

Location **60 West Hendon Broadway London NW9 7AE**

Reference: **21/1522/FUL** Received: 18th March 2021
Accepted: 24th March 2021

Ward: West Hendon Expiry 23rd June 2021

Case Officer: **Dominic Duffin**

Applicant: Daniel Gold

Proposal: Demolition of an existing two-storey retail building and erection of an eight storey residential led mixed use building with 2no live/ work units at ground floor and 63no residential units on first and floors above. Associated external parking and associated landscaping.

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

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

-Provision of affordable housing units consisting of 4 London Affordable Rent units and 2 shared ownership units and a contribution of £45,325, or if in the first instance, units being provided on site, have been clearly discounted, a contribution of £666,844 towards Affordable Housing provision within the borough.

-An Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted

-A Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let

4. Employment and Training

-The applicant would be required to enter into a Local Employment Agreement with the Council to secure non-financial contributions towards employment/learning/apprenticeships, as listed in the Committee Report or a financial contribution of £354,695.80, subject to indexation

5. Carbon Offset Payment

Payment of £83,679 towards Carbon Offset to meet mayoral zero carbon target.

6. Travel Plan/Highway Works

-Submission of a Travel Plan and associated monitoring contribution of £15,000

-£9,750 in sustainable travel plan incentive

- £10, 000 towards a review of the West Hendon Controlled Parking Zone

- A contribution of £2,392.01 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits and a monitoring contribution of £119.60.

7. Meeting the Council's costs of monitoring the planning obligation

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:

Location Plan (60TB2-MCB-XX-SI-DR-A-0001-S2-P3), Existing Ground Floor (60TB2-MCB-XX-00-DR-A-0110-S2-P1), Existing First Floor (60TB2-MCB-XX-01-DR-A-0110-S2-P1), Existing Sections (60TB2-MCB-XX-ZZ-DR-A-0130-S2-P1), Existing Site Plan (60TB2-MCB-XX-SI-DR-A-0110-S2-P3)

Proposed Site Plan (60TB2-MCB-XX-SI-DR-A-0100-S2-P5), Proposed Ground Floor Plan (60TB2-MCB-XX-00-DR-A-0100-S2-P5), Proposed Levels 1-6 (60TB2-MCB-XX-01-DR-A-0100-S2-P1), Proposed level 07 Plan (60TB2-MCB-XX-07-DR-A-0100-S2-P1), Roof Plan (60TB2-MCB-XX-08-DR-A-0100-S2-P1), Section A (60TB2-MCB-XX-ZZ-DR-A-0140-S2-P1), Section B (60TB2-MCB-XX-ZZ-DR-A-0141-S2-P1), Section C (60TB2-MCB-XX-ZZ-DR-A-0142-S2-P1), Proposed East Elevation (60TB2-MCB-XX-ZZ-DR-A-0151-S2-P1), Proposed West Elevation (60TB2-MCB-XX-ZZ-DR-A-0150-S2-P1), Proposed South Elevation (60TB2-MCB-XX-ZZ-DR-A-0152-S2-P1), Proposed North Elevation (60TB2-MCB-XX-ZZ-DR-A-0153-S2-P1), Highway Access Arrangement (60TB2-MCB-XX-00-DR-C -0380-D5-P1)

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 Notwithstanding the approved plans, prior to the first occupation of the development, a parking layout plan showing details of 53no off street parking spaces including 9no disabled 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.

- 7 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 (11 active and 44 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.

- 8 Prior to first occupation of the development 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, 105 cycle parking spaces (103 long-stay for residential, 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 and policy T5 of the London Plan 2021.

- 9 Prior to the first occupation of the development, hereby approved, a full 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, and all loading shall take place within the site.

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.

- 10 Prior to the first occupation of the development, hereby approved, a full 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 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.

- 11 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 London Plan policy SI.1.

- 12 A Remediation Method Statement detailing the remediation requirements, using the information and recommendations obtained from the site investigation by Ian Farmer Associates (December 2020), 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.

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).

