27 July 2021
- STORM SEWER DESIGN by the Modified Rational Method - 22/06/2021 - Pitman Associates Ltd
- Flood Risk Assessment (ref: RMA-C2127\_4) - 22nd June 2021 - Produced by RMA Environmental
- Design & Access Statement - April 2021
- Wind Microclimate Review - 29th April 2021 - Produced by Urban Microclimate
- Utilities Appraisal (ref: RMA-C2127c) - produced by RMA Environmental
- Environmental Noise Assessment Ver. 1.1 - 28.04.2021 - produced by Entran Ltd
- Energy and Sustainability Statement Rev. B - April 2021 - produced by JS Lewis Ltd
- Draft Parking Management Plan - April 2021 - produced by YES Engineering Group Limited
- Draft Delivery and Servicing Plan - April 2021 - produced by YES Engineering Group Limited
- Air Quality Assessment Rev. 1.1 - 22.04.2021 - produced by Entran Limited

- Planning Statement - April 2021 - produced by Maddox Planning
- Transport Statement - April 2021 - produced by YES Engineering Group Limited
- Outline Construction Logistics Plan - April 2021 - produced by YES Engineering Group Limited
- Brent Cottage - Preliminary Ecological Appraisal - 3rd April 2021 - Greengage Ltd
- Biodiversity Impact Assessment - April 2021 - Greengage Ltd
- Draft Travel Plan - April 2021 - produced by YES Engineering Group Limited
- Fire Statement (Report Ref: 012/071021) Revision 1 - undated - produced by Know Fire Ltd

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) Notwithstanding the details shown on the hereby approved plans and documents, prior to any works above slab level, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved shall be 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 D1, D4 and D8 of the London Plan 2021.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7

of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 Notwithstanding details shown on the hereby approved plans, prior to occupation of the development, a final internal layout plan showing details of 37 off-street parking spaces, including disabled parking provision, adaptable enlarged spaces, and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 6 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (8 active and 29 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan 2021

- 7 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SD1 and D10 of the London Plan 2021.

- 8 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 119 cycle parking spaces (116 long-stay and 3 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 9 No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Statement submitted shall include, but not be limited to, the following information:

- 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 contractor's 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.
- xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

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

- 11 Before the permitted development is occupied an updated Delivery and Servicing

Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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.

- 12 Before the permitted development is occupied an updated Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Parking Management Plan.

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.

- 13 Prior to the occupation of the development, a, Manufacturer's specification and warranty, Maintenance Agreement, repair response times and a traffic light warning system for the operation of the car lifts and shutters must be submitted to and approval by the Local Planning Authority.

Reason: In the interests 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.

- 14 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policy DM17 of Barnet's Local Plan Development Management Policies (adopted September 2012).

- 15 The noise mitigation measures outlined in the Environmental Noise Assessment by Entran Ltd dated 24.04.2021 shall be implemented in their entirety, prior to first occupation of the development, and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and D14 of the London Plan 2021.



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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 17 a) No development, except site clearance, shall commence until a scheme for protecting the proposed development from vibration associated with the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings, in accordance with Policy DM04 of Barnet's of the Development Management Policies DPD (adopted September 2012)

- 18 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.

- 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 in accordance with Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy SI1 of the London Plan 2021.

- 20 a) Prior to carrying out works above slab level, 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.

- 21 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.

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A 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 immediately 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.

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

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

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

22 a) Prior to the first occupation of the hereby approved development, details of the proposed green 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) and Policy G7 of the London Plan 2021.

23 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) and Policy G7 of the London Plan 2021.

- 24 No development shall commence until an Ecological Management Plan, has been submitted to and approved by the Local Planning Authority. The plan should be in accordance with the recommendations laid out in the Preliminary Ecology Appraisal and Biodiversity Impact Assessment and shall be implemented in full and shall thereafter be so maintained.

Reason: To ensure the proposed development does not prejudice the adjacent SSSI and that onsite ecological features are created, enhanced and managed; and, and to ensure the proposed development does not prejudice existing protected species and ecological features in accordance with Policies DM16 of the Barnet Local Plan (2012) and Policies G5 and G6 of the London Plan 2021.

- 25 Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall include details of the construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments and will demonstrate consultation with the Asset Protection Project Manager at Network Rail.

The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the structural integrity and safety of the railway siding and railway line is not prejudiced by the development in accordance with Policies D9, D10 and D11 of the London Plan 2021

- 26 Details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the development.

Reason:

To protect the safety and function of the railway network.

- 27 a) Notwithstanding the approved plans, prior to the occupation of the development, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved play equipment should be implemented no later than 3-months post practical completion of the entire development.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

- 28 a) The development shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing, 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 the development 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 and railway network in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 29 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.

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

Reason:

To avoid significantly impact / cause failure of local underground sewerage utility infrastructure.

- 30 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until:
- a) Drainage Strategy detailing all drainage works to be carried out in respect of the development and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best

practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

- 31 Prior to the first occupation of the development, the dwellings 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 above mentioned 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 DM03 of Barnet's Local Plan (Development Management Policies) DPD 2012 and Policy D7 of the London Plan 2021.

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

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

- 33 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 34 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.

- 35 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).

- 36 Prior to works above slab level, a final fire statement shall be submitted to and agreed in writing by the Local Planning Authority. In addition to the details within the Fire Statement (Report Ref: 012/071021; Revision 1 - undated - produced by Know Fire Ltd) hereby approved, the final fire statement shall contain:

- detailed sections of the different external wall types and specified attachments that make up the building and the products and materials to be used
- details of the fire evacuation procedures for the occupiers of the development

The development shall be implemented and managed in perpetuity in accordance with the details approved.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's London Plan (2021).

### **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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your



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

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

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

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

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 7 If a pump lorry is to be operated from the surface of the public highway, 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.
- 8 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](mailto:highwayscorrespondence@barnet.gov.uk).
- 9 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.

- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 11 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.

- 12 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 13 Drainage associated with the site should not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.
- 14 The developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rails existing fencing/wall must not be removed or damaged.
- 15 The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 16 The application does not include a specific glint and glare study to ascertain the effect the proposal will have on the operation of the adjacent railway particularly in terms of signal sighting and driver distraction. Reflective surfaces and building materials can cause significant problems for train drivers and railway operations (please see attached example from The Shard in London). The applicant should supply further details at the discharge of condition stage.
- 17 Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in Bridge strikes. Vehicles hitting railway bridges cause significant disruption and delay to rail users. The site is adjacent to the railway bridge on Brent Park Road which has a limited clearance of 10.9 which could be problematic if large construction vehicles

associated with the site are to be routed under the structure. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developers expense.

### **RECOMMENDATION III:**

1 That if the above agreement has not been completed has not been submitted by 31 December 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, highways mitigation, and loss of street trees. 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, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

2. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013)

### **MATERIAL CONSIDERATIONS**

#### **Key Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

### Revised 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 20 July 2021. 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 Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised 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 to 2041. 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 development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

- GG2 (Making Best Use of Land),
- SD1 (Opportunity Areas),
- G5 (Urban Greening),
- G6 (Biodiversity and access to nature),
- G7 (Tree and woodlands),
- D1 (London's form, character and capacity for growth),
- D2 Infrastructure requirements for sustainable densities,
- D3 (Optimising site capacity through the design-led approach),
- D5 (Inclusive design),
- D6 (Housing quality standards),
- D7 (Accessible housing),
- D8 (Public realm),
- D9 (Tall buildings),
- D10 (Basement development),
- D11 (Safety, security & resilience to emergency)
- D12 (Fire safety)
- D13 (Agent of change),

D14 (Noise),  
H1 (Increasing housing supply),  
H4 (Delivering affordable housing),  
H5 (Threshold approach to applications),  
H6 (Monitoring affordable housing),  
H10 (Housing size mix),  
S4 (Play and informal recreation),  
T5 (Cycling),  
T6.1 (Residential Parking),  
SI1 (Improving air quality),  
SI2 (Minimising greenhouse gas emission),  
SI5 (Water infrastructure),  
SI12 (Flood risk management),  
SI13 (Sustainable drainage),  
DF1 (Delivery of the plan and Planning Obligations).

