

LOCATION: North London Business Park, Oakleigh Road South,
London, N11 1GN.

REFERENCE: 22/1579/S73 **Received:** 25 March 2022
Accepted: 25 March 2022

WARD: Brunswick Park **Expiry:** 24 June 2022

APPLICANT: Comer Homes Group

PROPOSAL: Variation of condition 1 (Approved Plans) of planning permission reference 15/07932/OUT dated 24/02/20 for 'Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.' Variation to include: Changes to the school: Changes to the main access point on Brunswick Park Road: Changes to phasing

RECOMMENDATION

RECOMMENDATION 1:

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 11 October 2018 pursuant to planning permission 16/8173/FUL in accordance with the amendments proposed under this planning application.

RECOMMENDATION 2:

That subject to the completion of the legal agreement specified under Recommendation, the Committee grants delegated authority to the Service Director Planning & Building Control or Head of Development Management 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 his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Conditions

1. The development of Phase 0 and Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:

Block 0 – School

FS0200-STL-01-00-DR-A-0200-Teaching Block - Proposed Ground Floor Plan
FS0200-STL-01-01-DR-A-0201-Teaching Block - Proposed First Floor Plan
FS0200-STL-01-02-DR-A-0202-Teaching Block - Proposed Second Floor Plan
FS0200-STL-01-B1-DR-A-0204-Teaching Block - Proposed Basement Plan
FS0200-STL-01-EL-DR-A-0300-Teaching Block - Proposed Elevations North and South
FS0200-STL-01-EL-DR-A-0301-Teaching Block - Proposed Elevation West
FS0200-STL-01-EL-DR-A-0302-Teaching Block - Proposed Elevation East
FS0200-STL-01-R1-DR-A-0203-Teaching Block - Proposed Roof Plan
FS0200-STL-01-SX-DR-A-0400-Teaching Block - Proposed Building Section - Sheet 1
FS0200-STL-01-SX-DR-A-0401-Teaching Block - Proposed Building Section - Sheet 2
FS0200-STL-01-SX-DR-A-0402-Teaching Block - Proposed Building Section - Sheet 3
FS0200-STL-02-00-DR-A-0205-Sports Block - Proposed Ground Floor Plan
FS0200-STL-02-EL-DR-A-0303-Sports Block - Proposed Elevation North and East
FS0200-STL-02-EL-DR-A-0304-Sports Block - Proposed Elevation South and West
FS0200-STL-02-R1-DR-A-0206-Sports Block - Proposed Roof Plan
FS0200-STL-02-SX-DR-A-0403-Sports Block - Proposed Building Section - Sheet 1
FS0200-STL-XX-EL-DR-A-0310-Overall Site - Proposed Elevation East
FS0200-STL-ZZ-XX-VS-A-0050-Proposed External Views - Visitor Entrance 1
FS0200-STL-ZZ-XX-VS-A-0051-Proposed External Views - Visitor Entrance 2
FS0200-STL-ZZ-XX-VS-A-0052-Proposed External Views - Pupil Entrance
FS0200-STL-ZZ-XX-VS-A-0053-Proposed External Views - Year 7 Area
FS0200-STL-ZZ-XX-VS-A-0054-Proposed External Views - Sports Hall Frontage
FS0200-STL-ZZ-XX-VS-A-0055-Proposed External Views - Aerial 1
FS0200-STL-ZZ-XX-VS-A-0056-Proposed External Views - Aerial 2
FS0200-ALA-XX-XX-DR-L-0001 Phase 0 - Landscape Illustrative Masterplan_P06

Block 1B

211_1B-02_00-Rev A Block 1B, Ground Floor and First Floor Plan;
211_1B_02_01-Rev A - Block 1B, Attic Floor and Roof Plan;

211_1B-04_01 - Block 1B, North & South Elevations;
211_1B_04_02-Rev A - Block 1B, East & West Elevations and Section AA; Block
1C & 1D 211_B1CB2D_02_001 - Basement Plan;
211_B1CB2D_02_00-Rev A - Ground Floor Plan;
211_B1CB2D_02_01-Rev A - First Floor Plan;
211_B1CB2D_02_02-Rev A - Second Floor Plan;
211_B1CB2D_02_03-Rev A - Third Floor Plan;
211_B1CB2D_02_04-Rev A - Fourth Floor Plan;
211_B1CB2D_02_05-Rev A - Fifth Floor Plan;
211_B1CB2D_02_06-Rev A - Sixth Floor Plan;
211_B1CB2D_02_07-Rev A - Seventh Floor Plan;
211_B1CB2D_02_08-Rev B - Roof Level;
211_B1CB2D_04_01-Rev A - Block 1C and Block 1D, East Elevation;
211_B1CB2D_04_02 - Block 1C and Block 1D, West Elevation;
211_B1CB2D_04_03 - Block 1C, South and North Elevation;
211_B1CB2D_04_04 - Block 1D, South Elevation;
211_B1CB2D_04_05-Rev A - Block 1D, North Elevations;
211_B1CB2D_05_01-Rev A - Block 1C and Block 1D Section AA;
211_B1CB2D_05_02-Rev A - Block 1C and Block 1D Section BB;
211_B1CB2D_05_03 - Block 1C Section DD and CC;
211_B1CB2D_05_04-Rev A - Block 1D Section EE and FF;

Block 1C & 1D

211_B1CB2D_02_001 - Basement Plan;
211_B1CB2D_02_00-Rev A - Ground Floor Plan;
211_B1CB2D_02_01-Rev A - First Floor Plan;
211_B1CB2D_02_02-Rev A - Second Floor Plan;
211_B1CB2D_02_03-Rev A - Third Floor Plan;
211_B1CB2D_02_04-Rev A - Fourth Floor Plan;
211_B1CB2D_02_05-Rev A - Fifth Floor Plan;
211_B1CB2D_02_06-Rev A - Sixth Floor Plan;
211_B1CB2D_02_07-Rev A - Seventh Floor Plan;
211_B1CB2D_02_08-Rev B - Roof Level;
211_B1CB2D_04_01-Rev A - Block 1C and Block 1D, East Elevation;
211_B1CB2D_04_02 - Block 1C and Block 1D, West Elevation;
211_B1CB2D_04_03 - Block 1C, South and North Elevation;
211_B1CB2D_04_04 - Block 1D, South Elevation;
211_B1CB2D_04_05-Rev A - Block 1D, North Elevations;
211_B1CB2D_05_01-Rev A - Block 1C and Block 1D Section AA;
211_B1CB2D_05_02-Rev A - Block 1C and Block 1D Section BB;
211_B1CB2D_05_03 - Block 1C Section DD and CC;
211_B1CB2D_05_04-Rev A - Block 1D Section EE and FF;

Block 1E & 1F

211_B1EB1F_02_001 - Basement Plan
211_B1EB1F_02_00-Rev A - Ground Floor Plan;
211_B1EB1F_02_01-Rev A - First Floor Plan;
211_B1EB1F_02_02-Rev A - Second Floor Plan;

211_B1EB1F_02_03-Rev A - Third Floor Plan;
211_B1EB1F_02_04-Rev A - Fourth Floor Plan;
211_B1EB1F_02_05-Rev A - Fifth Floor Plan;
211_B1EB1F_02_06-Rev A - Sixth Floor Plan;
211_B1EB1F_02_07-Rev A - Seventh Floor Plan;
211_B1EB1F_02_08-Rev B - Roof Plan;
211_B1EB1F_04_01 - B1EB1F - West Elevation;
211_B1EB1F_04_02-Rev A - B1EB1F East Elevation;
211_B1EB1F_04_03-Rev A - B1F North Elevation & South Elevation;
211_B1EB1F_04_04-Rev A - B1E North & South Elevations;
211_B1EB1F_05_01-Rev A - Block 1E & Block 1F, Section AA;
211_B1EB1F_05_02-Rev A - Block 1F, Section BB & CC;
211_B1EB1F_05_03-Rev A - Block 1E, Section DD.