- 13 The measures approved as set out in the noise report by Cole Jarman, ref 15/0555/R2 under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and policy D14 of the London Plan 2021.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and policy D.14 of the London Plan 2021.

- 15 a) No commencement of the use or occupation of the development hereby approved shall take place until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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 measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/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 neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 16 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the work unit ; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the 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, and D14 of the London Plan 2021.

- 17 Before the development hereby approved is occupied, an updated air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.

b) The approved measures 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 protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 18 The approved mitigation scheme as set out in the Air Quality Assessment by Air Quality Consultants dated January 2021 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 protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI.1 of the London Plan 2021.

- 19 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the building can achieve full 'Secured by Design' Accreditation and 'Secured by Design' accreditation shall be obtained for the approved development.

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.

- 20 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G.7 of the London Plan 2021.

- 21 a) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

b) The lighting shall be installed in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G6

- 22 Prior to occupation of the development hereby approved, a scheme of ecological enhancements, to incorporate into the scheme ecological net gain, as detailed in section 6.3 of the Jomas Dusk Bat Activity Survey Report (June 2021) shall be provided, to include two No. bat roosting tubes incorporated into the fabric of the new structure.

The enhancements shall be incorporated into the design, and retained in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

- 23 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved 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 the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 24 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: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

- 25 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated within the development. The screens shall be permanently retained as such thereafter.

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

- 26 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).

- 27 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 on any part 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 townscape and 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 Barnet Local Plan.

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

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

- 29 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieves an improvement of not less than 37% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

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

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

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

- 31 The residential units as shown in the hereby approved drawings shall be used as self-contained units under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 32 a) Notwithstanding the details submitted with the application and otherwise hereby approved no residential units shall be occupied or use undertaken until 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); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 33 Prior to occupation of the development hereby permitted, details of the size, design and siting of any 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, prior to occupation of any of the residential units..

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 and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 34 Prior to occupation of the development, details of the proposed roof layout/amenity area/roof garden shall be submitted to the council for agreement. The scheme shall proceed in accordance with the agreed details and the agreed amenity area retained in perpetuity for use by residents of the development.

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 G.7 of the London Plan 2021.

- 35 The work part of the Live/Work Units hereby approved and shown on the approved plans shall only be for purposes within use Class E of the Use Classes Order, as amended in September 2020, and for no other purpose, unless agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control of the type of use and to safeguard a continued employment use in accordance with policy DM14 of the Development Management Policies DPD (adopted September 2012).

- 36 The residential parts of the Live/Work Units hereby approved and shown on the approved drawings shall only be used for residential purposes in association with the Work part of the said Live/Work units and shall not be used for any other purpose.

Reason: In order that the residential element of the proposed Live/work units is retained and so that residential amenity of both the new unit and those neighbouring occupiers shall be protected.

RECOMMENDATION III:

- 1 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:

- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 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. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
 3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.
 4. The proposed development does not include a formal undertaking to provide a Local Employment Agreement (LEA) to deliver skills, employment and training opportunities, to the detriment of the economy of the Borough and contrary to Policies CSNPPF, CS8 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM14 of the Local Plan: Development Management Policies DPD (2012) and the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)
 5. The proposed development fails to provide a comprehensive scheme of landscaping, including a formal undertaking to deliver street trees along this part of West Hendon Broadway, to compensate for the impact of the building on visual amenity and improve air quality, to the detriment of the character and appearance of the street scene and surrounding area, contrary to Policy G.7 of the London Plan (2016), Policies CSNPPF, CS1, CS5 and CS15 of the Local Plan: Core Strategy DPD (2012) and Policy DM01 of the Local Plan: Development Management Policies DPD (2012)

Informative(s):

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

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest.

There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 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.

- 5 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.
- 6 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.
- 7 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.
- 8 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.

- 9 The applicant shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to the highways section prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to the highways section. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
- 0 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on the public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

This application has been brought to Committee as a departure from the policies contained within the Development Plan. With regard to Policies D9 of the London Plan 2021 and Local Plan Policies CS05 and DM05, the proposal involves the construction of a tall building outside of an area designated for such development. The substantive justification behind the recommendation for approval is set out within the body of the report and also references previous decisions on the same site.