### 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 (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)  
CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)  
CS3 (Distribution of growth in meeting housing aspirations)  
CS4 (Providing quality homes and housing choice in Barnet)  
CS5 (Protecting and enhancing Barnet's character to create high quality places)  
CS7 (Enhancing and protecting Barnet's open spaces)  
CS9 (Providing safe, effective and efficient travel)  
CS11 (Improving health and wellbeing in Barnet)  
CS12 (Making Barnet a safer place)  
CS13 (Ensuring the efficient use of natural resources)  
CS14 (Dealing with our waste)  
CS15 (Delivering the Core Strategy)

#### Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)  
DM02 (Development standards)  
DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

### Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Brough's planning policies in a

document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19<sup>th</sup> October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

### Supplementary Planning Documents

- Delivery Skills, Employment, Enterprise, and Training from Development through S106 SPD (October 2014)
- Green Infrastructure SPD (October 2017)
- Planning Obligations SPD (April 2013)
- Residential Design Guidance SPD (April 2016)
- Sustainable Design and Construction SPD (April 2016)
- Affordable Housing SPD (February 2007)

## **PLANNING ASSESSMENT**

### **Site Description**

The application site is comprised a parcel of land known as Brent Cottage located off Brent Park Road.

The site has been used to house a number of static caravans for a number of years for residential use - evidenced as far back as 2008 by available historic imagery.

The surrounding area is mixed in character, with no predominant use class. That said, there is a greater presence of commercial properties within the immediate vicinity of site, with new residential development coming forward to the north west.

To the west and north-west, opposite the site lies a builders merchants and the Torah-Vodaas School which is accommodated in a four-storey building that used to be office premises. Directly adjacent to the east/north east of the site is the Thameslink railway, to the south is the London Brent Cross Travelodge and to the south adjacent to the site is a bathroom supply and tile shop.

The site does not contain any statutory listed buildings, and is not within a conservation area. The site falls within the Brent Cross - Cricklewood Regeneration Area (Opportunity Area) designation, wherein Policy CS2 of Barnet's Local Plan Core Strategy DPD Document (2012) applies.



## **Proposed Development**

This application seeks planning permission for the erection of a part single, part 8 and part 9 storey building, including a basement, to facilitate accommodation for 63no. self contained flats with private amenity space by way of balconies, and 316sqm of communal amenity space.

Parking is proposed at basement level, providing 36no. spaces (including disabled parking spaces), accessed by car lift. A single car parking space and secure cycle parking, for 6no. mobility scooters and 42no. bicycles would be provided at ground level.

It should be noted that during the lifetime of the application the scheme was reduced from 64no. residential units to 63no. units, in order to accommodate the Housing Officer's request for a larger affordable housing unit and also to address that the refuse and recycling area was not large enough to accommodate the requisite number / size of refuse and recycling provisions.

## **Site History**

No relevant prior planning history.

## **Public Consultation**

Consultation letters were sent to 13 neighbouring properties. The application was also advertised by Site Notice displayed 20.05.2021, and by press notice.

48 responses have been received, comprising 48 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Insufficient parking
- Impact on road congestion
- Incompatible with the school
- Impact on surrounding and existing users
- Site is too constrained / small for this type of development
- Narrow road
- Construction traffic will create further congestion
- Site should remain as parking / storage
- Site should only be developed for a single house
- Area is industrial, it is not appropriate for residential in this location
- The existing area already struggles with traffic
- Adverse impact on children of the school
- Travel Plan does not have adequate regard for the school
- Traffic and road safety implications for children and cyclists
- Insufficient access and egress arrangements i.e. One access and exit.
- No indication of how they will work with the school to secure children's safety
- Not clear if a traffic assessment has taken place on the effect on the A5 roundabout
- Not a sustainable location
- Severe congestion at rush hour peak times (start/close of the school day)
- Human traffic creating undue congestion and safety implications

- Detrimental to the function of the school and local merchants.
- Security risk, as the development will overlook the school.
- Infrastructure does not have the capacity to accommodate the site
- The needs and rights of existing users in the area would be ignored, if the development is approved.
- Increase in vehicular pollution

Representation received 24/11/2021 – as reported in the published report addendum for Planning Committee C on 25<sup>th</sup> November - objection summary:

- The school has circa 356 students and more than 112 staff, the majority of which commute by car, creating congestion in Brent Park Road.
- Traffic from Staples Corner roundabout is regularly backed up past the Brent Park Road, encouraging parents of school children to drive back through Hendon.
- The school works in collaboration with Busy Bee Builders Merchants to ensure that the operations of either do not compromise safety, function and convenience of the school and businesses.
- The development proposes 119 cycle parking spaces however the local roads are not suitable for cyclists.
- Highways Authority has not referenced the school in its response, and Officer report relies on this report
- The road is too narrow and the introduction of 63 residential units, together with associated refuse vehicle servicing (which will cross the centre line of the road) will increase the risk of adverse road safety conditions.
- Torah Vodaas is an Orthodox Jewish school where security is a major concern – the development is a risk to safeguarding and security
- The developer has not reached out to work with the school
- The building overshadows / results in loss of light to the school and its playground
- The proposal has adverse impact on rights of light; is overdevelopment of a small site; and is not suitably located i.e. it is not within a residential area

**Responses from Internal/External Consultees**

**Environmental Health**

No objections, subject to conditions relating to contaminated land, air quality and noise mitigation.

**Drainage / Lead Local Flood Authority**

No objections, subject to condition.

**Traffic and Development**

No objections subject to conditions and the completion of a legal agreement. Comments detailed further within the assessment of the application.

**Highways England**

No objections.

**Travel Plan Team**

No objections. Travel plan should be secured by legal agreement and obligations sought for £15,000.00 toward travel plan monitoring; and £150.00 per unit for travel incentives.

### **Metropolitan Police Service**

No objection, subject to a condition requiring the building to achieve the Secure by Design Accreditation.

### **Thames Water**

Waste comments: No objection, subject to a condition.

Water comments: No objection, subject to a condition.

### **Affordable Housing**

No objection, subject to a legal agreement committing to the agreed 19% affordable housing contribution.

### **Arboricultural Officer**

No objection, subject to conditions and a financial contribution of £15,000.00 towards street tree planting off-site, secured by S.106 agreement.

### **Ecology**

No objection, subject to conditions ensuring that the recommendations of the Preliminary Ecological Appraisal and Biodiversity Impact Assessment.

### **Natural England**

No objection, subject to conditions.

### **Network Rail**

No objection, subject to conditions relating to works in proximity to the operational railway environment (asset protection and drainage); and, boundary treatments, landscaping and lighting. Informatives also provided.

### **TFL**

No objection in principle. Conditions recommended for a construction management and logistics plan, and a delivery and servicing plan, which should be in line with TFL's guidance.

### **Green Spaces**

No objection, subject to a financial contribution of £12,700.00 towards off site landscape improvements, in lieu of amenity space shortfall, secured by S.106 agreement.

### **Environment Agency**

No comment.

