

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

**Reference:** 21/4966/FUL Received: 14th September 2021  
Accepted: 14th September 2021

Ward: Hendon Expiry: 14th December 2021

**Case Officer:** Dominic Duffin

Applicant: Readysset Resources Limited

Proposal: Redevelopment of the site with a 7 storey building comprising Class E use on the ground floor, Class E(g)(i) -offices - and (ii) - research and development - use on the first and second floors, with 17 residential units on the third, fourth, fifth and sixth floors.

## **OFFICER'S RECOMMENDATION**

Refuse

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

- 1 The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to national guidance with the NPPF, Policies D2, D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)
- 2 In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to secure green travel plan measures to promote sustainable means of travel together with an arrangement for associated monitoring. As such, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021

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

**Informative(s):**

- 1 The plans accompanying this application are:

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

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

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

EXISTING SIDE ELEVATIONS: CGL-XX-EL-DR-A-020111

PROPOSED FRONT & REAR ELEVATIONS: CGL-XX-EL-DR-A-060320 Rev A

PROPOSED NORTH AND SOUTH SIDE ELEVATIONS: CGL-XX-EL-DR-A-060321  
Rev A

PROPOSED SECTION AA: CGL-XX-SE-DR-A-060324 Rev B

PROPOSED GROUND FLOOR/ SITE PLAN: CGL-XX-00-DR-A-050310 Rev C  
PROPOSED FIRST FLOOR PLAN: CGL-XX-01-DR-A-050311Rev C  
PROPOSED SECOND FLOOR PLAN: CGL-XX-02-DR-A-050312 Rev B  
PROPOSED THIRD FLOOR PLAN: CGL-XX-03-DR-A-050313 Rev B  
PROPOSED FOURTH, FIFTH and SIXTH FLOOR PLAN: CGL-XX-04-DR-A-050314 Rev B  
PROPOSED ROOF PLAN: CGL-XX-RF-DR-A-050315 Rev A  
PROPOSED CGI P20-044 CGL-XX-00-DR-A-900330  
PROPOSED CGI ANNOTATED P20-044 CGL-XX-00-DR-A-900331

TREE CONSTRAINTS PLAN: 200614 01 Rev B

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

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

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)  
for further details on exemption and relief.

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

## **OFFICER'S ASSESSMENT**

This application had initially been brought before the Committee at the request of Cllr Shooter for the following reason:

*The application is important for the regeneration of the high street, and the application is an improvement on the previous submission regarding height*

The application was heard at the meeting of Planning Committee B, held on Wednesday 30th March 2022. The Minutes for that meeting note the following:

*The Committee were minded to approve the application, but wished to have more time to consider robust reasons. Due to the next committee meeting taking place after the elections and therefore being constituted of new Members, if deferred, the application would be required to be re-heard in its entirety.*

### **Appeal determination of application 20/4357/FUL**

Since the meeting of Planning Committee B on Wednesday 30th March 2022, the appeal relating to the previous refusal (ref: 20/4357/FUL) has been determined - with the Inspector dismissing the appeal. The appeal determination is a material planning consideration and is discussed below.

## **1. Site Description**

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

The adjoining site is occupied by Hendon Post Office, a part single/part 2 storey brick building on the corner with Brampton Grove. The site, the subject of this application, borders the post office plot on both Brent Street and Brampton Grove, with vehicle access from Brampton Grove.

Hendon Post Office was the subject of a separate planning application, 20/5081/FUL, for the erection of a four-storey building of a mixed-use-community building including retail premises at ground floor level. This was approved by Members at the Planning Committee meeting held on 09th March 2021, subject to the execution of a Section 106 Agreement. The formal decision has not yet been issued, as s106 matters are ongoing.

The site is boarded up along Brent Street. A three-storey residential block ("Homemead") adjoins to the north-west and Churchill House, an office building lies to the north. Burnham Court, a four-storey development, is located across Brent Street to the east. No.6 Brampton Grove adjoins the site to the west.

As the site is located within the town centre, there is a variety of retail, commercial and residential uses within the surrounding area. The site is not within a conservation area and does not include any listed buildings and has a PTAL Rating of 2, demonstrating low access to public transport links.

## 2. Site History

Reference: 22/2473/191

Address: 133 Brent Street London NW4 4DA

Decision: As yet undetermined

Decision Date: N/A

Description: Use as a car park

Reference: 20/4357/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Refuse

Decision Date: 14.05.2021

Appeal Decision: Dismissed

Appeal decision Date: 14.04.2022 (APP/N5090/W/21/3282268)

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

Reasons for Refusal:

1. The proposal results in an eight storey building outside of an identified location for tall buildings, contrary to Policy CS5 of the LB Barnet: Local Plan Core Strategy DPD (2012), Policy DM05 of the LB Barnet: Local Plan Development Management Policies DPD (2012), Policy D9 of the London Plan (2021) and Section 38(6) of the Planning and Compulsory Purchase Act 2004

2. The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)

3. The proposed development is not supported by a legal agreement to secure green travel plan measures to promote sustainable means of travel and, in the absence of a legal agreement to secure a Travel Plan and associated monitoring, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021.

4. The proposed development, by virtue of the resultant long term post development pressure for pruning/removal of existing trees, would reduce their amenity value and fail to adequately protect existing trees, appropriately mitigate the impact on visual amenity and achieve a suitable visual setting for the building. In the absence of a formal undertaking to meet the cost of tree planting along Brent Street, the proposal would result in unacceptable detriment to the character and appearance of the application site and surrounding area, contrary to Policies CS1, CS5 and CS15 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)

5. The proposed development provides inadequate outdoor amenity space for future occupiers and does not include a formal undertaking to mitigate this by contributing to off site amenity space improvements. The proposal would therefore not address the impacts of the development, contrary to Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

6. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the Mayor's London Plan (2021), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Reference: 17/7497/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Approved subject to conditions

Decision Date: 12.04.2018

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

Reference: W08536H/06

Address: 133 Brent Street London NW4 4DA

Decision: Approved following legal agreement

Decision Date: 21.09.2006

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

Reference: W08536G/05

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 20.01.2006

Description: Erection of part two, part three, part four, part five-storey building plus basement level, to provide office floorspace at ground level and a total of 12 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536F/04

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 13.10.2004

Description: Erection of five-storey block plus basement level to provide health club at basement/ground levels and 13no. self-contained flats on the upper floors. Provision of off-street parking accessed from Brampton Grove.