1. Site Description

This application submission relates to a site that covers an area of approximately 0.22 hectares on the north-east side of West Hendon Broadway. The site is located approximately 300m south-east of West Hendon Local Centre and 380m from Staples Corner to the south. The existing site currently has a two-storey building in position which formerly housed a tile showroom. The building is served by a primary lift and stair core, situated at the main entrance facing the site entrance to the south.

The area does not have a distinct character with a mixture of residential flats opposite, as well as other commercial development on this side of West Hendon Broadway, with a mixture of building heights and sizes. Sutherland House which is a 6-storey office block is adjacent to the site. There are 5 storey blocks of flats at Verulam Court on Woolmead Avenue further to the west. The site is not located within any designated areas.

2. Relevant Site History

16/0972/FUL - Demolition of existing building (Tile and Sanitaryware Showroom) and erection of an 8 storey mixed use building with 1230sqm of Sui Generis use (Tile and Sanitaryware showroom) on ground and first floors and 48 no self-contained residential units on the upper floors with green roof and solar panels. Provisions for basement parking, external parking spaces, cycle storage, refuse and amenity space. Approved following signing of Legal Agreement - 15/03/2017

17/6434/FUL- Demolition of an existing two-storey retail building and erection of an eight-storey residential led mixed use building with retail use at ground floor and first floor level and 53 no residential units above. Associated external parking and associated landscaping. Approved following signing of Legal Agreement - 01/10/2019.

20/0292/QCC - Demolition of an existing two-storey retail building and erection of an eight storey residential led mixed-use building with 3 live/ work units at ground floor and first floor level and 60no residential units on first and floor above. Associated external parking and associated landscaping. Advice issued - 20/09/2020

Sutherland House (adjacent site):

H/03141/14 - Change of use from B1 office to C3 residential (33 Units) - Prior Approval Not Required - 05.08.2014

15/03085/OUT - Erection of 3 storey office building - Approved following signing of Legal Agreement - 01/08/2016

3. Proposal

The application seeks planning permission for the demolition of the existing building and construction of an eight-storey residential led mixed use development with 2no live/ work units at ground floor and 63no residential units on the floors above.

55 car parking spaces, including 7 disabled spaces, along with 120 secure and enclosed

cycle spaces would be provided around the building. Amenity space would be provided via a combination of private balconies and rooftop communal garden space, The scheme proposes a range of market units comprising 1 and 2 bedroom apartments. The proposal outlines a mix of 28 one bed units, 37 two bed units, inclusive of the live/work units.

The main materials would be beige and dark grey brick, textured fibre cement, and glass. The beige brick facade will be offset from the darker brick and fibre cement areas providing a contemporary design.

4. Public Consultation

Consultation letters were sent to 108 neighbouring properties, a site notice is displayed and an advert was placed in the local press. No responses have been received.

Internal Consultations

Traffic and Development:

Amendments sought to layout, no in principle objection. No objection subject to legal agreement, conditions and informatives;

- S106 agreement: s106 contribution of 15k towards travel plan monitoring, £10k towards CPZ review and CPZ permit restrictions.

Drainage Officer:

No objection, subject to conditions for Drainage Strategy

Refuse and recycling:

Confirm that the waste strategy for this application is acceptable to the Street Scene Collections Team.

Environmental Health Officer:

No objection subject to conditions

External consultations

TfL:

Cycle parking

- 116 long and 3 short stay cycle parking spaces will be provided for the residential use. This is in line with policy T5 (Cycling) of the London Plan. TfL requests further information on what a 'live/work' unit entails, and how many people will occupy the units so we can ensure this element of the proposal also complies with policy T5.