## **OFFICER ASSESSMENT**

### Principle of development

The site falls within one of three regeneration and development areas designated within the current Barnet Local Plan (2012) under Core Strategy Policy CS3, where it is envisaged that a significant number of new homes (16,000 across the three areas) will be provided between 2011/12 and 2025/26. Although still in gestation, this regeneration site remains a part of the Regulation 22 draft of Barnet's updated Local Plan document.

The 2005 Brent Cross Cricklewood Development SPG sets out the vision, framework, and design guidelines for the regeneration area. The SPG is actively encouraging and supporting regenerative sustainable development in this area; with an estimated 10,000 new homes to come forward, a new town centre and market square, new transport interchanges, provision of new public open space, and enhancements to existing green spaces

The Brent Cross - Cricklewood Regeneration Area, is also identified strategically in the London Plan as an Opportunity Area for the creation of new jobs and homes. The Mayor's London Plan Table 2.1 sets out the indicative capacity of Opportunity Areas in London. The Brent Cross/Cricklewood Opportunity Area has an indicative capacity set out in the London Plan of 9,500 homes.

In light of the above, subject to compliance with relevant local plan policies and other material considerations, it is considered that there would be no objection in principle to the redevelopment of the site for the erection of an entirely residential scheme in this location.

### Principle of Tall Buildings

Policy D9 of the Mayor's London Plan (2021) establishes the expectations for the location and impact of tall buildings, requiring Borough's to identify where tall buildings may be an appropriate form of development. It further stipulates that development proposals should address visual impacts (immediate, mid and long range views of the building); spatial hierarchy of local / wider context; architectural quality and materials; harm to significance /setting of heritage assets; functional impacts (i.e. safe access/egress, maintenance and management to minimise disturbance and inconvenience; avoidance of overcrowding/isolation of the development; avoid overloading of local infrastructure; maximisation of jobs, services, facilities and economic activity; avoid interference with aviation, navigation, telecoms and detrimental effect on solar energy generation on adjoining buildings); environmental impacts (wind, air movement, noise; sunlight penetration and temperature conditions); and cumulative impacts.

Barnet's adopted Core Strategy (2012) Policy CS5 and development management Policy DM05, identify that tall buildings (greater than 8 storeys or 26 metres) may be acceptable in the Brent Cross - Cricklewood Regeneration Area, subject to them demonstrating

- i) An active street frontage, where appropriate;
- ii) Successful integration into the existing urban fabric
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv) That there is no harm to heritage assets and their setting

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

In principle, it is considered that tall buildings are acceptable in this location, subject to the above criteria, and other relevant design considerations, which will be considered within the design / layout section of this assessment.

### **Impact on the character of the area**

#### **Density:**

The Council's approach to density is set out in Policy CS3 of Barnet's adopted Local Plan Core Strategy DPD Document (2012) which refers to the superseded density matrix of the London Plan (2016), however, it subsequently states that the Council will seek to optimise density to reflect local context, public transport accessibility and provision of social infrastructure. It is considered that the latter three principles of this policy broadly align with the objectives of Policies GG2, D2, and D3 of the Mayor's London Plan 2021, which requires developments to make the best use of land, through a design-led approach - i.e. density being informed by good, sustainable design that reflects and respects local character and distinctiveness. Policy D6, inter alia, states that particular consideration given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure.

With regards to public transport accessibility and access to social infrastructure, the application site is located within an area that has a PTAL rating of 2, which is regarded as poor, although the area immediately adjacent to the site, on the junction between Edgware Road and Brent Park Road, is classified as PTAL 3 (moderate). Despite the PTAL ratings, Hendon Thames Link is within 0.7 miles (approx. 13 min by foot); Staples Corner Bus stop is 0.3miles (approx. 7min by foot); and Brent Cross Shopping Centre is 0.7miles (approx. 13min by foot). All of these public transport nodes are accessible by pedestrian friendly routes. Accordingly, it is considered that there are no objections to the scheme when having regard to the public transport and social infrastructure accessibility dimensions of both the London Plan and Local Plan density criteria.

The site is situated within an urban area, immediately surrounded by the A5 and M1 / North Circular interchange, the Midlands Mainline rail route and a number of commercial units, although it is close to the extensive ongoing developments (residential/mixed use residential) at West Hendon Broadway. Read in conjunction with the wider urban landscape, where there are a number of high density residential developments, it is considered that the residential density proposed would not be out of keeping with the surrounding context.

Overall, it is considered that the proposed development would be of an acceptable density.

#### **Design / Layout:**

High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics.

Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The development is proposed as a single part 1, part 8 and part 9 storey building, the basement of which occupies the entirety of the application site's extent. The ground floor of the building however occupies significantly less of the site's extent, and this is slightly reduced from first floor (2nd storey) upwards, reducing again in size at the 8th floor (9th storey). The areas around the building at ground floor level are used for landscaped amenity space enhancements, both private and communal, which help add visual interest and soften the mass of the building at ground/street level.

The staggered footprint, created through a combination of the buildings projections and returns, winter garden recesses and balconies, all help to break up the massing of the building's visible 8 storey height. Design of the footprint and massing in this way creates visual interest that achieves a proportionate and satisfactory spatial relationship between the development and its visible site extents, but also an acceptable relationship with neighbouring adjacent buildings of which are not as tall (i.e. circa 4-5 storeys in height) as the proposed building. A sectional drawing across the wider area has been provided within the Design & Access Statement which illustrates that the building would fit in with the surrounding wider built environment, where there are similarly tall buildings in West Hendon Broadway, just a short distance away. As such it is considered that the proposed building would comfortably sit within the wider context without appearing overly dominant and out of keeping with the surrounding area. Overall, it is considered that the layout, massing and height, avoids creating an overdeveloped and visually cramped form of development.

With regards to articulation and materials, the architectural expression follows a very logical approach, with windows, balconies and winter gardens at regular intervals between brickwork in a clear linear pattern. The development is proposed to be a contemporary industrial style building which is predominantly finished in a grey / dark brickwork and dark cladding and significant glazing. In principle, the materials are considered to be acceptable, and the extent of glazing and lighter mortar (brick pointing) will create the required lighter contrast to break up the dark tonality of the buildings elevations. The recess of the top floor and it's cladding in a lighter and different type of material reduces the bulk and mass of the building at its 8th storey. Comparative to surrounding buildings within the immediate street scene and nearby, which are comprised of brickwork, metal and other forms of cladding of varying colour palettes, it is considered that the proposed development's proposed material selection would not be demonstrably out of keeping with the character and appearance of the surrounding area.

Notwithstanding the above assessment, it is recommended that further details and samples of the final materials to be used in the external elevations are required to be submitted to, and agreed in writing by the Local Planning Authority, through a planning condition. This is to ensure that an acceptable palette of materials is selected that will achieve a satisfactory visual appearance for the building upon its completion, and for the future to come.

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.

### **Impact on the residential amenities of neighbours**

Part of the 'Sustainable development' imperative of the NPPF 2021 is pursuing

improvements to amenity through the design of the built environment (para 127). In addition, Policy DM01 of Barnet's Development Management Policies DPD (2012), as well as the Sustainable Design and Construction SPD (2016), provide further requirements and guidance, to avoid and mitigate against harmful impacts on neighbouring residential amenities.

The application site does not abut any residential curtilages, and thus, the closest residential properties would be circa 130 metres north-east on Dallas Road - on the other side of the railway and M1 flyover; and, 160 metres west/north west at Verulam Court, off Woolmead Avenue (adjacent to the A5). The most immediate neighbouring buildings are occupied for commercial (TBK Tiles factory outlet at Elite House, Edgware Road, Busy Bee Builders merchants at 1A Brent Park Road; and Travel Lodge at Denmark House, Edgware Road) and educational (Torah Vodaas School, Brent Park Road) purposes.