Appeal Reference Number: APP/N5090/A/04/1166078

Appeal Decision: Dismissed

Appeal Decision Date: 18/01/2006

Reference: W08536E/03

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 02.07.2003

Description: Erection of four-storey block to provide 9no. self-contained flats and a health club at ground floor and basement level, provision of 13no. underground car-parking spaces accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536C/02

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 19.03.2003

Description: Redevelopment of site to provide residential flats. (OUTLINE)

### *131 Brent Street*

Reference: 20/5081/FUL

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

Decision: Approved subject to conditions/S106 Agreement

Decision Date: Committee Resolution - 09.03.2021 (Formal decision not yet issued)

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

### **3. Proposal**

The application seeks consent for the construction of a 7-storey building comprising offices on the ground floor and research and development uses on the first and second floors (Class E Use Class). 17 residential units would be provided on the third, fourth, fifth and sixth floors (Class C3 Use Class). Associated amenity space, refuse storage, cycle parking and 11no. off-street car parking spaces would also be provided.

The non-residential uses (ground to second floor) would amount to 1,126sqm gross internal area.

The proposed residential mix is as follows:

- 7 x 1-bedroom 2-person flats
- 4 x 2-bedroom 3-person flats
- 6 x 2-bedroom 4-person flats

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

The first three floors would form the commercial block with the upper 4 floors of residential use. The building would be predominantly glazing and brick. The third to sixth floors would be set behind the lower floors to the rear, the lower floors would continue further into the rear of the plot. Upper floors would be served by terrace/balcony areas.

### **4. Public Consultation**

Consultation letters were sent to 497 neighbouring properties. 29 responses were received comprising 24 letters of objection and 5 letters of support. The responses received can be summarised as follows:

Objections:

- The building is too big and using other local buildings that look visually poor to justify it. The density and scale of the building will severely detract from Brent Streets amenity, architectural layouts and cause parking pressures and congestion
- The surrounding neighbourhood is mostly low rise and is densely populated with four stories being the maximum building height. A seven-story building is out of character.
- the plans show the building to be heavy and boxy, not adding anything to improve the character of the main street of Hendon.
- The developer has merely reduced the scheme massing for this proposed development from eight (8) down to seven (7) storeys in order to secure approval
- The parking spaces provided should be added to, providing parking for visitors to the centre as well as residents. 11 spaces is not enough.
- This proposal will put further pressure on already over-stretched local services.
- The proposal is in contravention of a raft of London Plan and Local Plan policies and will be out of character in this setting of lower set buildings.
- Concerned that those residents will be able to look into our gardens, which will be a serious invasion of our privacy.
- The high rise building will be overlooking our garden and will be very intrusive.

- This seven (7) storey building will have a direct line of sight into the homes and gardens of surrounding residents, robbing those residents of privacy from overlooking and the loss of light.
- Being directly behind my house it will be overlooking my garden and directly into my house dramatically impacting on my families privacy
- Noise and disturbance resulting from use.
- 32 cycle spaces will not make up for the lack of car spaces
- Site access will be via a residential road and the increased traffic will cause huge disturbance and congestion to residents as well as safety concerns for pedestrians
- No demand for this type of development locally, with similar units having remained unsold.
- The area does need rejuvenation, but this not the way to go.
- No plans for social housing in this development, leading me to suspect that this will be another 'luxury' development.

Support:

- The local community of Hendon critically need this project.
- Our area is in need of better office facilities, coupled with nice housing projects given the amount of young couples looking for accommodation in the area
- Welcome this application. It is exactly the type of scheme Barnet should embrace, modern, architecturally pleasing and creating much needed office and residential space.
- The proposal is by no means overbearing or out of kilter with the immediate neighbourhood, this will refresh the area.
- Brent Street is slowly undergoing a renaissance with many new shops, cafes
- restaurants etc and in particular some redeveloped buildings, welcome this new development, it can only further enhance this main through road in Hendon.
- We are a company trading locally and have considered the plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time. Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and look forward to seeing the proposal come to reality.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (Revised 2021) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2021

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM14, DM17.

### 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 (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Barnet Trees Policy (October 2013)
- Planning Obligation SPD (adopted April 2013)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Planning history of the site (including appeal determination)/Principle of development;
- Viability/Affordable Housing/Dwelling Mix;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Refuse provision;
- Other considerations;
- Responses to third party comments

### **5.3 Assessment**

#### Planning history of the site/Principle of Development

The application site has been subject to a number of previous applications for the construction of a mixed-use development. The most recent application, reference 20/4357/FUL, was refused consent in May 2021, details are contained within the planning history above.

The principal reasons for refusal related to the concern with the construction of a building, considered under local and regional policy as a Tall Building, at this location, as well as the overall bulk and scale of the building and its impact on the character and appearance of the area. The proposal was considered to result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings. There was no concern with the general principle of a mixed-use scheme.

Previous to this consent was granted, reference 17/7497/FUL for the following development;

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

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential development in appropriate locations. Paragraph 120 of the NPPF advises that LPA's should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The location of the proposed development on a under-utilised and previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

Therefore, there is no concern with the principle of a similarly mixed-use development within this town centre location, on a previously developed site, which existing and emerging policy continues to espouse.

#### *Appeal Determination of application 20/4357/FUL*

As detailed in the Planning History above, application 20/4352/FUL, was appealed to the Planning Inspectorate, and was determined under the Written Representations procedure. The decision to dismiss the appeal was issued on 14th April 2022. At eight stories the building was considered a tall building, with regards to local and London Plan policy.

As detailed in the discussion below relating to character and appearance, officers, and the Planning Committee that determined application 20/4352/FUL raised concern with regards to how a building, which significantly increased the built form on the site, would successfully assimilate within the lower set development along Brent Street, and within the surrounding area.