Car parking

- The amount of car parking proposed is in line with London Plan policy T6.1 (Residential parking).
- 7 disabled parking spaces are proposed, which is slightly above the 5% required by London Plan policy. A Parking Design and Management Plan should be submitted alongside to demonstrate how an additional 7% of dwellings could be provided with a designated disabled bay if the existing provision becomes insufficient.
- At least 20% of the car parking spaces should have active charging facilities, with passive provision for all remaining spaces.
- The application documents state no changes will be made to the existing access and egress points. However, the highway access arrangement drawing suggests construction works to The Broadway. TfL would like clarity on what this involves.
- As the development is close to bus stops, TfL is concerned about the construction access and the proposed works, which could be disruptive. Therefore, we would like to remind the applicant to liaise with TfL asset operations and bus operations for any construction works on the highway and any temporary arrangements once further information is provided, during the pre-construction and construction stages. The applicant should aim to minimise the impact on the operation of bus services and accessibility to the bus stop.

Metropolitan Police Service:

- Respectfully request that a planning condition is attached to any approval, whereby the development must achieve Secured By Design accreditation, prior to occupation

Thames Water

No objection subject to conditions and informatives;

- Condition: Pilling Method Statement

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, CS15

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM10, DM11, DM14, DM16, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

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 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

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

- Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)

- Barnet Trees Policy (October 2013)

- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of Development;
- Affordable Housing;
- Employment Contributions;
- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Ecology and Biodiversity;
- Flood Risk and Drainage; and
- Sustainability.

5.3 Assessment of proposals

Planning History/Principle of Development

Planning History

The proposed building would replace the existing structure with a new build eight storey residential block. The site does have some recent planning history which is materially relevant to this proposal. The most recent application 17/6434/FUL, granted consent for a 53 unit 8 storey scheme but with a retail element retained on the ground and first floors. The main change with this scheme is the increase in the number of units from 53 to 65 and the omission of the retail element and its replacement with the proposed live/work units. However, the principle of an 8 storey residential building has previously been agreed through the extant consent and planning history beforehand.

Retail Element

Under the pre-app submission the council concluded the following;

...."The site is located outside a town centre and as such there is no policy aim to ensure the retention of retail floorspace at this location. The extant consent does retain a large element of A1 floorspace. The submission outlines that there have been difficulties in securing an A1 use to occupy any new scheme and that the A1 element is leading to viability issues. The NPPF does encourage the promotion of mixed-use developments, and the live/work units offer some modest element of business use at the site. However what is proposed is largely a residential development. Given that the site is outside an area where retail uses are protected, and policy DM14 "Existing Employment Uses" relates to uses within the B Class for business purposes, it is not considered the retention of retail is entirely necessary, and genuine live - work units (comprising a mix of residential and business uses which cannot be classified under a single class within the Use Classes Order) would ensure an active frontage. Therefore the new mix can be broadly accepted"....

It is noted the number of live/work units has been reduced from 6 to 2 since the pre-application advice was issued. Whilst any retention of a business use at the site is somewhat tokenistic, this area is in a state of change with other applications to replace commercial units along the road with residential schemes currently with the council. The site has been vacant for some time, and the council previously agreed a reduced retail presence in the building. There are residential blocks opposite the site, and a residential presence along the road continues to grow. In light of this, it is considered the proposed mix can be accepted and a residential building at this location can be justified. Contributions towards a Local Employment Agreement could be agreed through a Section 106 obligation. The live/work mix can be agreed by condition.

Tall Building

The proposal is for a tall building, as designated under policy DM.05 of the Local Plan, being 8 storeys in height. Policy states that proposals for tall buildings will not be supported outside of designated areas, as identified under the policy. The site is not within a designated area.

Notwithstanding this, the council have previously considered an 8 storey building at the site as being acceptable, particularly owing to a generally incoherent local streetscape and the existence of Sutherland House, a taller structure adjacent to the site, despite the policy conflict. Whilst the London Plan, and recently adopted policy D.9 "Tall Buildings" further encourages tall buildings to designated locations, given previous considerations, which accepted a case for a tall building at the site, and the existence of an extant consent for the same overall height and bulk of a building, it considered that a tall building can be accepted on the site, benefiting from a fallback to develop the previous consent, and the overall acceptability under previous considerations.