The application is supported by a daylight and sunlight assessment which indicates that the nearest residential receptors would not be unduly impacted in this regard by the proposed development. Such is the distance from the nearest neighbouring residential receptors (circa. 130m), that even despite the proposed building's part 8, part 9 storey height, it would not have any demonstrable impact on their residential amenities.

Officers are satisfied that the proposed development would not adversely impact the amenities of neighbouring residential occupiers, in accordance with Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) and Policy D9 of the Mayor's London Plan (2021).

### **Impact on existing businesses / community uses**

Whilst amenity impacts (e.g. loss of light, overshadowing, loss of privacy, overlooking and overbearing impact and sense of enclosure) are not a material planning consideration for commercial and educational uses, it is material to consider the impact that the development could have on existing businesses and community facilities.

Paragraph 182 of the National Planning Policy Framework (2021) states that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and it subsequently places the responsibility on the applicant to provide suitable mitigation, where this may be identified as an issue. This policy has been transposed and adopted within the Mayor's London Plan (2021) Policy D13 (Agent of Change), with a particular focus on design-integrated mitigation and management of noise and other nuisance.

It is noted that several objections have been received from interested parties of the Torah Vodaas school, opposite the application site. The majority of these objections focus on the impact that the development will have on the safety, function, and convenience of the local highway network (with particular regard parents and children accessing and egressing the school), and these matters are considered elsewhere in this report, however, several objections cite concerns about the development's incompatibility with the school - with regards to the children's security and safeguarding (from overlooking of the school); and, the impact of the development on the function and 'needs' of the existing merchants and businesses within the area.

With regard to the specific matter of overlooking of, and security of, children that attend the school, there are no specific local plan policies or adopted guidance that provide minimum overlooking metrics to minimise associated impact. Policy DM01 of Barnet's Development

Management Policies Document DPD (2012) states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users' and, in respect of tall buildings, Policy D9 (Tall buildings) of the Mayor's London Plan (2021) states that "*where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy*". There are minimum overlooking distances set out within the Council's adopted Sustainable Design and Construction SPD (2016), with respect to overlooking distances between proposed development and residential development, to ensure the protection of privacy for both existing and proposed residential receptors. Although not strictly applicable in this instance, the minimum criteria set out in Table 2.4 (Daylight, Privacy [minimum distance], Outlook and Light Pollution Requirements - Pg 12) of the SDC SPD (2016) provides a useful benchmark for assessing overlooking / loss of privacy. It establishes that there should be 21m between properties with facing windows, and at least 10.5m to rear-side neighbouring gardens.

The principal part of the school as observed from the street sits on the corner of the junction of Brent Park Road and Edgware Road. Four storeys in height, it is the tallest element of the school building and is the part of the school which contains the most windows. This part of the school building sits entirely opposite Elite House (No.50 Edgware Road) which is adjacent to the application site. The corner-to-corner distance from this element is circa 25m, meaning that there would be an acceptable distance relationship in terms of overlooking, if the residential standards were to be applicable. In addition, it sits at an oblique angle, and thus would be outside any perpendicular views from windows/balconies facing north-west or south-west. The parts of the school that are immediately opposite the site are lower in height (circa 2 storeys in height), with very few openings on the facing elevation. There is a standard door opening on the ground floor and a secure vehicular-style, undercroft access to the internal courtyard; and, a two-pane width first floor window, surrounded by a small projecting balcony. The distances from the windows/balcony area to this part of the school building are circa 18 - 21m, which again, considered to be acceptable, using the SPD's residential standards as a benchmark. Whilst the windows and balconies can overlook the street outside the school, where children and parents frequent to access the school, this falls within the public realm, and thus, it is considered overlooking of this area could not be reasonably objectionable.

The application building will be notably taller than the school building, and it may be possible for some overlooking of the central courtyard area that is used for play time by the school. Notwithstanding, the distances at a minimum of 24m and 27m, are such that there would not be an unacceptable compromise of child security. In addition, the active frontage of the building will positively bring an element of natural surveillance to an area which currently has very little natural surveillance, ensuring that security is actually increased, rather than compromised.

A daylight and sunlight report has been provided in support of the application which indicates that the playground would meet the standards of the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) (the "BRE Guidelines") with regards to sunlight and daylight, and would therefore not be unacceptably impacted by the proposed development.

With regards to the impact of the development on the function and needs of existing merchants and business, Busy Bee Builders merchants opposite, and the immediately adjacent Tiles & Baths Direct / TBK Tile Factory Outlet are the only commercial operators that are likely to present implications to the future occupiers i.e. by means of noise



disturbance and general operational disruption (e.g. through deliveries and collections by larger commercial vehicles).

In particular the latter of the two neighbouring commercial sites has a rear servicing and delivery area that would be immediately overlooked by the development. Notwithstanding, the location of the site, i.e. surrounded by a number of busy roads and the railway line, is going to be subject to a high ambient noise level at all times, with large vehicles passing nearby and trains passing relatively frequently. Accordingly, in order to protect these established commercial uses and avoid undue pressures on their operational function as a result of the introduction of a sensitive use (residential development), there is a need to ensure that the building materials including insulation and glazing, are of a standard that will mitigate the impacts of noise from the surrounding environment. The applicant has supplied an environmental noise survey which identifies the sides of the building that will require glazing and mechanical ventilation to meet the requisite internal noise standards. Suitably worded conditions will be recommended to ensure that the requisite standards will be met, and this will avoid any undue constraints or future pressure on any of the adjacent commercial uses which have long been established. Accordingly, the burden will be placed on the proposed development to ensure that the scheme meets the objectives of Paragraph 182 of the NPPF (2021) and Mayor's London Plan (2021) Agent of change policy (D13).

### **Housing Quality**

#### **Unit Mix / Dwelling Sizes:**

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan 2021 Policy H10, and Barnet Development Management Policies DPD Policy DM08). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

The development proposes the following unit mix across the application site:

<b>Type</b>	<b>Number of Units</b>	<b>Percentage</b>
1 bed 2 person	23	36.5%
2 bed 3 person	6	9.5%
2 bed 4 person	19	30%
3 bed 4 person	7	11%
3 bed 5 person	8	13%
<b>Total</b>	<b>63</b>	

It is considered that the proposed development provides a good mix of home sizes, and whilst 1 bed 2 person units account for more than a third of the units proposed, the larger family size units (i.e. 2 bed 4 person, 3 bed 4 person, and 3 bed 5 person) account for 54% of the dwellings that would be delivered. This is considered to be appropriate given the site's characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Barnet policy DM08.

#### **Affordable Housing:**

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be

delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and, not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek 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 scheme proposes to deliver 19% (12 units, 21% by habitable room) affordable housing across the ground, first and second floors, in the following configurations:

	<b>Market</b>	<b>Intermediate</b>	<b>Social Rent</b>	<b>Total</b>
1 bed	21	0	1	22
2 bed	19	3	4	26
3 bed	11	2	2	15
Total units	51	5	7	63
Habitable rooms	143	17	22	182
% by habitable room	79%	9%	12%	100%

The affordable housing provision proposed falls short of the expectations of Policies CS4 and DM10 of Barnet's Core Strategy and Development Management Policies (2012); and Policy H5 of the Mayor's London Plan (2021). Both policy sets allow for a financial viability case to be put forward to justify any shortfall in affordable housing provision, which would be subject to an independent review of this justification. In support of the application, the applicant has supplied a Financial Viability Assessment (prepared by DS2), which has been subsequently reviewed independently by Savills (UK) Limited. The conclusion of the independent report was that the scheme would generate a positive land value (+£432,000.00) and that it could support on-site affordable housing; or a payment in lieu of affordable housing of £1.4 million, in addition to CIL contributions. Notwithstanding, it concluded that 20% affordable housing provision, would be both fair and reasonable. Officers accept the findings of the independent viability review. Notwithstanding, a 19% affordable housing provision (by unit) has been agreed, following the Affordable Housing Officer's request for an improved affordable housing mix - thereby securing an additional larger (3 bed) family unit.