With regards to the main issues on character the Inspector concluded as below;

*.....9. The appeal site is located within Brent Town Centre and fronts Brent Street which is a busy and main thoroughfare. The appearance of the mainly linear positioned buildings along this street varies, but there is nonetheless a pleasing consistency to the height of the buildings with three and four storeys being the most common. This gives this street its distinctive character.*

10. The appeal building would be eight-storeys in height. The upper four floors would be set back from the edges of the lower floors, but despite this tapering effect the building as a whole would still be seen as a tall, dominant, bulky and materially out of scale form of development when seen against surrounding buildings. The effect would be to materially disrupt the general consistency of height to the buildings, particularly when viewed from Brent Street, thereby causing unacceptable harm to the aforementioned positive and distinctive characteristic of the immediate locality.

11. Given the above, there would be conflict with policy D9.C of the LP which requires development proposals to address visual impacts including the 'views of buildings from different distances'. There would not be an appropriate transition in scale between the appeal building and surrounding buildings.

12. Overall, the development would fail to appropriately integrate into the existing urban fabric and would appear incongruous in the street-scene. I appreciate that the appeal site has some open gaps with existing surrounding buildings, but for those travelling up and down Brent Street, this would not have the effect of suitably mitigating against the out of keeping bulk and height of the building when seen in the immediate context.

13. In reaching the above view, I am cognisant of the fact that the Council has previously approved five-storey development on the appeal site. However, such approved development was significantly lower in height than the appeal proposal and would not have the same harmful impact.

14. The appellant has referred me to examples of tall buildings and approved development elsewhere including for example the Hyde Estate Road Site , 46 Watford Way , Sentinel House, and Upper Fosters. However, these sites are not located within the same visual context as the appeal site. I have determined this appeal on its individual planning merits and on the basis of the effect of the development on the character and appearance of the immediate locality when experienced by passers-by. The examples of tall development elsewhere do not alter or outweigh my conclusion on this main issue.

As discussed the officers have never had any issue with the principle of redeveloping the site, which would accord with many relevant policies, including making use of an under-utilised brownfield site. The concern has been the amount of development proposed. As the Inspector opined;

.... 33. *I acknowledge that the proposal would seek to make very efficient use of a brownfield site. However, it is necessary that a balance is struck between achieving that aim and ensuring that the prevailing character and appearance of the area is not unduly harmed. In this case, the Council has made it clear that it does not object to some form of mixed use development being constructed on the site, and indeed it has previously approved planning permission for five-storey development on the site. The evidence is that, in principle, it would be possible to opt for a development that is less bulky and high on the site while also safeguarding the character and appearance of the site.*

34. The appeal proposal causes significant harm to the character and appearance of the area and maximising the use of the site does not, in this case, outweigh that harm. In addition, I would add that there is no evidence that in dismissing this appeal it would mean that the site was not developed as part of an alternative proposal and, in that regard, the site need not remain vacant indefinitely.

35. None of the other considerations identified above are individually or collectively of sufficient weight to alter or outweigh the harm that I have identified in respect of my conclusions on the main issues.

Officers concur with the view that there is no reason for the site to remain vacant indefinitely. With regards to the current proposal, the seventh floor has been removed and a seven storey building is now proposed. However the floorspace from this floor has been transferred to the lower floors, which in some respects results in a bulkier, more pronounced building, the more discreet upper floor now gone (discussed in character section below).

Officers do not consider that this scheme overcomes the significant concerns as detailed in the appeal determination. The recommendation to members is therefore that the application is refused, for the reasons attached to the committee report. It is considered a more appropriate balance can be struck between ensuring the site capacity is optimised, along with the other benefits which would flow, but also ensuring that the character and appearance of the area is maintained.

### *Tall Building*

Extending to 8 storeys in height the recently refused scheme was classed as a "Tall Building" under policy DM05 and CS5 of the Local Plan, emerging policy CDH04, and policy D9 of the London Plan 2021.

However, given the reduction in height to seven storeys, and a total height which is less than 26.0 metres, the current proposal would no longer be classed as a tall building and there is no requirement to assess the proposal under these policies. Further to this, the first reason to refuse consent would no longer be sustainable. As detailed above, there were further concerns relating to the previous scheme and its impact on the character of the area, and this aspect will be considered once again later in the report.

### *Employment Uses*

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

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

## New and existing employment space

### b: New employment space

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

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

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

The proposed mix of Class E and residential uses is therefore deemed acceptable in principle.

### Viability/Affordable Housing/Dwelling Mix

The proposal scheme includes a residential element of greater than 10 units as such there is a requirement to consider potential affordable housing provision and affordable housing contributions, either on site or as an in-lieu payment. It is acknowledged that the decision making framework outlines that any contributions should not render the proposal unviable or threaten the potential of the scheme coming forward for viability reasons.

Policy DM10 of the Local Plan states:

*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 proposed development is providing no affordable housing, as per the submissions on viability. Consequently, the overall provision falls considerably short of the target set by policy DM10.

The applicant has provided a viability report in support of this (Savills, October 2021) it is stated that;

*"We have appraised the Residual Land Value (RLV) of the proposed scheme using Argus Developer (Version 8) and have based our appraisal upon the plans and schedule of accommodation shown in Appendix 3. The RLV is calculated by subtracting all associated development costs and a suitable level of developer profit from the Gross Development Value (GDV) of the proposed development, which is assessed by calculating all revenues and capital receipts realised by the developer. The assumptions adopted within our appraisal have been informed by market evidence and input from independent third-party experts, where appropriate.*

We have compared the RLV to our Site Value Benchmark (SVB) to ascertain whether there is a deficit or surplus against our SVB. In this case our SVB has been determined by giving consideration to the Existing Use Value (EUV) of the Subject plus a suitable landowner premium. The EUV has been calculated through a traditional investment valuation methodology, which includes capitalising a rental income by a suitable capitalisation rate and deducting associated costs.

Viability Appraisal Result:

Residual Land Value	Site Value Benchmark	Deficit Against Benchmark
-£2.52m	£2.28m	-£4.80m

Given that the RLV generates a deficit against the SVB, the scheme is not considered commercially viable in development viability terms. Notwithstanding this, the Applicant is prepared to proceed with the project given their wider interest in the regeneration of the area. We understand the Applicant is working on this project and others in order to bring about lasting improvements. The Applicant therefore hopes that they will benefit long term from their interests in the area and, equally, that the balance of costs and values will improve over the lifetime of this project.