Furthermore, the council's emerging Local Plan has identified further designated areas which may be appropriate as additional locations for tall buildings (Policy CDH04). This includes the "A5 corridor", within which this site resides, as an area where tall buildings could be acceptable.

Policy GSS11 "Major Thoroughfares" outlines how redevelopment along Barnet's main road corridors, including the A5, can provide a significant supply of sites for growth. The policy states that "thoroughfares may have potential for residential led tall building development in certain locations optimising site availability and good public transport accessibility, providing the opportunity for revitalising these areas".

Whilst the emerging plan can only be afforded limited weight, it is considered this adds further justification to the case for a tall building on this plot.

Unit Mix

The proposed development provides the following mix of units:

- o 28 x 1-bedroom units;
- o 37 x 2-bedroom units; and

Policy DM08 of the Development Management Policies states that:

Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Dwelling size priorities are:

- i. For social rented housing - homes with 3 bedrooms are the highest priority
- ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority
- iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'

The proposals would provide a mix of one/two-bedroom units, including the live/work units. Previously the council concluded that given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility, the mix of accommodation was considered appropriate.

The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is not within a town or local centre. However, given the previous agreement of 1 and 2 bedroom units and the constraints of the site, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can, on balance, be accepted. Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family housing. It also recognises a higher proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or underground station or with higher public transport access and connectivity. There are some concerns on the unit mix, but the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

Affordable Housing/Viability

As the proposed scheme would provide more than 10 units, it is required to provide affordable housing in line with Policy DM10 below:

Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

The tenure mix required would be 60% social rented and 40% intermediate as confirmed by the Housing Officer.

The application as submitted proposed no affordable housing be provided as part of the scheme. Consequently, the overall provision fell considerably short of the target set policy DM10.

The applicant provided a viability report (Turner Morum, April 2021). In line with standard practice, the council have had these findings independently appraised by BNP Paribas. In response to the BNP assumptions and conclusions the applicant provided revised reports (Turner Morum, 14th June 2021) which were once again reviewed by BNP (28th June 2021). Common ground was reached on profit levels (including taking into account contributions in relation to highways/parking, employment loss, and carbon offset payments).

Further discussions have taken place between McBains (the Applicant's QS) and CDM (the Council's QS) in relation to the construction costs for the proposed Development. Under this final round of discussion, BNP reported back to the council (14th October 2021) on an agreed position between the parties, with the total construction cost equating to £13,558,362. BNP have therefore adopted that figure within their appraisal.

BNP have undertaken further appraisals of the proposed development taking into account the amendment to the construction costs identified above. The proposed development with 100% private housing generates a RLV of £3,753,570 providing a surplus of £666,844 against the viability benchmark - which represents one option for discharge of the affordable housing obligation.

Alternatively, BNP have undertaken a further appraisal to establish the quantum of affordable housing that could viably be provided onsite (within the context of the above).

The scheme with 9.5% affordable housing (4 London Affordable Rent units and 2 shared ownership units) generates a RLV of £3,132,051 providing a surplus of £45,325 (as a further commuted sum payment) against the viability benchmark.

In addition to whichever option is taken forward, BNP have maintained their recommendation that the Council include both an early and late-stage review mechanism within the Section 106 Agreement.

The above contributions would therefore be secured through a Section 106 Agreement.

Skills and Employability

The proposed scheme would result in the creation of more than twenty-five residential units. Therefore, it would meet the threshold set out in the Council's 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' which requires a scheme to enter into a Local Employment Agreement (LEA). The LEA sets out the skills, employment and training opportunities to be delivered from development and includes all employment opportunities generated by construction. The Council Skills and Employment Team has assessed the proposal and set out the below requirements to ensure that the proposal complies with this requirement.