#### Standard of accommodation

In terms of the standard of accommodation for the future occupiers of the proposed development, the Council expects a high standard of internal design and layout in new residential development. The standards expected are set out within Barnet's adopted Sustainable Design & Construction SPD (2016), and these align with the objectives and standards that are stipulated in Policy D6 of the Mayor's London Plan (2021), and Policy DM02 of Barnet's adopted Development Management Policies DPD (2012).

All of the proposed residential units would meet the minimum internal space standards, as set out within the policies referenced above. In terms of ceiling heights and addressing the Urban Heat Island affect, as required by Policy D6 of the Mayor's London Plan (2021), all units will have a ceiling height of 2.5m for at least 75% if the gross internal floor areas. This will ensure that the new housing is of adequate quality, especially in terms of daylight

penetration, ventilation and cooling, and sense of space.

### Daylight & Sunlight:

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report, which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2011). BRE guidelines state that Average Daylight Factor (ADF) is the primary measure for daylight in new build accommodation. It states that a kitchen should enjoy daylight levels of 2% ADF; a living room levels of 1.5% ADF; and, bedrooms a level of 1% ADF. Reasonably the assessment provided uses an averaged ADF factor of 1.5% for the combined kitchen / living / dining rooms proposed. The assessment indicates that all habitable rooms examined meet the requisite ADF requirements and daylight distribution target values.

With regards to sunlight (Annual Probable Sunlight House - 'APSH') the assessment indicates that 52 out of 63 main living rooms meet the target value for annual sunlight and 48 out of 63 main living rooms meet the target value for winter sunlight. The rooms that do not meet the annual target, their primary window faces within 90 degrees of due north, which compromises the level of sunlight that can be expected within these rooms. Given there is a good standard of 75% or more across the development for annual and winter sunlight, the provision is considered to be acceptable.

The majority of the units benefit from dual aspect, which improves light access into the units, but it also provides a satisfactory level of outlook for the future occupiers of the development. Overall, Officers are satisfied that the proposed units would receive good levels of light.

### Privacy / Overlooking

As noted in the residential amenity section above (concerning neighbour amenities) it is considered that the proposed development would achieve a satisfactory degree of privacy for the future occupiers and that there would be no harmful overlooking on the development. The hotel site to the rear would be at least 23m from the development, avoiding any unacceptable privacy relationships. Further, there are no windows within the rear of the TBK Tiles Factory Outlet warehouse building that would create an unacceptable overlooking and loss of privacy issue. Overall, it is considered that the proposed development would achieve a satisfactory standard of privacy in accordance with the objectives of DM01 of Barnet's adopted Development Management Policies DPD (2012).

### Amenity Space

Policy D6 (Housing quality & standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction (SDC) SPD (2016) require that sufficient, functional amenity space be provided for all new homes and flats wherever possible. Amenity space is provided to each unit, by means of balconies and enclosed roof garden terraces, and shared communal space (communal space totalling 322m<sup>2</sup>, on the ground floor and eight floor). The Council's adopted SDC SPD (2016) requires 5m<sup>2</sup> of space per habitable room, but recognises that this is not always achievable in dense forms of flatted residential development. Based on the SDC SPD (2016) standards the requisite amount of amenity space required across the entirety of the scheme is 1240m<sup>2</sup>. Only two units on the ground floor; one unit on the first floor; and, one unit on the 8th floor, meet the adopted standards, however every unit benefits from at least 5m<sup>2</sup>.

In total only 986m<sup>2</sup> (inclusive of the 322m<sup>2</sup> communal space) of amenity space is provided, meaning there is a shortfall of approximately 254m<sup>2</sup>. In lieu of this shortfall the SDC SPD (2016) advises that the Council will seek a planning obligation. The Council's Greenspaces team have been consulted on the amenity space shortfall and have suggested a Parks and Open Spaces Contribution for the sum of £12,700 (Index Linked) towards the improvement and enhancement of the Welsh Harp Reservoir Area within the London Borough of Barnet as identified by the Parks and Open Spaces Officers; or, such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate:

- (a) Provision of drainage to playing pitches and grounds of amenity land
- (b) Buildings and fencing improvement within Parks and Open Spaces
- (c) Project Management Consultation for improvements
- (d) Improvements to sports courts
- (e) Improvements to children's play area
- (f) Safety in parks including soft and hard landscape improvements
- (g) Disability access improvements

This obligation is considered to be both reasonable and necessary to mitigate the shortfall in amenity space provided.

Part of Flat 2 and Flat 3's amenity space, and the communal amenity space set out on the ground floor is situated adjacent the railway line where noise levels are likely to be higher than average. To reduce the impact of associated noise for this private space it would be considered both reasonable and necessary to recommend a condition requiring acoustic grade fencing to be erected on the adjacent site boundary.

Overall, subject to the recommended planning obligations and conditions, it is considered that the private and communal amenity space will accord with the objectives of Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012); and, Policy D6 of the Mayor's London Plan (2021).

## Playspace

Integrated into the communal amenity space is the playspace provision for children (between ages 0-17 years old) provided at the ground floor and rooftop level (8th storey). The total required area for playspace is 292.6m<sup>2</sup>. The details of the proposed dedicated play space are contained within the Landscaping Strategy, which illustrate that it will be provided across the 316m<sup>2</sup> communal space proposed. This is considered to accord with Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy S4 (Play and informal recreation) of the Mayor's London Plan (2021). The specifics of the play equipment will be secured by a pre-occupation condition, in the event that the application is granted approval.

## **Highways / 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

It is recognised within the Barnet Local Plan policies that the 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.

Barnet Local Plan and the Mayor's London Plan (2021) 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

Notwithstanding, there are also separate standards for the Cricklewood, Brent Cross and West Hendon Regeneration Area, contained within saved Policy C8 (Parking Standards) of Barnet's superseded Unitary Development Plan (UDP, 2006). This policy sets a standard of one space per unit, regardless of the unit size. These are maximum standards (not minimum) and the objective of this policy is to promote more sustainable transport modes i.e. to meet a significant proportion of travel needs through high quality public transport and improvements to walking and cycling facilities.

Residential development may be acceptable:

- i) With limited or no parking outside a CPZ but only where it can be demonstrated through a survey that there is sufficient on street parking capacity;
- ii) With limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the application will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Based on the requirements of Policy DM17 of the current Local Plan, the proposed development has a parking requirement range of 52-83 parking spaces, although, a maximum requirement of 63 spaces when assessed against saved Policy C8 of the superseded Barnet UDP (2006). The application site is located within an area with a PTAL rating of 2, however as noted in the principle assessment section of this report, it is immediately adjacent to an area with a PTAL rating of 3 (moderate).

Also of note, Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan. The draft Local Plan responds to the Mayor's adopted London Plan (2021) parking standards, intending to adopt the standards it establishes for residential car parking. The London Plan (2021) states that the accessibility

of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The standards are still maxima and are lower than those in Barnet's current Local Plan (2012). For an Outer London Opportunity Area, Table 10.3 of the London Plan (2021) indicates that the maximum standard should be up to 0.5 spaces for units of all sizes. This would equate to a requirement of 32 spaces in the current scheme, meaning the development with its 37 spaces would meet the London Plan (2021) parking standards. Owing to the draft nature of Barnet's Regulation 22 Local Plan, only limited weight can be afforded to this policy, however, such weight can be afforded nonetheless.