Landscape Drawings

HED_1140_RBP_P1_0001-Rev 05 - Phase 1 Landscape: General Arrangement;
HED_1140_RBP_P1_0002-Rev 03 - Phase 1 Hard Landscape: Area 01;
HED_1140_RBP_P1_0003-Rev 02 - Phase 1 Hard Landscape: Area 02;
HED_1140_RBP_P1_0004-Rev 04 - Phase 1 Hard Landscape: Area 03;
HED_1140_RBP_P1_0005-Rev 03 - Phase 1 Landscape Planting: Area 01;
HED_1140_RBP_P1_0006-Rev 02 - Phase 1 Landscaping Planting: Area 02;
HED_1140_RBP_P1_0007-Rev 04 - Phase 1 Landscaping Planting: Area 03;
HED_1140_RBP_P1_0008-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0009-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0010-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0011-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0012-Rev 00 - Phase 1 Illustrative Materials Palette;
HED_1140_RBP_P1_0013-Rev 04 - Phase 1 Trees for Retention + Proposed +
Removal; HED_1140_RBP_P1_0014-Rev 00 - Phase 1 Landscape Terraces;
HED_1140_RBP_P1_0015-Rev 00 - Phase 1 School Play Area;
HED_1140_RBP_P1_0016-Rev 00 - Phase 1 Residential Street;
HED_1140_RBP_P1_0017-Rev 00 - Phase 1 Lake & Board Walk;
HED_1140_RBP_P1_0018-Rev 00 - Phase 1 Private Gardens (front);
HED_1140_RBP_P1_0020-Rev 00 - Phase 1 Street Section (Parkway);
HED_1140_RBP_P1_0021-Rev 00 - Phase 1 Intensive Green Roof;

Highways Drawings

0031-PHL-01-Rev C - Preliminary Highway Layout Sheet 1;
0031-PHL-02-Rev C - Preliminary Highways Layout Sheet 2;
0031-PHL-03-Rev C - Preliminary Highway Profile Sheet 1;
0031-PHL-04-Rev C - Preliminary Highway Profile Sheet 2;
0031-PHL-05-Rev C - Preliminary Highway Profile Sheet 3;
0031-PHL-06-Rev B - Preliminary Highway Profile Sheet 4;
0031-PHL-07-Rev B - Phase 1 Highway Layout;
0031-PHL-08-Rev A - Highway Access Plan;
0031-PDL-100-Rev A - Phase 1 Preliminary Drainage Layout;
0031-PDL-101-Rev A - Proposed Detention Basin;
0031-PDL-200-Rev A - Preliminary Drainage Layout.

ST-3013-700-Means of Access

2. *Either Phase 0, or Phase 1, hereby permitted shall begin no later than 3 years from the date of the original permission (24 February 2020).*

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. *Other than Ground Works and Site Preparation Works (site clearance, site hoarding, decontamination) no development shall commence within either Phase 0 or Phase 1 until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with the development of the relevant phase (either 0 or 1), has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:*

Construction site and works

- i. Site information (including a site plan and management structure);*
- ii. Description of works, equipment and storage;*
- iii. Programme of works;*
- iv. Temporary hoarding and fencing;*
- v. Temporary works;*
- vi. Interim drainage strategy;*
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority);*

Construction management and procedures

- viii. Code of Construction Practice;*
- ix. Consultation and neighbourhood liaison;*
- x. Staff training and briefing procedures;*
- xi. Schedule of environmental legislation and good practice;*
- xii. Register of permissions and consents required;*
- xiii. Environmental Audit Programme;*
- xiv. Environmental Risk Register;*
- xv. Piling Works Risk Assessment;*
- xvi. Health and safety measures;*
- xvii. Complaints procedures;*
- xviii. Monitoring and reporting procedures;*

Demolition and waste management

- xix. Demolition audit;*
- xx. Site clearance and waste management plan;*
- xxi. Asbestos survey and disposal strategy;*

Construction traffic

- xxii. Construction traffic routes;*

xxiii. *Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)*

Environmental Management

- xxiv. *Ecology surveys and management plan (as required by the ES) in relation to any existing ecological features that may be affected by works in that Development Phase.*
- xxv. *Measures to minimise visual impact during construction*
- xxvi. *Measures to minimise noise and vibration levels during construction;*
- xxvii. *Measures to minimise dust levels during construction;*
- xxviii. *Measures to control pollution during construction (including a Pollution Response Plan);*
- xxix. *Construction lighting strategy, including measures to minimise light spill;*
- xxx. *Measures to reduce water usage during construction;*
- xxxi. *Measures to reduce energy usage during construction;*
- xxxii. *Any other precautionary and mitigation measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register;*

Phase 0 and Phase 1 shall thereafter be implemented in accordance with the Construction Environmental Management Plan relevant to each individual phase as approved by the LPA.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highways and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan 2015.

4. A contamination remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The scheme shall be in accordance with the approach to remediation set out in the Environmental Statement, and the remediation scheme shall be implemented as approved prior to the occupation of either Phase 0 or Phase 1.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

5. In accordance with the ES, and unless otherwise agreed with the Local Planning Authority, no construction works shall occur outside of the following times:

08:00 - 18:00 hours weekdays;
08:00 - 13:00 hours Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

6. Vegetation clearance should take place outside the bird breeding season (October to February). In accordance with the ES, any clearance of vegetation with the potential to support nesting birds during this period may only occur following a check by a qualified ecologist. If any active nests are found, works must cease, the area left in situ and an appropriate buffer zone established until such time as a qualified ecologist confirms that the nest is no longer in active use.

The clearance of vegetation within the gardens of properties that adjoin Rohan Drive must be undertaken according to a precautionary working method, with progressive clearance undertaken under the supervision of a qualified ecologist during the period that reptiles are active (April to September).

Reason: To avoid the potential for an offence under the Wildlife and Countryside Act 1981, as amended.

7. No development within either Phase 0 or Phase 1 shall commence (with the exception of Ground Works and Site Preparation Works) until a scheme of Advanced Infrastructure Works for the relevant phase is submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Underground drainage details;*
- ii. Below ground energy infrastructure;*
- iii. Below ground services and utilities;*
- iv. Ground Works, earthworks, contouring and levels;*
- v. A statement of compliance with the site wide strategies (including the DAS Volume I and Addendum sections 6.19, 7.1 - 7.16, 8.1 - 8.3 and approved Primary Control Documents).*

Development of Phase 0 and Phase 1 shall be carried out in accordance with the approved scheme for that relevant phase.

Reason: To ensure appropriate arrangements are made for servicing, utilities and infrastructure and to avoid potential conflicts between any impacts upon the development as proposed and its servicing, utilities and infrastructure, in the interests of a sustainable development in accordance with the NPPF.