The SPD-SEET calculations and requirements are outlined in the following table;

Part 1a - Non-financial obligations

Outputs

- a) Progression into Employment (unemployed under 6 mths) 3
- b) Progression into Employment (unemployed over 6 mths) 2
- c) Apprenticeships (min NQV Level 2) 4
- d) Work Experience (min 10 days) 7
- e) School/College/ University Site Visits 43
- f) School/College Workshops 34
- g) Local Labour 30%
- h) Local supplier requirements 2

1b No of Affordable Residential Units 0 proposed

Construction Training Initiative Not applicable

1c No of End User Jobs 0

Part 1c -Local Employment Agreement (LEA) Not applicable

Part 2 - Financial Contributions

2a Loss of Floorspace (non-residential) Financial Contribution

Existing Floorspace 0

Replacement Floorspace 0

Floorspace Compensation 0

2c Commuted sums in lieu of Local Employment Agreements

Apprenticeship Contribution £159,678.40 subject to indexation

Employment Contribution £25,123.69 subject to indexation

Total LEA payment in Lieu £354,695.80 subject to indexation

The Applicant has the options to either contribute a financial compensation of £354,695.80pc defined within Table Part 2c, or discharge the Non- Financial Obligations defined within Table Part 1a.

These contributions can be secured through an obligation in an executed section 106 Agreement.

Impact of the proposal on character and appearance of the application site, the street scene, and the wider locality.

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Notable aspects of the scheme are; 8 storeys in height, grey cladding/glazing panel finish, glazing panels, metal balustrade balconies and brickwork finish to the ground floor element.

The site is largely standalone and a similar bulk and scale to the extant scheme is proposed. The proposed design, again similar to the extant scheme, and relatively typical in design of a taller structure raises no significant concerns.

The scheme proposes a largely cladding and glazed finish, with recessed/steel balustrade balconies. The materials would provide a mix of contemporary and traditional influences, which, for a standalone structure is generally acceptable. Given this standalone context, a scheme of this nature, using good quality materials, availing of the opportunity to provide a signature building at this largely aesthetically dated location, would not appear out of place from a design perspective, and would bring some visual benefits. As discussed above, emerging policy acknowledges the role that tall buildings can play in regenerating areas,

such as where the application site is located, whilst optimising the development potential of existing sites. The proposed scheme complies with existing and emerging policy.

The rear façade faces towards the M1 motorway and railway line, it follows the same design rationale as the front elevation, and has the same height, bulk and scale. The proposed form of the rear elevation is considered acceptable.

Once again, the development will only appear 1.5 stories higher than Sutherland House to the north and located within an area of incoherent townscape with a mix of building forms and heights, the proposed appearance can be accepted.

Trees and Soft Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

There are no trees of worth on the site consisting of the building and areas of hardstanding. A more detailed landscape proposal than what has been submitted would be required, the site is constrained in terms of providing any meaningful landscaping, but a condition agreeing hard and soft landscaping details can be agreed on any approved scheme.

Impact of the proposal on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbour's amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. There are no residential properties on this side of West Hendon Broadway in the immediate vicinity of the site. There are residential properties located some 90m to the rear on Dallas Road, and residential properties opposite at Verulam Court, some 55m away. A daylight and sunlight assessment has been submitted in support of the planning application. This confirms that potentially impacted residential properties, taking into account the massing of the proposed building, would not suffer harmful loss of daylight or sunlight from this scheme.

The approved development for conversion to residential at Sutherland House has now expired and was unimplemented.

Officers are satisfied that the proposed building would not give rise to a harmful level of enclosure or overlooking to neighbouring occupiers located along the site's boundaries.

Impact on amenity of future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

In terms of the size of the units; the internal floorspace of all the units meet or exceed the minimum space standards as set out in the London Plan (2021).

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. Each of the proposed bedrooms complies with this requirement.

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. Each of the proposed units complies with this requirement.

The layout does not significantly alter from previous consented schemes, policy avoids single aspect, north facing units, the scheme includes a north-east facing elevation to the rear of the Broadway, but it is considered each of these units would receive suitable levels of daylight/sunlight, demonstrated by the submitted Daylight/Sunlight report, and the outlook would be acceptable. End units are double aspect.