The Council's Highway Authority has commented on parking provision, advising that for a site with a PTAL of 3, a provision 48 car parking spaces would typically be acceptable. Notwithstanding, they state that a shortfall of 11 spaces (i.e. 37 in total, as proposed) would be acceptable given the fact that this section of Brent Park Road is protected by both red and double yellow lines, and that surrounding roads fall within a Controlled Parking Zone (CPZ). Officers would reiterate that, in addition, Hendon Thames Link is within 0.7 miles (approx. 13 min by foot); Staples Corner Bus stop is 0.3miles (approx. 7min by foot); and Brent Cross Shopping Centre is 0.7miles (approx. 13min by foot). Accordingly, the development is very accessible to these transport nodes and local services, and thus it is considered that it is within a sustainable location, making the shortfall in parking provision acceptable, on balance.

The Highway Authority have advised that a financial contribution of £7,500.00 towards a CPZ review and £2,392.01 towards a subsequent Traffic Management Order amendment to prevent future residents of the development from purchasing permits for controlled areas would be appropriate, to ensure that the development does not increase parking pressures / overspill within the local area. This is considered both reasonable and necessary, and thus, it is recommended that this obligation is secured via legal agreement.

TFL were consulted on the application and also raised no objections to the parking provision. The draft Parking Management plan identifies that six disabled car parking spaces could be provided. To ensure that disabled parking provision is provided in accordance with the London Plan 2021, a final parking layout will be required by planning condition.

Electric vehicle charging points must be provided in accordance with London Plan standards for residential uses (i.e. 20% active and 80% passive) For the 37 spaces proposed, provision of 8 active and 29 passive spaces is requested. This is to be secured by way of a planning condition, as per the advice of the Highway Authority.

In accordance with the Highway Authority's recommendation, an updated parking management plan would also be required by condition to set out how the spaces will be allocated and managed amongst residents and the procedure for managing visitors to the development. This would be in the interest of the efficient functioning of the development - mitigating and managing any parking associated conflict.

### Cycle Parking

Cycle parking is to be provided in accordance with the 2021 London Plan standards. The development is to provide a minimum of 119 cycle parking spaces (116 long-stay and 3 short-stay). Six of the cycle spaces can accommodate larger cycles (5% of provision) in accordance with TfL guidance. Cycle parking is proposed on the ground floor in two separate locations and this is acceptable. In addition, 3 short term spaces will be provided

at the back of the foyer. The Highway Authority have recommended that the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition will therefore be recommended to ensure the appropriate details of cycle storage/stands are secured.

### Trip Generation / Travel Plan

A TRICs trip rate assessment has been provided in support of the application, which identifies that the overall development would generate 11 additional traffic movements during the morning peak hours and 10 extra movements in the evening peak hour. The Highway Authority do not raise objection on the grounds of trip generation associated with the development and are in agreement that the development will have a negligible impact on the local highway network.

A draft travel plan has been submitted by the applicant and is considered to be acceptable in principle. The formal submission of the travel plan and its monitoring by the Council will be secured by planning condition and a legal agreement.

The Council's Travel Plan Officer has recommended that a one parking space be dedicated to car club, however the applicant has provided evidence that the development falls below the typical viability threshold expected by car club operators (minimum of 70 units) and further that a car club space located behind a secure gate only accessible to residents would not be conducive to the safe and efficient running of the service. To make this more accessible (i.e. by leaving the gates open, would only compromise the security of the development, contrary to the Metropolitan Police Service's recommendations. Accordingly, on balance, it is considered that the development would still be acceptable, and sustainable, without the provision of a car club space. Contributions will not be sought for a car club space off-site as the maximum desirable distance to a car club space is 800m, and this requires the residents to be in a car free development to encourage the use of this.

### Access / Deliveries / Servicing

The majority of deliveries will occur within the development using the main access to access the delivery bay at the rear of the servicing bay. The Highway Authority acknowledged that the bay will be suitable for the majority of deliveries, and on occasions, where larger vehicles need to service the site, they can use the servicing bay. Swept path drawings have been provided by the applicant and these demonstrate that refuse vehicles can reverse into the serving bay safely, and also that a long wheel base van can enter and exit the site in forward gear. The Highway Authority are satisfied that the delivery bay and servicing bay proposed as part of the scheme can accommodate the servicing needs of the site. Notwithstanding, during the lifetime of the application the Highway Authority sought agreement from the applicant to ensure that either the roller shutter is relocated to allow vehicles to access the delivery bay freely, or, set at an "open" default position to allow for deliveries to take place without impact to the function of the highway. Following further traffic information provided by the applicant, and an alternative solution (i.e. a sliding gate instead of a roller shutter), neither change was deemed necessary, as it was agreed that traffic movements on the road at peak time were not significant and also that a servicing button could be placed on the sliding gate for the intention of deliveries and servicing only. This would ensure that the site remains secure from non-residents and non-service providers entering the site. This measure would be included in an updated delivery and servicing plan, which would be required by planning condition.

## Refuse & Recycling

The Council's Waste Management Department have been consulted on the scheme, and is satisfied that adequate refuse and recycling provisions have been provided - i.e. 9 x 1100litre refuse bins and 9 x 1100litre recycling bins.

The refuse store is within 10m of the servicing bay on the ground floor. Refuse vehicles will reverse into the servicing bay and pick up and the bins will be transported to the waiting vehicle in the bay. Both the Highway Authority and Waste Management Department have agreed that the refuse and recycling provision and servicing arrangements are considered to be acceptable.

## Construction Management

A draft construction logistics plan has been submitted by the applicant and this is acceptable in principle. However, the Highway Authority has commented that cleansing arrangements, including the use of a road sweeper is requested. In addition, the details of an interim community liaison officer is also requested. Environmental Health have also considered this document and requested additional information (discussed later in this report), accordingly it is considered appropriate to request a final Construction Management and Logistics plan by a suitably worded planning condition.

## Highways Conclusions:

Taking into account the areas covered above, Highways would raise no objection to the proposed development subject to the following planning obligations listed below and a number of relevant conditions:

- S.278/S.184 agreement for provision of two vehicular crossovers and provision of dropped kerbs/informal crossing point
- Submission of travel plan and financial contribution towards its monitoring (£15,000.00);
- A £7,500.00 contribution towards CPZ review and extension, £2392.01 towards CPZ permit restrictions - i.e. future occupiers to be restricted from obtaining residential parking permits.

## Drainage / 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 site is in Flood zone 1 and the scheme is accompanied by a Flood Risk Assessment, storm sewer drainage calculations and surface water drainage strategy drawings. These have 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 further details of the surface water drainage scheme would be attached. This is considered both reasonable and necessary, in the interest of preventing on site and off site surface water flooding, in accordance with Policy C13 of the Barnet Core Strategy (2012) and Policies



D3, SI12, and SI13 of the London Plan 2021.

Consultation with Thames Water initially identified a requirement to recommend a planning condition that stipulated that no development shall take place within 5m of the water main, and that details of asset diversion with a view to preventing damage to subsurface potable water infrastructure should be submitted to and agreed in writing in consultation with Thames Water. During the lifetime of the application, the applicant engaged with Thames Water directly and established that the planning condition was not required and that this could subsequently be removed from any recommendation.