8. No Surface Infrastructure Works shall commence within the relevant Development Phase until a scheme of Landscaping Works for that Development Phase is submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the scheme shall include:

- I. Design and location of electricity sub stations, including surface treatment and

- means of enclosure;
- II. Vehicle parking and surfacing treatment (including petrol / oil interceptors);
 - III. Surface drainage details;
 - IV. Surface materials and finishes;
 - V. Cycle parking locations and details;
 - VI. Highways details (e.g. crossing and kerb heights);
 - VII. Access and wayfinding strategy;
 - VIII. Materials, types and siting of all fencing, boundary treatments, gates or other enclosures (including temporary arrangements to be in place until the site is completed in full);
 - IX. Street furniture, lighting and signage;
 - X. Children's play spaces and play provision;
 - XI. Details of all proposed trees, hedge, shrub and other planting and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizing, density and arrangement;
 - XII. Ecological enhancements (in accordance with ES);
 - XIII. The position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
 - XIV. Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - XV. The position of any proposed excavation within the recommended protective distance referred to in BS5837:2012;
 - XVI. Means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use.
 - XVII. Details and specifications of all play, sport and recreational features to be included within the landscaped areas;
 - XVIII. Details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings.
 - XIX. Timing of planting.

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

9. Prior to the occupation of each building within Phase 0 and Phase 1, a scheme of bird and bat boxes for that building shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved shall be installed and maintained over the lifetime of the development.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with Policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2015.

10. *Phase 0 and Phase 1 shall be undertaken in accordance with the drainage strategy outlined in the Environmental Statement. No foul or surface water from the site shall be discharged into the public system until the drainage works set out in the strategy have been completed.*

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

11. *If within a period of five years from the date of planting of any tree within Phase 0 or Phase 1, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next available planting season.*

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with Policies DM01 and DM02 of the Barnet Local Plan and Policies 3.6 and 7.21 of the London Plan 2015.

12. A Car Parking Management Strategy for Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of Phase 1. The strategy shall be in accordance with that set out in the Transport Assessment and Addendum. The Strategy shall thereafter be implemented as approved.

Reason: to ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and also, to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Barnet Local Plan Policy CS9 of Core Strategy (adopted) and Policy DM17 of Development Management Policies (adopted).

13. 10% of residential units in Phase 1 shall be designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users.

Reason: to ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and to ensure that parking is provided and managed in line with the Council's standards in the interest of highway and pedestrian safety in accordance with Barnet's Local Plan Policy CS9 of the Core Strategy and DM17 of Development Management Policies Document.

14. Prior to the construction of any building within Phase 0 or Phase 1 the following details for that building shall be submitted to and approved in writing by the Local Planning Authority:

- i. Full details (including samples, where appropriate) of the materials and finishes to be used on all external surfaces;
- ii. Doors, entrances, windows (including glazing specifications) and balconies (including drawings and sections showing thresholds to adjacent internal spaces and drawings and sections of privacy screens);
- iii. Details of the design and access controls for the car park gate(s);
- iv. Building lighting;
- v. Podium details (including hard and soft landscaping, planting species, furniture and play provision);

- vi. Details of bio-diverse roofs;
- vii. Details of any building security measures including CCTV;

Development shall be carried out in accordance with the approved details and the scheme shall thereafter be maintained in secure and good working order for the lifetime of the development.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS5 and DM01 of the Barnet Local Plan and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

15. Notwithstanding the details submitted with the application, prior to the construction of any building within Phase 0 or Phase 1, the following details shall be submitted to and approved in writing by the Local Planning Authority for each individual building:

- i. Enclosures, screened facilities and / or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. Satisfactory points of collection; and,
- iii. Details of the refuse and recycling collection arrangements.

The refuse and recycling facilities shall be provided fully in accordance with the approved details before the relevant block is occupied and the development shall be managed in accordance with the approved details.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with Policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Local Plan.

16. Prior to the construction of any building within Phase 0 or Phase 1, details of all extraction and ventilation equipment to be installed for that building shall be submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a report carried out by a qualified acoustic consultant that assesses the likely noise impacts from the development of the ventilation and extraction plant, and proposed mitigation measures for the development if necessary. The development shall be carried out in accordance with approved details before first occupation of each relevant phase and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan.

17. The level of noise emitted from any plant within Phase 0 or Phase 1, including ventilation equipment hereby approved shall be at least 5dB(A) below the

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD and 7.15 of the London Plan.

18. Prior to the occupation of either Phase 0 Phase 1, details of the energy supply network for that specific phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall be in accordance with the Energy Statement and Addendum and shall include:

- i. Details of connections available for each building;
- ii. Proposals for the staged installation of plant within the energy centre and any temporary energy provision required
- iii. Details of safeguarded connections to an area wide heat network if found to be feasible following further engagement with the local planning authority and GLA.
- iv. Details of any potential future connections available to nearby buildings;
- v. A statement of compliance with the site wide Energy Statement and Addendum.

The relevant phase shall thereafter be implemented in accordance with the approved strategy”.

Reason: to ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.2 and 5.6

19. CHP and / or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London’s Plan Sustainable Design and Construction SPG document.

Reason: To comply with the London Plan’s SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

20. Prior to the construction of any building in Phase 1 not including the School and associated buildings, a rainwater and grey water feasibility study, investigating the potential for incorporating rainwater or grey water recycling into building across Phase 1, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.13, 5.14 and 5.15.

21. Prior to occupation of Phase 0 or Phase 1, an External Lighting Assessment of lighting proposed within that specific phase shall be submitted to and approved in writing by the Local Planning Authority. The external lighting assessment submitted

shall detail the existing average night time luminance and light spread levels at night, identify the levels of light pollution received at the windows to residential properties within the development and, where appropriate, identify the measures to be used to mitigate any impacts to species including bats. Any light pollution mitigation identified in the lighting assessment shall be implemented in full prior to occupation of each individual phase”.

Reason: to ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with Policy DM01 of the Local Plan and to mitigate the impact to species including bats in accordance with Policies CS7 and DM16.

22. No building within either Phase 0 or Phase 1 shall be occupied until a Delivery and Servicing Management Plan in respect of each building in that respective phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the strategy set out in the Transport Assessment and Addendum and each building shall be carried out in accordance with the approved Plan.”

Reason: in the interest of highway safety in accordance with Barnet’s Local Plan Policy CS9 and DM17 of the Development Management Policies Document.

23. No residential unit within Phase 1 shall be occupied until the access roads and highways works (on and off-site) as identified in the Highways Drawings hereby approved through Condition 1 are made available for use.

Reason: To ensure there is adequate access available for all residential units in accordance with the NPPF, London Plan and Core Strategy.

24. No residential unit within Phase 1 shall be occupied until the private and/or communal amenity space provision (excluding public open space) associated with the block within which the unit is located is available for use in accordance with the approved plans.

Reason: To ensure there is adequate amenity space available for all residential units in accordance with the NPPF, London Plan and Core Strategy.

25. Prior to occupation of each residential block within Phase 1 a scheme for the provision of communal/centralised satellite and television reception equipment for that block shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to first occupation of that block and shall thereafter be retained and made available for use by all occupiers of that block.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with Policies CS5 and DM01 of the Local Plan.

26. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and

reenacting that Order) the following operations shall not be undertaken without planning permission being granted by the Local Planning Authority: The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

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

27. No piling within either Phase 0 or Phase 1 shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for each specific phase has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement for that relevant phase.

Reason: To prevent any damage to nearby underground sewerage utility infrastructure.

28. *In accordance with the plans approved under application 21/0155/CON, the approved scheme of biodiversity measures shall be implemented in full accordance with the approved details before Phase 1 is first occupied.*

Reason: to ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with Policies DM01 and DM16 of the Local Plan and 5.11 and 7.19 of the London Plan.