In light of this the applicant advises that the scheme could not make development contributions or provision for affordable housing as the scheme is already running at a deficit. The council has had the Viability Report independently appraised by BNP Paribas (BNP) - Review of "Financial Viability Assessment" (December 2021).

The applicant has used an existing use as a car park in its valuation to achieve a site value of £2.28m, which is not the lawful use of the site, and as such considered an unreasonable assumption. BNP recommended the following amendments:

- ! Increase private residential values to reflect current market expectations;
- ! Adjust commercial revenue and yield to reflect what is achievable in the current market;
- ! Reduce construction costs in line with advice received from JA;
- ! Reduce professional fees allowance to reflect current market expectations;
- ! Reduce finance rate to reflect what is achievable in the current market;
- ! Adjust disposal costs to reflect current market expectations;
- ! Reduce profit levels to reflect risk profile of the scheme; and
- ! Reduce the viability benchmark.

Under BNP's assessment and following further reductions, and an alternative use value of a storage use, the site would generate a benchmark value of £384,393, which is a significant reduction from the Savills report. BNP have undertaken an appraisal of the proposed development assuming 100% private housing in line with the Applicant's proposals, taking into account the recommended amendments. The summarised BNP appraisal results conclude;

Viability Appraisal Result:

Residual Land Value	Site Value Benchmark	Deficit Against Benchmark
£334,459	£384,393	-£49,934

The amendments identified above have resulted in a reduced deficit of -£49,934 in comparison to the deficit of -£4,800,000 concluded in the Savills appraisal results. Furthermore, section 106 contributions would result in a further development cost, which has not been included in the Savills or BNP assumptions. This would be a further development cost of circa £110,000. Therefore, whilst the deficit is much reduced, the conclusions are still that the scheme could not sustain contributions towards affordable housing.

Given the potential for variance in the construction costs, value engineering exercises which may be undertaken by the Developer after securing planning permission in an attempt to reduce their costs and the potential for 'real growth' in values achieved, the Council would include an early and late-stage review mechanism within a Section 106 Agreement on any approved scheme.

#### *Unit Mix*

The proposed development provides the following mix of units:

- 7 x 1-bedroom 2-person flats
- 4 x 2-bedroom 3-person flats
- 6 x 2-bedroom 4-person flats

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:

- For social rented housing - homes with 3 bedrooms are the highest priority
- For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority
- 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. 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 is 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 within a town centre. 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. Given the constraints of the site, its town centre location, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can be accepted. There are some concerns, but the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

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

Paragraph 125 of the NPPF acknowledges that LPA's avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It goes on to state that "local planning authorities should refuse applications which they consider fail to make efficient use of land". The National Design Guide confirms that the appropriate density will result from the context, accessibility, proposed building types, form and character of the development.

Para 69 of the NPPF recognises small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

Policy D3 of the London Plan 2021 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 - Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate.

The policy goes on to require optimisation of site capacity through a design-led approach whilst 'enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions' and responding to 'the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character' amongst other things.

Policy H.2 "Small Sites" advises that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making.

Core Strategy Policy CS5 seeks to protect and enhance Barnet's character to create high quality places.

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'.

As detailed above a previous reason for refusal (reason for refusal No.1, 20/4357/FUL) related to the construction of a building, considered under policy a tall building, at this location. However, the second reason for refusal on the same application raised concern with the wider issue of character in relation to the building. The reason for refusal stated;

2. *The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)*

The previous application, in overall finish, the structure had recessed upper residential floors (4th to 6th), the submitted Design and Access Statement advised "to reduce the bulk and prominence of the building", and a further set-in, penthouse style 7th floor. Under this proposal the 7th floor is removed, but the set in of upper floors is also removed. Therefore, on the Brent Street aspect, the upper floors follow the same form and bulk of lower floors, with the commercial lower floors extending further into the site to the rear.

The Design and Access Statement suggests that;

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

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

Given this context, and the previous decision, the council would have to be satisfied that the proposed changes overcome the previous concern, as recorded at reason for refusal No.2 or that there have been policy changes more supportive to the development.

Whilst the overall height of the building has been reduced by one storey, sitting in the above context, this will still be a visually significant structure, in particular given the increased massing over the upper floors and corresponding loss of articulation. It is noted that the adjacent post office site has recently been the subject of a planning application, with a committee resolution to grant permission subject to conditions and a s106 Agreement. This scheme was for the following development;

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

The Committee Report for the application provided the below analysis;

*....."With regards to the height of the proposed building, a total of four storeys plus additional basement level are proposed. This is not considered to be out of keeping with the scale of buildings in the local area, with several four-storey buildings on the eastern side of Brent Street. The set back of the building from the streetscene reduces its perceived height and bulk. Additionally, weight is given to the extant consent for a five-storey building, albeit with a slightly lower ridge height, at the neighbouring site at 133 Brent Street. It is considered that this establishes the acceptability of a building of this height in this location. The topmost storey is set back from the front and side elevations. This lessens the perceived scale and bulk of the building. Additionally, the height is staggered, with the proposed building only having two storeys to the rear along the Brampton Grove elevation, where the established character is more residential. The staggered height of the proposed building also breaks up its bulk and massing, such that it does not appear as overly prominent. The site coverage, while large, is comparable to the existing building"...*

The Planning Statement by SMB Town Planning Ltd, outlines how the revised scheme is in compliance with the relevant policy framework including new policy of pertinence within the London Plan.

It is evident that the London Plan places an emphasis on achieving greater densities on suitable sites and national and regional guidance both espouse the role small sites, such as the application site, can play in the delivery of housing. However, the relevant policy framework, including policy D3 of the London Plan advocate an approach which is mindful of local character and the existing setting of the site.