### **Environmental Considerations**

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

#### **Contaminated Land:**

No information has been submitted to support the application in regards to contaminated land on site. The Council's Environmental Health Unit have considered the site history and identified that there has been a previous historic use that may be potentially contaminative - i.e. previous use of the site as a garage, where spillages and subsequent ground contamination may have occurred. Given that the development incorporates a basement where there will be significant ground upheaval and the potential to disturb any potentially contaminative material, it is considered reasonable that the potential for land contamination of the site is explored further. Officers therefore agree with the recommendation of the Environmental Health Unit which require an investigation into land contamination. This can be required by means of a suitably worded pre-commencement condition, as suggested by the Environmental Health Unit. This would align with the objectives of Policies SD1 (Opportunity areas) and D10 (Basement development) of the Mayor's London Plan (2021), which seek to ensure that appropriate steps are taken to identify and mitigate issues of land contamination when developing for sensitive uses, such as residential development.

#### **Air Quality:**

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application site is located close to a major highway intersection with the A406, M1 and A5. Consequently, it is certain that the development will be exposed to air pollution from these highway sources (i.e. emissions from petrol and diesel vehicles). The application is supported by an air quality impact assessment report which assesses both construction

and operational impacts of the proposed development, and concludes that annual mean Nitrogen Dioxide (NO<sub>2</sub>) concentrations within the area will not exceed 32 micrograms per cubic meter air (ug/m<sup>3</sup>), which is below the 40ug/m<sup>3</sup> annual limit established within the Air Quality Standards Regulations 2010. This would suggest that the development and its future prospective residential occupiers would not be at undue risk to their health as a result of poor air quality.

In addition, the assessment concludes that development would not demonstrably add to the concentration of relevant pollutants (Nitrogen Dioxide; or, Particulate matter smaller than 10micrograms / 2.5micrograms) within the local environment to an extent that would result in regulated limits being breached - such that would subsequently cause unacceptable harm to human health. The assessment identified the level of pollution generated by the construction phase of the development as being negligible provided good site practices and the implementation of suitable mitigation measures are put into place. All in all, the report concludes that the development will be air quality neutral.

The Council's Environmental Health Unit have reviewed the contents of the assessment and are broadly in agreement with the findings. They have recommended that the mitigation measures suggested within the report are followed and that a construction management plan is required by condition to ensure that the construction of development is carefully planned and managed by procedures that mitigate the emission of pollution. This is considered to be both a reasonable and necessary approach, given the scale of the development.

Accordingly, subject to conditions the proposed development would ensure that adverse air quality impacts are minimised and mitigated appropriately in accordance with Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

#### Noise:

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials.

Given the close proximity of the site to the major highway intersection between the A406, M1 and A5; the immediate presence of the active Midlands Mainline rail route adjacent; and, the presence of the adjoining and other neighbouring commercial sites, the development will inevitably be exposed to a higher than average ambient noise level, compared to most nearby residential environments. The application is accompanied by an Environmental Noise Assessment (produced by Entran Ltd; dated: 28/04/2021), which concluded that Night-time maximum L<sub>Amax,F</sub> noise levels are considered to achieve the WHO guideline noise level for the onset of sleep disturbance.

The assessment indicates that the BS 8233 criteria for internal ambient noise levels will be met, subject to incorporation of suitable glazing and mechanical ventilation for a number of the units. Accordingly, it is recommended, as per the Environmental Health team's recommendations that planning conditions are recommended for the construction of the development in accordance with the recommendations of the noise report; and, that any mechanical ventilation plant is thereby restricted in noise level to prevent noise

disturbance to those who inhabit the development.

Overall, it is considered that the proposed development, subject to conditions, could achieve satisfactory internal noise levels, in accordance with the objectives of Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012), and Policies D13 and D14 of the Mayor's London Plan (2021).

### Management of Construction-related Pollution

The applicant has supplied an Outline Construction Logistics Plan which addresses how construction associated activities and vehicular movements will be managed in the interest of preventing pollution and risks to the safety, function and convenience of the local highway network. This has been considered by both the Highway Authority and the Environmental Health Team who have suggested that more details are required, and therefore, that a condition requiring a final Construction Management and Logistics Statement should be submitted to and agreed in writing in consultation with both teams. This is considered to be both reasonable and necessary to ensure that a holistic approach is taken to the management of pollution during the construction phase of the development.

### Accessibility and Sustainability

#### Accessible Housing:

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant. The applicant has confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that planning permission is granted, to ensure compliance with these Policies.

#### Carbon Emissions

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

The applicant has supplied a detailed Energy & Sustainability Statement (Revision A; dated: April 2021) produced by JS Lewis Ltd, which sets out how the development will accord with the objectives of the relevant policies.

In respect of carbon dioxide emission reduction, the statement confirms that the scheme has been designed to achieve a 67% CO<sub>2</sub> reduction over Part L of the Building Regulations and will incorporate:

- o Passive design measures included as far as practicable;
- o Energy efficiency measures for both fabric and fittings;
- o Mechanical ventilation with heat recovery;
- o Communal heating fed by an energy centre;
- o Integration of 13kWp solar PV panels

A carbon offset payment of £55,507.00 is also proposed, to be secured by Section 106 agreement, to contribute towards the Boroughs Carbon Zero objectives.

The mitigation and stated 67% reduction, together with the carbon offset payment is considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). A condition is recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, which will subsequently ensure compliance with the aforementioned policies.

### Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to facilitate the objective of minimising the level of water used by the future occupiers and development in general, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

### 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 Metropolitan Police Service who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development to achieve Secure By Design Accreditation.

### Landscaping, Trees, and Ecology / Biodiversity

#### Landscape:

There are two main external communal amenity areas proposed within the scheme; at the ground level, and on the 8th level. A landscape strategy has been submitted with the application providing details of a suggested landscape proposal. It demonstrates that the proposed scheme is able to achieve an Urban Greening Factor (UGF) score of 0.44 which aligns with the objective of Policy G5 of the Mayor's London Plan (2021), which seeks a UGF score of 0.4m for residential development. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the urban heat island effect, and sustainable drainage - the latter being especially important in such a densely developed part of the Borough, where traditional green space is limited.

The Council's Tree Officer has raised no objections to the proposed landscaping strategy, subject to a condition requiring further details about the hard and soft landscaping materials and planting species.

#### Trees:

The application is accompanied by a Arboricultural Impact Assessment which identifies that there are a number of trees and shrubs within the site, but these are considered to be low value specimens that are sited close to the adjacent neighbouring commercial

building. Coupled with the basement/undercroft element of the proposal, it would be impossible to retain the existing shrubs and trees. Nevertheless, provision is made for tree planting and shrubs on site within the submitted landscape strategy - species to be confirmed via the recommended hard and soft landscaping planning condition.

The Council's Tree Officer has also advised that there is a need to make the street scene around this development more residential in character - softening the current industrial buildings surrounding the proposal, and assisting with air quality arising from the Edgware Road (A5) junction with the North Circular (A406) traffic and congestion. They have identified that there is a possibility to plant some trees along Brent Park Road, between the railway line and the A5 and on the other side of the M1 bridge. In addition to this, it is suggested that planting trees on the slip road from the A5 flyover down to the round-about is also possible and should be encouraged. This will soften the approach to the development, build on existing new tree planting and enhance the appearance of the wider area.

The Tree Officer, in consultation with the Council's Greenspaces Team, has identified that 20 trees will achieve this outcome making the scheme compliant with Paragraph 131 of the National Planning Policy Framework, Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012). A financial contribution of £15,000.00 towards the funding of these trees will be secured by a Section 106 agreement.