29. *In accordance with the plans approved under application 21/0155/CON, the approved scheme method statement including temporary tree protection measures shall be implemented and Phase 0 and Phase 1 shall be carried out in full accordance with the approved details.*

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with Policy DM01 of the Local Plan and Policy 7.21 of the London Plan.

30. Cycle parking for Phase 0 and Phase 1 shall be provided in accordance with the approved plans, shall be available for use prior to occupation of each respective phase, and shall be maintained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance

with Barnet's Local Plan Policies CS9 and DM17.

31. Before Blocks 1E and 1F hereby permitted are first occupied windows in the eastern wing elevations of these blocks facing properties in Howard Close and Brunswick Park Gardens shall be non-openable below 1.7m and glazed with obscure glass only, and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD and the Residential Design Guidance SPD (April 2013).

32. Other than infrastructure works in relation to Phase 0 and Phase 1, no development within either Phase 0 or Phase 1 shall take place until a programme of archaeological recording of the existing air raid shelters and any finds of industrial heritage, in accordance with a written scheme of investigation to be submitted to and agreed in writing by the Local Planning Authority, has been carried out.

Reason: The planning authority wishes to secure the recording of these structures in accordance with the provisions of the NPPF and London Plan Policy 7.8 and Barnet Policies CS5 and DM 06.

Outline Conditions for Phases 2-5

32. The development hereby permitted shall be carried out in accordance with the following approved plans:

Parameter Plans

211_WS_02_00-Rev B - Red Line Boundary Plan;
211_WS_02_01-Rev E - Proposed Development Zone Plan;
211_WS_02_02-Rev C - Access & Circulation Zone;
211_WS_02_03-Rev C - Landscape Treatment Plan;
211_WS_02_04-Rev C - Ground Floor Frontages Plan;
211_WS_02_05-Rev C - Development Zones - Horizontal Limits of Deviation;
211_WS_02_06-Rev C - Proposed Site Levels & Vertical Limits of Deviation;
211_WS_02_07-Rev C - Development Zones & Maximum Heights;
211_WS_02_08-Rev C - Proposed Site Basement Levels & Limit of Deviation;
211_WS_02_09-Rev C - Site Plan

Sections

211_WS_05_01-Rev B - Contextual Sections AA BB;
211_WS_05_02-Rev C - Contextual Sections CC DD;
211_WS_05_10-Rev B - Parameter Sections 1 - 4;
211_WS_05_11-Rev B - Existing Sections 1 - 4;

Landscape Drawings

HED_1140_RBP_LA_0001-Rev 02 - Illustrative Landscape Plan;
HED_1140_RBP_LA_0002-Rev 03 - Landscape GA;
HED_1140_RBP_LA_0003-Rev 03 - General Arrangement, Central Park;
HED_1140_RBP_LA_0004-Rev 01 - Illustrative Landscape Sections: The Parkway;
HED_1140_RBP_LA_0005-Rev 02 - Illustrative Sections: Park (North);
HED_1140_RBP_LA_0006-Rev 01 - Illustrative Sections: Central Park (South);
HED_1140_RBP_LA_0007-Rev 00 - Illustrative Landscape Sections: Courtyard;
HED_1140_RBP_LA_0008-Rev 03 - Trees for Retention + Proposed + Removal

Supporting Documents

Design Principles Document - Rev B, March 2017;
Planning Statement - Rev B, March 2017;
Planning Application Specification Document - Rev B, March 2017;
Utilities Report - December 2015;
Analysis of Housing Mix & Primary School Demand / Supply - March 2016;
Environmental Statement Volume 1 NTS - December 2015;
Environmental Statement Volume 2 Main Report - December 2015;
Environmental Statement Volume 3 Technical Appendices - December 2015;
Environmental Statement Post-Application Amendments Addendum - March 2017;
Environmental Statement - Further Information, July 2018;

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

34. Applications for the approval of reserved matters (being scale, layout, appearance and landscaping) for Phases 2, 3, 4 and 5 shall be made to the Local Planning Authority before the following:

- i. Applications for Reserved Matters for Phase 2 shall be made within 3 years from the date of this permission;
- ii. Applications for Reserved Matters for Phase 3 shall be made within 4 years from the date of this permission;
- iii. Applications for Reserved Matters for Phase 4 shall be made within 5 years from the date of this permission;
- iv. Applications for Reserved Matters for Phase 5 shall be made within 7 years from the date of this permission.

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

35. The development hereby permitted in the later phases shall begin no later than 2 years from the final approval of the last Reserved Matters application in relation to each phase made pursuant to Condition 34.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

36. As part of Reserved Matters applications, details of the energy supply for each building in Development Phases 2 - 5 shall be submitted to and approved in writing by the Local Planning Authority. Details shall accord with the Energy Statement and Addendum and shall include:

- i. Details of the energy supply for each building connection, including a statement of compliance with the Energy Statement and Addendum;
- ii. Details of any temporary energy provision required;
- iii. A statement of compliance with the site wide Energy Statement and Addendum.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.2 and 5.6

37. Notwithstanding the details shown on Dwg: ST-3013-700, details of the access arrangement into the site from Brunswick Park Road will be submitted to, and approved in writing by, the Local Planning Authority, prior to the first occupation of either Phase 0 or Phase 1. This permission confers no consent for the proposed highway works as proposed.

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

INFORMATIVE(S):

1. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
2. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

National Planning Policy Framework (2021)

This document replaces the previous version of the National Planning Policy Framework (NPPF) published in February 2019. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states at Para 126, "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

In addition the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The 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 now supersedes the previous Plan (2016).

The new London Plan policies (arranged by chapter) most relevant though not exclusive to the determination of this application are:

Chapter 1

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Chapter 2

Policy SD6 Town centres and high streets

Chapter 3

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D11 Safety, Security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

Chapter 4

- Policy H1 Increasing housing supply
- Policy H4 Delivering affordable housing
- Policy H5 Threshold approach to applications
- Policy H6 Affordable housing tenure
- Policy H7 Monitoring of affordable housing
- Policy H8 Loss of existing housing and estate redevelopment
- Policy H10 Housing size mix
- Policy H15 Purpose-built student accommodation

Chapter 5

- Policy S1 Developing London's social infrastructure
- Policy S2 Health and social care facilities
- Policy S4 Play and informal recreation

Chapter 6

- Policy E2 Providing suitable business space
- Policy E11 Skills and opportunities for all

Chapter 7

- Policy HC1 Heritage conservation and growth

Chapter 8

- Policy G1 Green infrastructure
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

Chapter 9

- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 8 Waste capacity and net waste self-sufficiency
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage

Chapter 10

- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
 - Policy T6.1 Residential parking
 - Policy T6.2 Office Parking
 - Policy T6.5 Non-residential disabled persons parking

Policy T9 Funding transport infrastructure through planning

Chapter 11

Policy DF1 Delivery of the Plan and Planning Obligations

Mayoral Supplementary Guidance

Planning for Equality and Diversity in London (October 2007)

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

Play and Informal Recreation (September 2012)

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

Sustainable Design and Construction (April 2014)

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

The control of dust and emissions during construction and demolition (July 2014)

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM₁₀ and PM_{2.5} from construction and demolition activities in London.