Paragraph 2.3.1 of the LB Barnet: Sustainable Design & Construction SPD (2016), outdoor amenity space for flatted developments may be provided "communally around buildings, on roofs or as balconies". With regard to the provisions of Table 2.3 (of the SPD, pursuant to Policy DM02(7)), the requirement is for a minimum of 5 sq. m of outdoor amenity space per habitable room. Approximately 500 sq. m of communal amenity space would be provided by a roof garden and each flat would be served by balcony areas with a total sq. m of 433 sq m, a total amenity space of 933 sq. m. All the units would be served by small balcony areas, with the communal space supplementing the provision. The development would be served by 228 habitable rooms, rooms of greater than 20 sq. m counting as double, and this would result in a requirements of 1,140 sq. m of floorspace, a shortfall of approximately 207 sq. m.

All units are served by an amenity area and it is considered a suitable level of private amenity space will be provided. Further to this, given the quality and quantum of space at the West Hendon Playing Fields, Woodfield Recreational Park and Welsh Harp Open Space and their relative proximity to the application site, Officers are satisfied that they provide a viable and appropriate source of additional external amenity space for future residents, to account for any cumulative short-fall in onsite amenity space. The council can also consider a s106 contribution which could contribute to the improvement of public amenity space within the local area.

Highway and Pedestrian Safety

The site fronts onto West Hendon Broadway (A5), a key north-south route on the western end of the borough which forms part of the transport for London Strategic Route Network. The section of the A5 fronting the site is dual carriageway road with two lanes in each direction separated by a central island with a safety fence to prevent pedestrian crossing in this section of the road.

The site is located on the edge, but within, the boundary of West Hendon CPZ 2 which operates Mon-Fri, 11am-12noon. There are parking restrictions in the form of double yellow lines/red route and loading restrictions on the southbound carriageway which fronts the site .

The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility. There are 8 bus routes (183,83 32, 82, 266, 122, 232, 182 & 142) can be accessed from stops within 1-6 minutes walking distance of the site. Hendon rail station is located 550 metres to the north and can be reached within 8 minutes by foot.

The proposal consists of demolition of the existing building and the erection of 2 work/live units on the ground floor and 63 self-contained apartments (28x1bed, 37x2bed) on the first and upper floors. The parking requirement for the site based on policy DM17 is between 37-74 spaces. Based on a PTAL of 3,

The applicant proposes 55 car parking spaces including 7 disabled bays are shown on the ground floor plan and this is acceptable subject to the applicant agreeing to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits, and making a contribution of 10k towards CPZ review.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 10 active and 45 passive spaces. It appears from the ground floor plan that only 12 active points are provided. A condition for details of electric vehicle charging points is therefore requested by condition.

22 cycle parking spaces are shown on the ground floor plan. The cycle store next to the plant room holds 98 cycle spaces and there is a covered cycle store next to the car park. Based on London Plan standards, 102 long stay cycle parking and 3 short stay cycle parking are required and as such the provision meets this requirement.

Highways further advised that;

"The internal layout of the site is not acceptable as parking bay Nos 20 and 21 are too close to the junction with the access road, It is recommended that these bays are deleted. The applicant is asked to confirm locations for loading/unloading within the site. Confirmation that the applicant has rights of way over this access is needed".

The applicant has submitted an amended site plan (60TB2-MCB-XX-SI-DR-A-0100-S2-P2) removing these 2 spaces and reducing the parking provision to 53. This provision is acceptable. The applicant confirms rights of way access over the adjacent access where some of the parking spaces are located. The submitted location plan, confirms the applicant is in ownership of the adjoining access (outlined in blue).

A parking management plan which sets out how parking will be allocated, disabled parking managed, illegal/obstructive parking enforced is also requested. This can be supplied by way of a condition. A delivery and servicing plan is requested and this can also be secured by way of a condition.

Due to the number of units proposed, trip generation is unlikely to be a major issue as movements to/from the site compared with flows on the adjacent highway is insignificant.

The parking management plan is requested as above. This must set out the criteria for allocation of spaces, how inconsiderate and illegal parking will be enforced and where the parking spaces will be leased, free or paid for. This can be secured by way of a condition,

Given the scale of development a travel plan is required for the site, outlining sustainable travel measures, and a contribution of £15K is required for travel plan monitoring. A contribution of £150 per household towards travel plan incentives is also requested by highways.