#### Ecology / Biodiversity:

Both Natural England and the Council's Ecologist were approached for comment on the scheme. Both raised no objection, and agreed with the findings of the Preliminary Ecological Appraisal and Biodiversity Impact Assessment. The Preliminary Ecological Appraisal identifies that the site has a low potential to support reptiles, nesting birds, invertebrates; and hedgehogs; and further, a negligible potential to support other notable and/or protected species (including foraging and roosting bats, badgers, great crested newts and dormice). Notwithstanding, the report recommends enhancement measures including, the provision of a sensitive lighting regime, particularly along the railway embankment; a biodiverse living roof; vertical greening; wildlife-friendly landscaping; bird boxes; and, invertebrate habitat features. Both the Council Ecologist and Natural England have suggested that these recommendations are followed.

The Biodiversity Impact Assessment also identifies that the development will achieve a net gain in biodiversity. It suggests that details relating to the proposed ecological enhancement actions in relation to habitat creation and management could be provided within an Ecological Management Plan (EMP) for the site, which could be secured through planning condition. This is also agreed to be appropriate by the Council Ecologist and Natural England.

Accordingly, subject to conditions requiring implementation of the development, in full accordance with the recommendations of the aforementioned reports, it is considered that the development will meet the ecological and biodiversity net gain objectives of the Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

#### **Fire Safety**

Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of

developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development, before it has obtained planning permission and thereby before any building control application is made.

Policy D12 of the Mayor's London Plan (2021) requires that all major development proposals are submitted with a Fire Statement i.e. an independent fire strategy produced by a third party, suitably qualified assessor. The policy prescribes the content expected, including the buildings construction methods and materials, means of escape, risk reducing features (alarms/detectors), access for fire service personnel and equipment, access provision for fire appliances, and assurance that future modifications to the building will not compromise the base build fire safety/protection measures.

The applicant has provided a Fire Statement (Report Ref: 012/071021 - Revision 1 – undated) produced by Know Fire Ltd in support of the application. This has been reviewed by the Council's Building Control team and they have agreed that the content is acceptable in principle, however, there is a need for more details on the final types of material to be used in the external parts of the building and the evacuation procedures. At this stage it is acknowledged that the final external materials and final evacuation procedures are not required to determine the acceptability of the scheme, and thus, the provision of these additional details can be provided within a 'final' fire statement that is required by a suitably worded planning condition. This has been agreed with the Council's Building Control team. Accordingly, it is considered that subject to a condition, the development would have sufficient fire safety measures in place in accordance with Policy D12 of the Mayor's London Plan (2021).

#### **5.4 Response to Public Consultation**

A number of objections and comments were received in response to the application's publicity via letter, site notice and press publication, and these have been considered and addressed, where possible, through the main body the Officer's assessment of the scheme above. Matters that have not been addressed, are responded to as follows:

- The Council's Environmental Health team have not raised any concerns with regards to increased vehicular pollution as a consequence of the development. Furthermore the Highways Authority consider that the trip generation from this development is not likely to be detrimental to the local highway network to an extent that would warrant the application's refusal.
- There is no clear link between the proposed development and the impact on customer footfall for the adjacent commercial businesses. It would not take away customer parking and vehicular congestion has not been identified as unacceptably harmful by the Highway Authority.
- The Highway Authority have not identified any significant adverse congestion impacts that would lead to a disruption in delivery/servicing at the adjacent commercial sites. Similarly, the level of pedestrians on street has not been identified as an unacceptable risk with regards to highway safety and function. The applicant has conducted and supplied the results of a traffic and pedestrian movement survey which indicates that pedestrian movements are at the highest between 4pm and 5pm at 55 crossing movements; and that There are up to 5 cars queuing back between 4pm and 5pm (peak time), which can only be associated with the extra activity at the school. Such a

queue of vehicles would not extend across the Brent Cottage site or as far back as the entrance to the school's drop off/pick up area and the number of pedestrians would have no demonstrable adverse effect on vehicle capacity of the highway network.

- No objection has been raised to content of the travel plan, by the Travel Plan Unit within the Highway Authority.

- The Highway Authority has not identified any issues concerning pedestrian safety (specifically children) or cyclists; or with the development's single access.

- Parking provision is considered to be acceptable, given the moderate level of Public Transport Accessibility. Further, a Controlled Parking Zone review and Traffic Management Order Amendment is to be funded by S.106 contribution to ensure that the development does not create any undue impact on parking pressures within the local area. Brent Park Road has red and yellow lines marked on it, and as such offers no parking opportunities. The residents will not be entitled to a residents' parking permit for any of the CPZs within the vicinity of the site.

Additional Officer response to representations received 24<sup>th</sup> November 2021 - (as per Committee Addendum published: 25<sup>th</sup> November 2021)

The majority of these concerns have been addressed in the relevant sections of the main body of the Officer report. In summary, the Highways Authority have considered the full constraints of the application site, its operational needs (with regards to refuse servicing/deliveries), and its impact on the surrounding sites and users, and have had discussions with Officers and the applicant throughout the lifetime of the application to address any potential safety, function and convenience related highway matters. They are satisfied with the on-site servicing area, the transport assessment (which references the school) and the trip generation assessment provided - which demonstrates that the development would not demonstrably contribute to unacceptable congestion during peak times (i.e. 11 additional trips during AM peak, 10 additional trips during PM). With particular regard to the cycle parking provisions, both the Highways Authority and TFL have given this consideration to this and consider that, subject to condition on further details of the storage, that it would accord with the wider sustainable transport objectives of the Barnet's transport policies and the Mayor's London Plan (2021). Both the Highways Authority and TFL have raised no objections, subject to the conditions and s106 obligations that have been recommended.

With regards to safety and security of the school, this has been considered within the main body of the report – concluding that the development would lead to greater natural surveillance for the area, ensuring that security is increased. Non-residential buildings do not have overlooking/privacy standards prescribed within Barnet's Local Plan, nevertheless, several of the distance relationships exceed the residential standards and much of what is overlooked is within the public realm. The Daylight / Sunlight report acknowledges that there will be some overshadowing and loss of light, but the overall findings are that this would not fall unacceptably below BRE's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) standards.

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

In addition to the above, regard has been had for the Government's 2015 "Planning Policy for Traveller Sites" (PPTS) and the site's potential use for Travelling Show People. Given the long established presence of caravans and fairground equipment on site, as evidenced by available historic Google street view images (through year 2009-2019); the admissions within the witness statements; the letter from the landowner; and, the HM Land Registry documents submitted in support of the application, which suggest previous historic use for Travelling Show People, it is important to consider the equality and diversity impacts of the development on the travelling/nomadic community, and whether such groups would be disadvantaged or prejudiced by the development.

Officers sought legal counsel and concluded, as a matter of fact and degree, and on the balance of probability, the evidence available indicates that the site, has for some time not been in use by travelling showpeople. Further, it is considered, on the balance of probability, that the use of the application site, since at least 2009, has been more akin to the siting of caravans for residential use. It is therefore considered that the development of the site for residential purposes would not prejudice individuals or groups from the



Travelling Showpeople community, or any of the nomadic communities.

Overall, it is considered that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Planning Balance**

The proposed benefits of the scheme are:

- Redevelopment of a vacant, under-utilised brownfield site, within the Brent Cross - Cricklewood Regeneration Area;
- Provision of 63 new residential units with 19% (12 units) affordable housing;
- Financial contributions toward skills and employment (£50,000); and,
- CIL payments to improve urban greening and enhancement of local green spaces

After an assessment of the proposed development, Officers consider that the development is acceptable overall, 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. Whilst it is noted that the development falls short on residential amenity space; and, there will be some increase in the number vehicular and pedestrian movements within the locality, the associated harm is not such that it outweighs the benefits of the scheme. Accordingly, in considering the above-mentioned benefits and the need to make the most efficient use of the of borough's limited land and the development of a brownfield opportunity site, the package of public benefits is considered to be of importance and attracts positive weight in the decision making.

## **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 generally and taken 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.

**Site Location Plan:**