Accessible London: Achieving an Inclusive Environment (October 2014)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Housing (March 2016)

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

Affordable Housing and Viability (August 2017)

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)
CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)
CS5 (Protecting and enhancing Barnet's character to create high quality places)
CS7 (Enhancing and Protecting Barnet's Open Spaces)
CS8 (Promoting a strong and prosperous Barnet)
CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive integrated community facilities and uses)
CS11 (Improving health and wellbeing in Barnet)
CS13 (Ensuring the efficient use of natural resources)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM14 (New and existing employment space)
DM13 (Community and education uses)
DM15 (Green Belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

Local Supplementary Planning Documents and Guidance:
Sustainable Design and Construction SPD (April 2013)

North London Business Park Planning Brief

The Council adopted the Copthall Planning Brief following extensive public consultation in March 2016. The brief sets out the spatial strategy for the development of the North London Business Park Site.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)
Planning Obligations (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 has been taken of the policies and site proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application.

1.2 Key Relevant Planning History

15/07932/OUT Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.

The planning application was recommended for approval by LB Barnet Officers but refused by Members of the Planning Committee in June 2017.

The application was subsequently appealed and recovered by the Secretary of State (SoS), where an Inquiry was held between October and November 2018.

The Inspector reported to the SoS in January 2019 recommending the appeal to be allowed, with the SoS agreeing in January 2020, issuing the decision allowing the appeal.

The hybrid permission was approved as follows:

- Phase 1 was approved in detail and comprises 360 residential units in five blocks reaching up to 8 storeys, alongside the provision of a 5 form entry secondary school

including a multi-use sports pitch and associated changing facilities, MUGA facilities on the school roof, improvements to open space and transport infrastructure; and

- Phases 2 – 5 were approved in outline and comprise a further 990 residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floorspace including shops, offices, food and drink, and public buildings. This includes 2.54 hectares of public open space including play, alongside associated transport infrastructure, further landscaping and car parking.

In addition to the S73 application pursuant to this report a separate planning application was submitted in August 2021 for alterations to the appeal scheme to allow amongst other things an uplift of 1,078 units from 1350 to 2428 units. This scheme is still under consideration, the details of this application are as follows:

21/4433/OUT Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises up to 461 residential units in five blocks reaching 9 storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking.

There are other minor applications for historic consents on the site including consents for educational uses utilising existing buildings on the site.

1.3 Public Consultations by the Council and Views Expressed

Public Consultation

3025 local residents were consulted on the planning application by letter on 29.03.2022. The application was advertised in the local press on 07.04.2022 and site notices were put up on site on 07.04.2022. The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

Public Representations

As a result of the consultation, a total of 67 responses have been received with 37 objections and 29 letters of support.

The comments received from members of the public have been summarised as follows:

Summary of main points raised by members of the public in objecting to the scheme.

Proposed density is excessive.
Increase in number of units from 1200-1350 unacceptable.
Decrease from 11 to 9 storeys welcome but still too high.
Proposal does not meet government's sustainable development criteria.
Insufficient affordable housing should be 50% not 10%
Area can not accommodate number of people proposed
Area can not accommodate number of cars proposed.
Impact on local infrastructure i.e. doctor's schools, roads etc.
Local infrastructure already at breaking point and will be stretched further.
Proposed multi storey flats are out of character of low rise suburban nature of surroundings.
Previous residents views ignored and danger of happening again.
Pollution from increased number of vehicles as a result of proposed residential units.
Lack of family housing
Object to new access via ashbourne and weirdale avenues which are far too narrow to support traffic to this site.

Summary of main points raised by members of the public in support of the scheme.

I support this application which is a Section 73 application to amend the design plans approved for the school in 2020. These amended design plans for the school are produced by the Department for Education and their preferred builder. I fully support this application; the students deserve to be educated in a well designed, purpose built secondary school.

Officer Comment

All of the above representations have been taken into account in the officer assessment, which form part of the officer assessment below. It is noted that the number of units and the storey heights are not being increased from those authorised in the extant scheme and the proposed changes only affect the school element of the proposal and are not directly relevant to the consideration of this S73 application. The pedestrian/ emergency vehicle access through Ashbourne and Weirdale Avenue is also not changed from the extant approval.

Elected Representatives.

No representations received.

Consultation responses from neighbouring associations other non-statutory bodies.

No representations received.

Consultation Responses from Statutory Consultees

Greater London Authority (GLA)

I have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.

Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA. I will be grateful, however, if you would send me a copy of any decision notice and section 106 agreement.

Transport for London (TfL)

Thanks for consulting Transport for London (TfL) on the above planning application. TfL is responsible for the operation of bus services that serve this site and operation of traffic signals across London, as well as having wider role in terms of strategic transport planning.

1. The planning statement (for s73) refers to remodelled access and introduction of new signal control junction on Brunswick Park Road as a change from the original planning permission.
2. Whilst the Transport Assessment (within the EIA Compliance Statement) prepared by Velocity refers to the signal junction being considered under the wider masterplan as work in progress. This TA does not include traffic modelling to supporting this design change in s73 included in the planning statement.
3. TfL has through Stage 1 report for 21/4433/OUT, attached for ease of reference (para 57) has raised concerns with the proposed signals causing delay to buses.
4. In relation to s73, TfL would need to see traffic modelling that assessed impact on TfL buses in accord with TfL guidance and Road Safety Audit including Designers and Highway Authority Responses - before confirming the introduction of new traffic signals at this location is in accord with Policy T4 of the London Plan.
5. TfL is open to discuss the modelling requirements and Road Safety Audit in relation to Section 73 or wider masterplan. TfL **objects** to Council approving the traffic signals prior to this information being supplied to TfL
6. TfL welcomes that cycle provision will be provided in accord with the London Plan (March 2021)
7. TfL notes that there is currently high car mode share to site for both staff and pupils to the school. The aim for students is to reduce this from 62% to 25%, and for staff from 74% to 65%.
8. Policy T1 in London and Figure 10.1 provides the outer London standards with emerging Local Plan Policy TRC01 – Sustainable and Active Travel. TfL suggests the proposed mode shift targets for pupils should be ambitious. TfL would

discourage the provision of drop off facilities for pupils at a secondary school as this conflicts with the mode shift targets.

9. TfL would encourage a more ambitious target for staff, at least in accord with Barnet specific targets.

If you wish to discuss any of the above in more detail please let me know, both in relation this application and the transport aspects of the attached. .

Officer Comments

The proposed alterations to the highway on Brunswick Park have been excluded from the application proposals by agreement and by condition to allow further discussions to continue.

The elements which TfL have raised concerns about i.e. the drop off and car parking levels are essentially unchanged from the extant approval.

Sport England Sport England – Non Statutory Role and Policy

Thank you for consulting Sport England on the variation of condition application relating to application reference 15/07932/OUT.

The application has been submitted as the applicant seeks various amendments to the approved scheme. Sport England has assessed the proposed alterations and consider the following most relevant to sport:

- The proposed changes to the school design and layout
- The increase in residential properties from 1,200 to 1,350.

Sports Block/School Design

The school design, notably the sports block, has been redesigned and whilst the revised layout and design is an improvement in many aspects in Sport England's view, the proposed alterations appear to have resulted in the sports hall and activity studio being reduced in size compared to the approved scheme. The approved sports hall had an area of 637m² whereas the proposed sports hall has been reduced to 504m². Although it is likely that both would fall within Sport England's guidance for a three-court sports hall it is likely that the originally approved scheme could have contained four courts, albeit with slightly reduced run-off areas at the end of the courts. As a result, the scheme could be reducing the extent of sports that could be played at the school. Please note that Sport England could not locate the internal dimensions of the originally approved sports hall therefore this comment is based on the area calculation only.

Similarly, the Activity Hall is now proposed to be 120m² which is a reduction from 145m² in the approved scheme.