Officers consider the character of Brent Street, and the immediate area around the site to be low set. As discussed under application 20/4357/FUL whilst the wider area does contain taller buildings these are largely 1960's and 1970's Tower Block developments and are set off the main thoroughfare of Brent Street and in some cases are standalone, dominant structures in a wider context and setting. Although the current proposal does not meet the technical classification of a tall building, it would be a much taller structure than the surrounding development and at odds with the predominant low-scale, low-density character of the area surrounding the application. It is acknowledged the proposed development has been reduced by the removal of its upper floor but this would still be a significant structure in the setting and the analysis undertaken under the application for the eight-storey building, is still considered relevant when assessing this scheme and the character and appearance of the area, in particular, in view of the revised massing;

*The inclusion of an eight-storey building within this space and within close proximity to the lower set development, is considered to result in a visually dominant and overbearing building scale, which would be detrimental to the visual appearance and spatial character of the application site and this part of Brent Street. The proposal would be seen and experienced alongside various noticeably lower and smaller-scale developments situated along Brent Street and from the residential area to the rear. The building would appear as a large and conspicuous built addition at a prominent location in proximity to various publicly accessible routes.*

Whilst the application site is within a town centre, it is not located adjacent to an important transport hub. The application site forms part of a low-scale, low-density area, with a low-to-moderate PTAL rating and is sited immediately adjacent to two-storey dwellings. Therefore, it is not considered that there is sufficient policy or design justification for the proposed eight-storey scale and resultant departure from the predominant building scale and massing within the area surrounding the application site. The taller buildings referenced do not define the predominant character of the locality therefore, little weight would be given to the use of these structures as a justification for additional scale at the application site. Consequently, it is considered that the proposed eight-storey building scale would be out of keeping with, and detrimental to the low-scale character and appearance of this section of Brent Street and would be visually overbearing in relation to adjacent building scales in the immediate locale. It is accepted the building is recessed on the upper floors but this does not do enough to reduce the dominant impact when viewed in this lower set context around the site.

As detailed, it is acknowledged the overall height of the building has been reduced, but it is still the case this proposal would appear discordant and out of keeping within the existing streetscape.

Whilst policy encourages Local Authorities to make more efficient use of previously developed land and look for opportunities to increase density and bring forward development on small sites, which can generally be built out quicker, the policy framework also requires that decision makers give consideration to ensure new developments respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy.

Whilst this proposal has many positive attributes the level of development in respect to the overall height and massing of the proposal is excessive, a five-storey structure has previously been considered acceptable, and four storey has been considered appropriate at the adjoining post office site. This is a level of development considered more in keeping with the existing pattern of development.

The National Design Guide at Para 43 advises that well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed and is demonstrably based on an understanding of the existing situation, including... patterns of built form, to inform the layout, grain, form and scale; the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

It is noted at Para 44 that "well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities".

Officers consider the justification for an increased scale to seven storeys is provided by nearby taller buildings "Sentinel House" 11 storeys in height, "Belle Vue", and "Upper Fosters" a redevelopment which includes existing and proposed taller buildings. These buildings now appear relatively dated architecturally, are set in a different context, and at odds with the predominant low-scale, low-density character of the area surrounding the application site and are considered along with their relatively tired and dated design and materiality, to detract from the character, appearance and two-to-four storey building scale within this section of Brent Street.

As such it is considered the proposed development would appear discordant in this setting and contrary to adopted policy.

Design:

As outlined within the site description above, the area surrounding the application site comprises of a mixture of different architectural forms and elevational treatments. The most common building form visible within the part of the town centre in which the application site resides, comprises of flat roofs and brick or render cladding. The proposed development would provide a contemporary flat roofed building. It would include cladding, large areas of glazing and include private balcony areas. Its resultant appearance would reference the most common building forms within this part of Brent Street.

Officers continue to be of the view that the proposed development needs reduced in overall height, bulk and scale, but there is no in-principle objection to a more modern architectural expression at the application site.

Balconies and terraces are proposed on the upper floors of the building to the front and rear. There are examples of existing balconies on Brent Street and additionally the consented building on site, includes several balconies and terraces. As such, there is no objection to the inclusion of terraces in principle.

Once again, it is considered that a more modern design of a reduced and appropriate building scale would have a more restrained and managed impact on the character and appearance of the application site and adjacent streetscene. With a reduction in scale, it is considered that some of the more modern architectural features proposed could be accommodated within the streetscene.

It is noted that a key difference from the refused scheme is that the tiered approach, with a set in upper residential floors, and further set in uppermost floor, has been set aside in favour of a continuous block of development over all seven floors, albeit there is a 2.0m set in on the northern flank. It is acknowledged that the rear of the building does progressively step towards the more residential scale of Brampton Grove.

Whilst the balcony areas and oriel style windows to the flank, would offer some articulation, the new scheme would appear much more "boxy" with a heavy proportionality, and even though the generous paved area to the front would remain, which would provide some relief, the new design would exacerbate the buildings bulk and scale and would result in a structure which would overwhelm and dominate the visual appearance of this section of the town centre. The unredeemed mass would appear out of place in an area of finer grain, lower rise development. It is not considered the removal of the 8th floor element overcomes the previous reasons for refusal., and the building in some respects appears bulkier and heavier when compared to the previously submitted scheme.

As detailed in the previous sections, an appeal to the Planning Inspectorate has now determined on a previous application to redevelop the site. officers consider the appeal adds further weight to the case to refuse the application, and it is not considered this scheme overcomes the concerns highlighted within the Appeal Decision. officers consider the appeal is a material consideration which should attract significant weight.

## Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that

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

Privacy / Overlooking:

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

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Daylight / Sunlight:

Policy DM01 states that:

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

Further to the above, the Major's Housing SPG (2016) requires that new development avoids:

Causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.

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

The nearest residential dwelling on Brampton Grove (No.6) would once again have the rear of the proposed block facing the flank boundary of this property, and its rear amenity area. The proposed rear elevation would also again include an array of balconies and terraces to serve the new uses. It is noted that under this application the ground, first and second floors would extend closer to the common boundary with No.6 Brampton Grove than under the previous submission. Whilst the main bulk of the development (residential floors 3-7) would be located approximately 21.0m - 23.0m from the common boundary, the lower commercial floors would be located circa 7.5m-11.0m from the flank boundary of No.6. The distances as referenced above would be maintained on the residential core of the building but would be breached by the commercial lower floors. The adjoining dwelling is served by windows in the flank elevation of the property, and the private amenity space is located to the rear of the dwelling.

The plans indicate that 4 No. windows at first floor level and 2 No. windows and an amenity area at second floor, to serve the offices, would face towards No.6 at these distances.