Highways would raise no objection to the proposal subject to a s106 contribution of 15k towards travel plan monitoring, £10k towards CPZ review and CPZ permit restrictions and suggested conditions and informatives.

The proposed development involves minor alterations to the existing vehicular access. Works would therefore be carried out on the adopted highway and for this the applicant would need to obtain a s184/s278 licence from the Council. This would be added as an informative to any permission granted.

Refuse and Recycling

Any formal application must demonstrate compliance with Barnet's Waste and Recycling Guidance (2019). The Street Scene Collections Team confirm that the waste strategy for this application is acceptable.

Ecology and Biodiversity

The applicants submitted a Preliminary Bat Roost Assessment (Aspect Ecology, May 2021). The report states that *"roosting opportunities are available and overall the building is considered to offer low suitability for roosting bats. In accordance with latest best practice guidelines 1, further survey work is recommended in the form of a single dusk emergence or dawn re-entry survey in order to determine the presence/likely absence of bat roosts, and to inform the assessment of potential impacts on bats from the proposed redevelopment"*

Therefore, further bat presence/absence surveys on the buildings were required.

The applicant has submitted a Bat Survey (Jomas Engineering Environmental, June 2021). These have been assessed by the ecologist. The survey has noted a likely absence of roosting bats. No further surveys are recommended, however standard precautionary measures are recommended for the works given the presence of crevice roosting bats noted during the dusk surveys. If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England.

Ecological enhancements, including bat boxes, could be provided to improve the site's ecological value post development, and this is to be secured by way of a planning condition.

Flood Risk and Drainage

National standards for SUDs require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

The LLFA have confirmed that a drainage strategy for the site can be agreed by condition.

Environmental Health

The submission has been supported by a Noise assessment, Air Quality Assessment and Contaminated Land Survey. All suggest methods of mitigation which can be secured by condition. The air quality report shows that the development is not Air Quality neutral for transport emissions, therefore there is a need to offset this. Other ways could include the following: -

- Car club provision;
- Eco driver training;
- Signing up to anti-idling campaigns;
- Car sharing;
- Cycle storage;
- Provision of electric bikes/ bike hire schemes;
- Additional on-street EV infrastructure;
- Public transport subsidies.

The scheme does provide an over-provision of cycle places, and a travel plan will also secure and promote green travel measures. Electric charging points will also encourage more economically friendly modes of transport. It is considered these measures can help offset on air quality.

Environmental Health have stated the following in their response, and the applicant has been advised accordingly;

"I would like to note that should the Busy Bees furnace begin operations again, there is currently no environmental health legislation that will stop smell from burning wood offcuts drifting over to the residents when the wind is in the right direction. We have powers to stop dark smoke, and to stop nuisance levels of smoke (not low levels of smoke).

Nuisance legislation can be difficult when the operator is using a furnace approved for use in a smoke control area, which would be the case here. If the wind blows smoke in that direction then residents will have to close their windows and doors".

Sustainability

The proposal is required to comply with the Mayor's London Plan 2021 which requires a reduction in carbon dioxide emissions of at least 35%. The applicant has submitted an Energy Assessment prepared by McBains in support of the planning application. The EA states that the proposed renewable technologies are expected to achieve a site-wide carbon dioxide reduction of 37.4% over the Part L baseline.

To enable the proposed development to meet the zero-carbon reduction target, the report identifies a one off carbon offset payment of £52,850 will be required in line with the London Plan Policy. This figure is based on a shortfall of 29.4 tonne CO₂ per year for a period of 30 years at a rate of £60 / tonne of CO₂. Given the London Plan 2021 now has a £95 per tonne requirement, the contribution would be £83, 679.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with the London Plan 2021.

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

5.4 Response to Public Consultation

No comments received.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

In light of the above appraisal, it is considered that the proposed development is acceptable. It is therefore recommended for APPROVAL subject to conditions and a suitable legal agreement to secure contributions as discussed above.