In relation to changing provision, the proposed sports building layout indicates that there would be three areas for pupil changing which Sport England assumes would

also be available for the community during the evening and weekends to support community use of the sports facilities. It is recommended that this is confirmed. Sport England notes that the Design and Access Statement mentions that a changing room would have direct access to the outdoor facilities however since the Artificial Grass Pitch (AGP) would be used by two teams (at least), therefore needing two changing rooms, two changing rooms should have direct external access to avoid one team having to walk through the main sports block building to access the AGP and avoid cross contamination of material from the AGP being walked through the entire building.

Sport England would also like to highlight that it is concerned that rooflights are proposed for the sports hall. Rooflights can cause issues for some sports so the inclusion would limit the sports that could be played within the sports hall, or at least limit the extent and level that it can be played. Sport England recommend that these are reconsidered so that the proposed sports hall can accommodate a range of sports to various levels.

Artificial Grass Pitch & Multi Use Games Area

Sport England was unable to locate the dimensions of the originally approved AGP therefore is unable to fully compare the revised AGP to the previously approved AGP. However, the Design and Access Statement sets out the dimensions of the proposed AGP which does not align with the dimensions within the FA Guidance and does appear to fall below the size for an 11 v 11 AGP. Please see the FA Guidance, *The FA Guide to 3G Football Turf Pitch Design Principles and Layouts*, for more detail.

Similarly, Sport England was unable to locate the dimensions for the approved rooftop Multi-Use Games Area therefore it is unable to assess the impact of the revised MUGA proposal. It is also unclear what sports would be played on the proposed MUGA as the pitch/court markings do not appear to be illustrated on the drawings.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Since the approved masterplan is being amended Sport England would commend the use of the guidance in the revised master plan. The document can be downloaded via the following link:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Residential Units

The applicant seeks to increase the number of residential units to 1,350. As highlighted previously, the occupiers of the new units will generate demand for sporting provision. The existing provision within the area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as the Council's Playing Pitch Strategy, Built Facility Strategy or another relevant robust and up-to-date needs assessment. The scheme does provide new sport facility provision that is likely to address some demand but clearly this would be demand for particular sports that can be played on the proposed facilities.

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the Local Planning Authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries

We would be grateful if you would advise us of the outcome of the application in due course by forwarding a copy of the decision notice.

Officer Comment

No changes to the residential elements are proposed under the S73 application, the increase from 1200 to 1350 units was a change made during the consideration of the previous scheme granted at appeal.

Natural England

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Greater London Archaeology Advisory Service (GLAAS)

Thank you for consulting GLAAS on this amendment. The revised works do not affect our previous archaeological advice for the original application and therefore I have reattached our previous letter, for information.

Metropolitan Police Crime Prevention Design Advisor

Thanks for inviting comments from the MPS in respect of this S73 submission for the school premises of North London Business Park.

In summary, no objection from the MPS but I have included several recommendations and rationale within my planning comments for reference.

On the grounds of crime prevention, safety and security – I would respectfully request the inclusion of a Secured by Design planning condition to any approval please.

Internal Consultation responses

Transport and Regeneration

No comments received.

Environmental Health

The provided noise report is based on data from 2014. The consultant states that once covid lockdown has ended a external report should be carried out and findings altered accordingly. Has the applicant carried out a more recent noise survey?

The noise report only sets out the noise levels at which plant should be set at nearest sensitive receptors and does not provide plant specific details outlining how criteria will be met.

Overall proposed changes look fine we just need to see the noise report updated with all the recommendations made by the consultant within the report when its submitted at the Ful stage.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

This planning application concerns the redevelopment of the North London Business Park (the Site), which is located within the Brunswick Park Ward in the east of the London Borough of Barnet.

The Site measures 16.53 hectares, of which approximately 13 hectares comprises of areas of disused open space and car parking. The Site is bounded by the East Coast Mainline railway along the entire western boundary, whilst the New Southgate Cemetery is adjacent to the eastern boundary. Properties to the north and south are predominantly residential, typically characterised by two/three storey suburban detached, semi-detached and terraced housing. The Site does not contain any listed buildings, nor is it located within a Conservation Area.

There are principally 4 buildings on site providing office accommodation in buildings up to ground plus three storeys is a campus style layout. The current single largest tenant is Barnet Council who occupy over 55% of the total floorspace on the site.

St Andrew the Apostle School is also located on the Site having opened as a free school in September 2013, occupying 'Building 5' on a temporary basis, which is a central block to the west of the existing lake.

The northernmost existing building on the Site is currently occupied for function / conference purposes, as well as an existing nursery (Leo's Nursery).

The Site varies significantly in topography with a steep gradient comprising a level difference of 24 m across the Site from the northern boundary to its lowest point at Brunswick Park Road.

A lake currently occupies part of the lower section of the Site, which can be seen upon entry from Brunswick Park Road. This is a man-made structure dating from the mid-1980s with the primary function of water attenuation.

The nearest National Rail stations to the Site are New Southgate to the south and Oakleigh Park to the north, both of which are located within one mile of the Site and provide access to central London within 20 minutes. Also located within one mile of the Site is Arnos Grove Station which provides access to the London Underground Piccadilly Line. New Southgate has also recently been identified as a preferred location for Crossrail 2, which is proposed to connect National Rail networks in Surrey and Hertfordshire and link in with the existing London railway infrastructure, through tunnels connecting Wimbledon and New Southgate.

The Site is served by the 382 bus along Brunswick Park Road connecting the Site from Southgate in the east, to Friern Barnet and Finchley in the west, and also the 34 (connecting the Site from Barnet in the west to Walthamstow in the east) and 251 (connecting the Site from Edgware in the west to Friern Barnet in the east) from Oakleigh Road South. The PTAL of the site is currently 1-2.

The site has two principal access points, one to the south onto Oakleigh Road South (A109) and one to the east onto Brunswick Park Road. There is also a redundant, unused access point to the northern boundary which would provide access to Ashbourne Avenue, were it not currently fenced off. Ashbourne Avenue leads onto Russell Lane (B1453), which comprises a neighbourhood retail frontage.

2.2 Description of the Proposed Development

On the 24th February 2020 the Secretary of State granted planning permission for:

'Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction

work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.'

The Section 73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary several conditions attached to planning permission 15/07932/OUT specifically to vary the delivery of Phase 1 of the scheme. As identified in the description of development above, the originally approved Phase 1 comprised 360 residential units and the provision of the 5 form entry secondary school.

The intention of this Section 73 application is to bring the School into its own phase (Phase 0), and also vary the approved plans relating to the detailed design of the School to allow that part of the scheme to be brought forward independently.

The originally approved school building was designed in the original extant scheme as part of the wider site. Since planning permission has been granted, the Department for Education (DfE) and their appointed contractor have been reviewing the design as part of the delivery package and are seeking to revise the approved design primarily in terms of the specific layout of the buildings and external spaces and deliver a slightly smaller footprint.

This Section 73 application therefore seeks to replace the approved plans for the new school, with a series of revised drawings so that the 2020 permission can be delivered with the preferred school scheme. Specifically, this application seeks to revise the detailed drawings that were approved relating to the new secondary school which was previously identified as Block 1A. The detailed drawings approved for 1A under the 2020 permission are proposed to be replaced by a set of new drawings prepared by the DfE and their appointed specialists providing for the following main changes:

This application also seeks to vary the wording of those relevant conditions to reflect the new split phasing between Phases 0 and 1 so that the commencement of the school phase is not reliant on details for Phase 1 being discharged and vice versa.