In order to address an issue whereby proposed windows would be as close as 12.0m to existing windows on No.6 and the proposed amenity area would be from 9.5m from the boundary, the applicant proposes obscure glazing the proposed windows, and the amenity area would be behind a 1.8m high screen.

Under the previous application officers concluded;

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

As discussed above this scheme does relocate three floors of development closer to the common boundary. This would effectively result in a broad following of the existing rear wall of the Post Office building, or the rear wall of the scheme approved under 20/5081/FUL, with the rear wall of the proposed scheme, albeit the existing Post Office building is part single/part two storey and the approved scheme for that site would be part single/part two storey to the rear facing No.6 Brampton Grove.

The scheme proposes three storeys on the rear elevation, although given the fall in levels the ground floor would be part sunken into the existing raised level to the rear. It is accepted that windows serving habitable residential rooms would retain an adequate distance to avoid overlooking. It is also accepted that loss of privacy from a commercial use would be less pronounced, furthermore the use of obscure glazing and privacy screens could further mitigate this impact. However, the overall height of this section of the building and its position relative to the flank boundary of No.6 will have some impact.

However, it is considered that this additional bulk to the rear would not appear seriously overbearing when viewed from No.6. The site is located at a more urban location, which will have a tighter built form, and a development of this nature on the flank, whilst having some impact on outlook on this aspect, this would not be to a serious level. The property is served by a generous rear garden, and good levels of amenity would remain. As stated, obscure glazing and screens could be used to reduce concerns about overlooking, and Local Authorities should look for design solutions to ensure the more efficient development of vacant plots, notwithstanding the design/character concerns discussed above.

With regards to Daylight/Sunlight, the applicant has submitted a survey (Right to Light, Daylight/Sunlight Report, Neighbouring Properties, 03 September 2021). In reference to No.6 the report concludes adequate levels of daylight and sunlight could be achieved and the scheme would not lead to the serious overshadowing of windows.

Homestead, to the north-west, is a three-storey residential building which comprises of 8no. flats along the flank boundary of the site. As with No.6 Brampton Grove, the relationship of this new scheme to Homestead has altered from the previous submission, were no serious impact was concluded.

The further extension of the rear aspect would bring the development closer to the facing elevation of Homemead. The proposed windows along the northern elevation would face towards Homemead.

Under the previous application, a combination of obscure glazing, balcony screens and window angling was sufficient for officers to conclude that impact could be reduced to an acceptable level. Once again there would be the use of obscure glazing, screening to balconies, and the angling of residential windows serving residential rooms (floors 4-7), in an oriel style - clear glazed facing towards Brent Street, obscure glazed facing Homemead. This would have some success in reducing overlooking between properties.

The northern flank wall of the scheme now extends further into the site, the distances between the proposed flank and the rear elevation of Homemead is now reduced in places to 9.0m between elevations. The position of a commercial balcony at second floor level, would reduce the impact that a full second floor wall would have, however given these distances there would be some loss of outlook to rear windows on Homemead and from the small communal amenity area to the rear of Homemead.

With regards to Sunlight, the report concludes that all relevant windows pass the sunlight test.

In relation to Daylight, the Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.

It is stated that "all windows with a requirement for daylight pass the Vertical Sky Component test with the exception of windows 47, 48, 53 & 58 at Homemead, which experience before/after ratios of between 0.65 and 0.75 (against the BRE 0.8 recommendation). These windows achieve high retained VSC scores of between 23.4% to 26.9% and would be located opposite the flank of the new development.

It is stated that there is growing recognition that in more built-up areas a score greater than 20% may be considered suitable, and at present the rear windows have an open aspect so some impact will result. The site is not a high-density location, such as examples from more inner London Boroughs which have been quoted, where lower values were accepted, and it is noted that the BRE Guide advises numerical values are not to be applied rigidly. However it is accepted the current undeveloped site results in a currently high score and that the open aspect currently enjoyed will therefore result in a higher loss (as below);

	Before	After	Loss	Ratio
Window 47	Domestic	36.0%	25.7%	10.3% 0.71
Window 48	Domestic	36.2%	23.4%	12.8% 0.65
Window 53	Domestic	37.6%	26.9%	10.7% 0.72
Window 58	Domestic	33.8%	25.4%	8.4% 0.75

The target VSC for a window, whereby it would meet the BRE criteria is 27% and therefore the windows only fall marginally short of that target by a maximum of 3.6%.

It is therefore the case that there would be some loss of daylight and outlook to rear facing windows at Homemead, and this is acknowledged. It is also the case that, as discussed above, the council should look for opportunities to optimise the redevelopment of vacant plots. On balance, it is not considered the proposed scheme would seriously impact on the amenity of residents of Homemead, the rear aspect currently enjoys an unrestricted outlook, which will be inevitably infringed by redevelopment, and it is not the case that this would be to any serious levels. The obscure glazing/screening measures could be agreed with appropriate conditions.

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

In relation to the approved scheme at the Post Office site, there would be no serious impact on this community building. However, in light of the foregoing it is considered the scheme would impact negatively on the amenity of some neighbouring residents.

### Living standards for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects 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.

A mix of 1 and 2 bedroom units are proposed, with the following London Plan requirements;

- (1 Bedroom/1 person): London Plan requirement = 39m<sup>2</sup>
- (1 Bedroom/2 persons): London Plan requirement = 50m<sup>2</sup>
- (2 bedroom/3 person): London Plan requirement = 61m<sup>2</sup>
- (2 Bedroom/4 Persons): London Plan requirement = 70m<sup>2</sup>

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

#### Floor Area:

3rd Floor	Flat 1	1 Bed 2 Person	51.50 sqm
3rd Floor	Flat 2	1 Bed 2 Person	66.00 sqm
3rd Floor	Flat 3	1 Bed 2 Person	50.50 sqm
3rd Floor	Flat 4	2 Bed 3 Person	67.60 sqm
3rd Floor	Flat 5	1 Bed 2 Person	69.90 sqm
4th Floor	Flat 6	1 Bed 2 Person	51.50 sqm
4th Floor	Flat 7	2 Bed 4 Person	77.00 sqm
4th Floor	Flat 8	2 Bed 4 Person	75.70 sqm
4th Floor	Flat 9	2 Bed 3 Person	68.40 sqm
5th Floor	Flat 10	1 Bed 2 Person	51.50 sqm
5th Floor	Flat 11	2 Bed 4 Person	77.00 sqm
5th Floor	Flat 12	2 Bed 4 Person	75.70 sqm
5th Floor	Flat 13	2 Bed 3 Person	68.40 sqm
6th Floor	Flat 14	1 Bed 2 Person	51.50 sqm

6th Floor	Flat 15	2 Bed 4 Person	77.00 sqm
6th Floor	Flat 16	2 Bed 4 Person	75.70 sqm
6th Floor	Flat 17	2 Bed 3 Person	68.40 sqm

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Light/outlook:

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

It is noted that unit No.3 would be single aspect north-facing. The Mayor's 2016 Housing SPG, states in Standard 32 that "All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight."