3. PLANNING CONSIDERATIONS

3.1 Principle of Development

The National Planning Practice Guidance (NPPG) advises that a minor material amendment *"is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."*

Pre-application discussions were undertaken with the Applicant and consideration has been given as to the effect of the amendments to the approved development, including whether it would:

- Result in a change that is minor in terms of its scale;
- Result in a change that is minor in terms of its impact on amenity and visual impact;
- Would comply with material planning considerations.

It was judged that the proposed amendments were minor material and the submission of a Section 73 application was the appropriate route for this application.

Baseline Position

As stated above, planning permission 15/07932/OUT approved the principle of the North London Business Park proposals. In this context, and in accordance with the NPPG, the key considerations in the determination of the application are:

1. Whether planning policies (and other material considerations) have changed since the hybrid permission was granted; and
2. Whether the proposed amendments are acceptable (having regard to the Development Plan and other material considerations).

Changes to Planning Policy and Other Material Considerations

As mention above, since planning permission 16/8173/FUL was granted, while there has been some changes to the wording of the NPPF, there are no implications from this revised document which would materially affect the current application. The latest version of the London Plan was adopted post approval of this application, however again there are no implications from this revised document which would materially affect the current application in relation to the amendments which are sought..

Assessment of Proposed Amendments:

The main issues arising out of the current application concern the following:

- Environmental Impact considerations
- Design
- Landscaping
- Neighbouring Amenity
- Transport
- Energy
- Landscape, trees and Biodiversity
- Drainage and Flooding

These matters are discussed below.

3.1 Environmental Impact Considerations

In terms of assessing the environmental impacts of the proposed amendments, this application is accompanied by an Environmental Impact Assessment (EIA)

Compliance Statement. This Statement reviewed the implications of the proposed changes upon the findings of the 2015 Environmental Statement (ES) and subsequent Addenda.

The report took account of the following supporting documents which were submitted with the current S73 applications as well as the updated plans and drawings:

The compliance statement accessed these documents and concluded that there was no substantial changes in terms of the above matters over and above the baseline position established by the extant scheme.

- *‘There is no significant change to the baseline environmental conditions under which the 2015 ES (and subsequent Addenda) assessment was undertaken which would warrant the need for re-assessment and submission of a supplementary ES or Addendum;*
- *There have been no significant changes to the relevant prescribed assessment methodologies within which would warrant the need for re-assessment within a supplementary ES or Addendum;*
- *The mitigation measures previously proposed, and secured by planning conditions, are not altered by the revised phasing and plans, and are assessed as being sufficient to manage any impacts that may arise;*
- *There are no previously unidentified potentially significant environmental impacts that would warrant a supplementary ES; and*
- *It can be concluded that an updated ES is not required.’*

The conclusions received by the applicant are concurred with by Council officers and internal consultation responses suggest that there will be no significant changes to the benchmark established by the extant planning approval 15/07932/OUT dated 24/02/2020 and subject to appropriate mitigation measures secured by conditions and the S106 agreement.

3.2 Design

The National Planning Policy Framework (revised 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2021 policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of use of attractive,

robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

Access and Layout

The proposed school layout is broadly similar to the proposed school buildings consented under the extant planning permission 15/07932/OUT. The proposal involves a three storey school building located to the south of the existing access off Brunswick Road, access from which provides both vehicular and pedestrian access to the school buildings. The main changes are in relation to the sports hall buildings and £G multi use pitch. Under the extant proposals the pitch was located immediately after the school on a east- west access with the sports hall and changing rooms being located along the southern edge of the site providing a buffer between the NLBP site and houses in Brunswick Crescent to the south.

The current proposals involve the sports hall and changing rooms being set parallel with the school buildings facing onto Brunswick Road, albeit set back in order to preserve the belt of mature trees behind with the 3G pitch itself being set further back to the west along a north south access.

In relation to the proposed school building itself, the layout of this is also amended albeit on a similar footprint to allow for an efficient school building design, with teaching accommodation arranged as a 'Superblock' design, with teaching spaces around the perimeter, social 'heart' spaces in the centre.

The rationale behind the changes is due to identified weakness in the design as identified by the DoE team tasked with designing and delivering the new school. Matters identified are as follows:

Site Plan Weaknesses

- *Community access - sports block and changing distance from car parking underground – how is access controlled.*
- *Ramp to underground car park to be reviewed – is it big enough?*

- *3G and sports block very close to northern boundary*
- *3G pitch drawn without run-offs*
- *Distance to walk to changing rooms and sports block from main building in bad weather.*
- *Exams in sports hall – queuing/limited WC provision*
- *Vehicular access and delivery area looks small*
- *Pupil entrance/exit directly onto bus stop*
- *Separate sports hall and changing rooms*
- *Not coordinated with required detention basin*
- *Long, narrow social spaces – disjointed and inflexible*
- *Convoluting pupil access*

In contrast the proposed plan is considered to provide a more rationale design allowing for a more concise layout with sports hall buildings being located close to the school and also allowing greater flexibility to allow the sporting facilities to be used by the community outside school hours.

Overall it is considered that the proposed layout changes are considered acceptable justified by sound design justifications. In terms of visibility the proposed layout allows for the school frontage to relate to the public realm in Brunswick Park while retaining a more open aspect to the rear.

Height, bulk, scale and massing

The proposed scale and massing of the proposal is broadly similar to the extant approval, with the proposed school building being three storeys in height and the proposed amended buildings proposed under this S73 application being the same height albeit of a different design and layout. The proposed sports hall is of a similar proportions. Given that the overall scale and massing is commiserate with the extant approval the proposed scale and massing of the proposal is considered appropriate in scale to its surroundings. The proposed buildings will not adversely affect the character and appearance of surrounding residential properties particularly given the backdrop of the larger residential development proposed and consented to the rear of the proposed school buildings.

Detailed Design

The proposed school building differs in several regards from the approved scheme, while being of similar architectural form. The consented scheme proposed a predominately brick built façade with banding to provide contrast to structural elements and also incorporate several sections of floor to ceiling windows.

The current application proposes a simpler design of buff brick while incorporating contrasting darker brick colours and some limited additional materiality to provide contrast. The proposed sports block is proposed to incorporate the same buff brick along with painted fibre cement weather boarding to provide variation to the mass of the building.

While the resultant building is different from the extant approval it still represents an appropriate standard of design which is considered by Council officers to constitute

an appropriate high level of design in keeping with the overall character and appearance of the surrounding area in accordance with the afore mentioned policies.

Safety, security and crime mitigation

London Plan policy D11 and Barnet Core Strategy Policy CS12 require applicants to work with local authority planning teams and the Metropolitan Police to develop measures to provide for safe and secure environments which help to prevent and mitigate the risk of crime.

The applicant's Design and Access statement advises that the development has been designed to ensure a clear distinction between public and secure areas, separate and secure vehicular and pedestrian accesses are provided and cycle storage is provided within the site in the form of safe and secure cycle storage. Perimeter fencing is proposed around the school site and CCTV is also proposed covering key spaces and the basement car parking area.

The metropolitan police service have been consulted on the amendments contained within this S73 application and have raised no objections subject to the attachment of appropriate conditions.

Conservation and Archaeology

The preservation and enhancement of heritage assets is one of the 12 core principles of the NPPF. It is a statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet Core Strategy CS5 and DM06 variously require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

In respect of archaeology, the application is not located in an area of interest however the Environmental Statement submitted with the extant planning approval identified two surviving air raid shelters, historic industrial activity and potential human remains and a watching brief was required to record the air raid shelter and industrial heritage during the development of the site. It is noted that the works concerning the watching brief did not concern the area of the site connected with the proposed school building and it is not considered that the proposed changes will result in any additional impact upon archaeological records on the site. This has been confirmed by the consultation response from Historic England which raised no objections to the application.