Standard 29 states that: "Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided."

Paragraph 2.3.40 of the Mayor's Housing SPG states: "Good single aspect one and two bedroom homes are possible where limited numbers of rooms are required, the frontage is generous, the plan is shallow, the orientation and or outlook is favourable, and care is taken to mitigate the potential for overheating without the need for mechanical cooling".....

In this specific case, a depth of 8.0m is not considered particular shallow, however both the bedroom and the living area would open onto a balcony area and it is considered reasonable outlook from its elevated third floor location would exist. On a seventeen-unit scheme, this one, north facing unit, which would have reasonable levels of amenity value can be justified.

It is also noted that bedrooms in the north elevation (floors 4-7) would be served by oriel style windows with obscure glazed panes facing towards Homemead and clear glazed panes facing towards Brent Street.

The fact that window panes facing directly out of the room would not be used, would have result in some compromising of the amenity from these rooms, however it is considered that a reasonable level of amenity would be provided and this arrangement can be accepted.

It is considered that each flat would receive an acceptable level of outlook and daylight /sunlight as detailed in the submitted assessment.

#### Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m<sup>2</sup> per habitable room. A room measuring 20m<sup>2</sup> or more is calculated as two habitable rooms.

Not all the proposed units are served by balcony/outdoor amenity areas to provide an individual level of private amenity space to serve the residents of the development.

The development has a requirement to provide 305 sq. m of private amenity space and it is evident it provides significantly less at 107 sq. m, a shortfall of 198 sq. m. The council's SPG Guidance "Sustainable Design and Construction" acknowledges that "Higher density development, such as flats may not always be able to provide amenity space to the standards outlined.... Where the standards cannot be met, and an innovative design solution is not possible the council will seek a Planning Obligation".

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

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

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

The overall development and the individual units do not meet the policy requirement, even units with amenity space are under-provided with the amenity range of 5.0sq. m - 8.0 sq. m being provided, and no communal space, to off-set this, can be provided. Public amenity space in the area is not readily accessible, Hendon Park is 650m from the site, and the local public realm provides little in the way of amenity value for future residents.

It is considered a contribution of £50 sq m x 198 sq m (£9,900) of shortfall on these units can be justified, and the contribution, securable through a s106 obligation, could be used for use in improvements to Hendon Park. It is considered that such an obligation would meet the test of CIL Regulation 122, and would be necessary to make the development acceptable in planning terms. Given the tight confines of the site, its town centre location, the desire to optimise the development of a brownfield site, in this case, the shortfall on amenity space can be accepted, with this in lieu payment recognised as mitigation.

The applicant has submitted a draft Heads of Terms agreeing an in lieu contribution.

#### Accessibility:

The proposed development is required to be designed to comply with M4(2) and (3) standards. This could be secured via condition.

#### Highways

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

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

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

#### Parking:

The proposal seeks to provide 17no residential units (7x1bed, 10x2bed) and 1,264sqm of Class E (Commercial Business and Service) floorspace. Based on Policy DM17 of Barnet's Development Management DPD, the required parking provision for the residential apartments is 10 -24no spaces. It is noted the London Plan (2021) advises a maximum parking of 12.75 spaces to serve the residential element of this development. With regard to the Class E element, for outer London sites it is 1 space per 100-600sqm GIA which equates to 3 -13no spaces.

Whilst the PTAL rating of 2 is low, the Local Highway Authority accept 11no spaces to serve the development. Given that the site is in a town centre location with good access to bus services, the provision is considered to be acceptable, subject to consideration of the displaced residual demand.

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

Based on the results of the parking survey and considering the level of parking demand associated with the scheme, it is considered that there is sufficient on-street parking spaces to accommodate any displacement from the scheme, in accordance with the provisions of DM17. Highways have accepted the number of proposed spaces and survey result - though they advise the applicant agrees to enter into a s106 agreement to deny residents of the development the right to purchase CPZ permits.

Given the provision accords with the requirements of the Development Plan however, an obligation to restrict permits is not considered to meet the tests set out in the NPPF.

#### Cycle Parking:

Based on London Plan standards, for the proposed residential units, a minimum of 30 no cycle parking spaces are required, together with 10 no long stay and 3 no short stay spaces for the Class E element. 30 no long term cycle parking spaces are proposed for the residential units and 12 no long stay spaces are proposed for the Class E use - but no short stay cycle parking is indicated on the ground floor plan.

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

#### Electric vehicle charging:

Electric vehicle charging points are to be provided in accordance with London Plan standards. This is considered to be achievable in principle and the type of charging points to be installed could be reserved by way of a planning condition in the event of an approval.

#### Internal layout, Access and Servicing:

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

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

The applicant has provided further details (TPA Transport Planning Associates, August 2021) which has been reviewed by Highways. Additional signage and safety measures are recommended, however highways are content this can be agreed by condition.

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

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

## Parking Management Plan:

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

## Travel Plan:

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

This is to be secured via a section 106 agreement. In addition, a contribution of £300 to fund green travel plan measures such as oyster cards, cycle loan, car club, etc for each household is requested. This makes a total of £15,100

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

## Planning obligations:

The following planning obligations are recommended:

- 1) That the applicant enters into a s184 agreement for the proposed off-site highways works listed associated with the development
- 2) A financial contribution of £10k is requested towards travel plan monitoring
- 3) A financial contribution of £300 per household towards green travel measures such as oyster cards, cycle loan, car club, etc. (£5,100)

## Other Matters

### *Refuse*

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

### *Trees and Landscaping*

The Trees and Landscaping Officer advises that the tree report highlights that there would be impacts on trees growing on adjoining land within Homemead and that these trees would help soften the visual massing of the building at a human level. A detailed method statement is required to minimise the harm to the trees and the root system.

## Landscaping:

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

There is no meaningful scope to provide soft landscape within the site boundary, yet the building - being 2 stories higher than the previous approval - would require significantly greater visual softening. Therefore, it is considered that new trees could be provided on the streets locally.

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

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

Given the scale of the development, 40no street trees would provide some level of improvement and mitigation in relation to the visual impact of the building and to compensate for the future threat to these trees and their high amenity value. These could be secured as part of the Section 106 Agreement in the event of an approval (40 new trees at £650.00/tree being a total contribution of £26,000). The applicant, through the draft Heads of Terms document, does agree an undetermined contribution to street trees as mitigation.

## *Ecology:*

The applicant has provided details of biodiversity net gain and ecological enhancements (Eight Associates 17th September 2021 "Biodiversity Net Gain"), these enhancements could be agreed by condition on any approved scheme. A green/brown roof is appropriate for this application and would contribute to the ecological enhancement. The details can be secured by condition.

A Preliminary Ecological Appraisal (Eight Associates, 13th September 2021) has been submitted and assessed by the council's ecologist. No further surveys in relation to protected species are required.

The site was found to have low ecological value with scattered trees on its boundaries and ephemeral/short ruderal within the site boundary to provide limited habitat for bats and nesting birds. The development is expected to have little impact on statutory sites near to the development.

Local Biodiversity Policy and compliance with EU & UK legislation for protected species is also reviewed and discussed. Recommendations have been made to mitigate any impact from the development and ensure that the site is enhanced for wildlife and a gain for biodiversity in line with national and local policy. It is considered that if all recommendations within this report are implemented, it is considered that the development will have minimal impact on the ecology of the site and zone of influence.

## *Drainage*

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

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

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

## *Assessment of Flood Risk*

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

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

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

The applicant has submitted a SUDS Strategy (Eight Associates 26th January 2021) to address this aspect of the scheme. This has been reviewed by the Council's Drainage Consultants who accept the conclusions of the submission, including the Flood Risk Assessment conclusions.

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

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

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

## *MET Police*

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

## Environmental Health

### NOISE:

Even if the proposed commercial premises is an office use, it will need to be ensured there is enough absorption to ensure that noise does not travel up from the floor through the walls to the residential premises.

No objections subject to conditions agreeing noise and air quality mitigation measures.

### Construction Management Plan:

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

## *Sustainability*

The proposed carbon dioxide savings measure result in an overall saving of 52.50%, exceeding the on-site target set within policy SI.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO<sub>2</sub> emissions, equating to a financial contribution of £56,450 to the Borough's offset fund, the shortfall in carbon emission tonnes per annum over 30 years at a cost of £95 per tonne, in line with Greater London Authority Guidance, and as detailed in the council's Sustainable Design and Construction SPG (para.2.8.4). This could be secured by Legal Agreement.

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

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

## **5.4 Response to Public Consultation**

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

Objections:

- The building is too big and using other local buildings that look visually poor to justify it. The density and scale of the building will severely detract from Brent Streets amenity, architectural layouts and cause parking pressures and congestion
- The surrounding neighbourhood is mostly low rise and is densely populated with four stories being the maximum building height. A seven-story building is out of character.
- the plans show the building to be heavy and boxy, not adding anything to improve the character of the main street of Hendon.
- The developer has merely reduced the scheme massing for this proposed development from eight (8) down to seven (7) storeys in order to secure approval

Response: See design and character sections above.

- The parking spaces provided should be added to, providing parking for visitors to the centre as well as residents. 11 spaces is not enough.
- This proposal will put further pressure on already over-stretched local services.
- 32 cycle spaces will not make up for the lack of car spaces

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

- Concerned that those residents will be able to look into our gardens, which will be a serious invasion of our privacy.
- The high rise building will be overlooking our garden and will be very intrusive.
- This seven (7) storey building will have a direct line of sight into the homes and gardens of surrounding residents, robbing those residents of privacy from overlooking and the loss of light.
- Being directly behind my house it will be overlooking my garden and directly into my house dramatically impacting on my families privacy

Response: See amenity sections above.

- Noise and disturbance resulting from use.
- Site access will be via a residential road and the increased traffic will cause huge disturbance and congestion to residents as well as safety concerns for pedestrians

Response: Disturbance can be reduced with appropriate conditions.

- No demand for this type of development locally, with similar units having remained unsold.
- The area does need rejuvenation, but this not the way to go.
- No plans for social housing in this development, leading me to suspect that this will be another 'luxury' development.

Response: The site is within a designated town centre where commercial uses are directed. It is considered that the principle of a mixed-use development, served by smaller unit sizes is not, in itself, objectionable.

Support:

- The local community of Hendon critically need this project.
- Our area is in need of better office facilities, coupled with nice housing projects given the amount of young couples looking for accommodation in the area
- Welcome this application. It is exactly the type of scheme Barnet should embrace, modern, architecturally pleasing and creating much needed office and residential space.
- The proposal is by no means overbearing or out of kilter with the immediate neighbourhood, this will refresh the area.
- Brent Street is slowly undergoing a renaissance with many new shops, cafes
- restaurants etc and in particular some redeveloped buildings, welcome this new development, it can only further enhance this main through road in Hendon.
- We are a company trading locally and have considered the plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time. Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and look forward to seeing the proposal come to reality.

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

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

It is accepted the scheme has been revised and reduced from the previous submission, however, the proposed development would still represent a departure from the policies contained within the adopted Development Plan, against which other material considerations do not provide compelling justification to determine otherwise - as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The proposal is considered to be excessive at this location for the reasons highlighted above, resulting in unacceptable harm to the character and appearance of the area. This conclusion is supported by an appeal determination weighed against the development of a building on the site significantly over and above previous approvals. The application is therefore recommended for REFUSAL