In respect of potential impact on Listed Buildings and Conservation Areas, no Conservation Areas, Listed Buildings or registered parks are located within 1km of the site., while some Listed Buildings are located within 2 km of the site, it is considered that proposal would not result in any demonstrable impact due to the distance and the limited visibility of the site in longer views.

3.3 Neighbouring Amenity

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan Policy D6 Housing quality and standards. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

In relation to this S73 application, no windows are proposed which are contrary to this SPD guidance.

Noise and general disturbance

No significant new or cumulative operational noise impacts were identified for neighbours as a consequence of the original extant approval. While these proposals involved an increase in the intensity of use of the site, the proposed use was consistent with the residential character of the wider area. The commercial and community uses including the school were considered to be appropriately located and accord with the redevelopment intent of the adopted planning brief.

An updated noise report was submitted in support of the current S73 application the content of which was assessed by the Council's Environmental Health officers who raised no objections to the proposal subject to the attachment of appropriate safeguarding policies which were attached to the outline consent and are replicated in this permission. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Air quality

In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. The applicant has submitted an Air Quality Assessment in support of the S73 application. Suitable Conditions were attached regarding ventilation and the submission of details of proposed plant and equipment in relation to the extant approval which are replicated in this permission.

In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the travel plans which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies. The proposed changes involved in the S73 application

would not fundamentally affect these conclusions.

Daylight and Sunlight

The proposal would not result in any demonstrable impact on daylight/ sunlight levels to adjoining properties due to the distance separation of the proposals from neighbouring houses as discussed above. The proposed sports block is located further away from properties in Brunswick Crescent than the extant scheme and in is in any event located to the north and as such should not result in any significant light impacts on either habitable rooms or the amenity spaces of these properties.

3.4 Transport, highways and parking

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

The proposed level of usage including the proposed size of the school (in relation to pupil and teacher numbers) is unchanged from the extant approval. Similarly the level of car parking and layout of the development including the limited parent drop off area is fundamentally unchanged from the original permission.

While the application as submitted proposed revisions to the means of access from Brunswick Park, the applicant has agreed to reserve any alterations by condition to allow for further discussions between Council Highway officers, TfL and the applicant.

As such it is not considered that the proposed changes under this S73 applications would raise any traffic or parking issues over and above the extant scheme. Suitable conditions and S106 obligations which were attached to the original permission and similarly attached to this S73 application. are suggested to mitigate any harm.

3.5 Energy, Sustainability, and Resources

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

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

London Plan Policy SI2 'Minimising Greenhouse Gas' requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations¹⁵² is required for major development. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund.

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

The applicant's supporting documents advises that the proposal has been designed in line with the current London Plan Energy Hierarchy with a focus on a fabric-first energy approach incorporating the following elements:

- LED lighting reducing lighting energy consumption by 35 - 40%
- Hybrid ventilation with heat recovery removes heat from extract air to warm incoming air ensuring fresh air without cold draughts even in winter
- Overcome acoustic site constraints from traffic on Brunswick Park Road in most energy efficient way
- Reduced hot water demand by 40% by water efficient fittings
- Fabric - First strategy - Significant betterment of Part L insulation & airtightness avoids the need for renewable energy technologies.
- Exposed thermal mass & night time purge provides free cooling during warmer months
- Typically can achieve 28% betterment over DfE Energy Consumption Targets for similar sized scheme

These matters are considered satisfactory for the purposes of this recommendation. It is noted that the proposed school will connect to the energy centre proposed within the wider NLBP development and as such the energy strategy needs to be considered in the wider context.

3.6 Landscaping, Trees and biodiversity

The 'sustainable development' imperative of NPPF 2021 includes enhancing the natural environment and improving biodiversity (para 7). London Plan Policy G6 Biodiversity and access to nature states that developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Landscape and Open Space

The wider NLBP masterplan included the provision of three main public parks with an overall size of 22,680 sq.m out of a total open space provision of 25,375 sq m. The main parks consisted of the lakeside park contained within the detailed Phase 1 part of the development to the immediate west of the proposed school buildings the subject of this S73 application and the Northern and Southern Central Parks contained within the Outline Elements of the wider NLBP proposals.

The design and access statement role of landscape in the scheme has been to create a masterplan for the school site which is responsive to the parameters of the wider consent masterplan while also meeting the operational needs of the school and DFE guidelines. The footprint of the school buildings has been sited in order to safeguard mature trees along the frontage of Brunswick Park Road. Additional trees are proposed to be planted to reinforce existing boundary planting and provide a sense of definition or enclosure to the external spaces. Amenity grassland around the frontage with Brunswick Park and the lake edge to the north west are proposed to be enhanced through the introduction of additional species and the use of varying mowing regime in order to encourage bio diversity. The remainder of the site is predominately hard surfaced including the 3G pitch and basketball courts. Hard landscaping in the remainder of the site i.e. pathways etc are proposed to be simple and robust to reduce future maintenance costs.

Overall the proposed landscaping scheme is considered appropriate to its context particularly when seen within the context of the wider landscaping plans for the site. Final details of the proposed landscaping including proposed species will be established at condition discharge stage.

Biodiversity

The applicant has submitted an updated Preliminary Ecological Phase 1 Habitat Survey in support of their Planning Application. The report concludes that the habitats found on-Site are of low ecological value, with the scattered trees offering the most value. The pond is of poor quality, though does support a range of species of wildfowl, and there are limited ponds in the wider area. The remaining habitats are widespread in the local area, with extensive amenity grassland and scattered trees within New Southgate Cemetery SINC to the south-east. There is potential to increase the overall biodiversity value of the College site with appropriate management, replacement and enhancement of existing habitats.

There were four recent field records of pipistrelle bats *Pipistrellus* sp. within 2 km of the Site centre in the past ten years. The closest and most recent record was of common pipistrelle *Pipistrellus pipistrellus* located 771 m south-east of the Site centre in July 2015. Bat activity surveys carried out at the wider Site in 2014 recorded low numbers of common pipistrelle, and a single Nathusius' pipistrelle *Pipistrellus nathusii*, in addition to *Nyctalus* sp. and *Myotis* sp., which were presumed to be noctule *Nyctalus noctula* and whiskered / Brandt's *Myotis mystacinus* / *brandtii*, or Daubenton's *Myotis daubentonii* bats. The majority of the trees on-Site did not have features suitable for roosting bats, however, three trees were assessed as having Low BRP.

Slow worms were recorded within 1 km of the Site in the past ten years, the most recent of which was 840 m south-west of the Site centre in 2012. A good population of slow worm has been recorded on the wider Site, though not included in the data search, in an area of grassland 250 m north-west of the Site boundary, which is separated from the Site by amenity grassland and hardstanding. No evidence of reptiles was recorded on the Site, and the Site lacked the structural mosaic of habitats required to support reptiles, however, given the proximity to the known population of slow-worm, it is possible that the species may venture onto Site, particularly through the introduced shrub.

Other endangered species found in the vicinity of the site include West European Hedgehogs of which 17 records were found. The closest record was located 226 m south-west of the Site centre in 2015, whilst the most recent record was approximately 870 m east of the Site centre in April 2020. The habitats on-Site are suitable for hedgehogs, with foraging opportunities in the amenity grassland and resting and commuting opportunities in the shrubs, furthermore, there are residential properties to the north and south of the Site which could offer commuting routes on and off the Site.

The trees and shrubs on the site were also considered as providing appropriate nesting habitats for birds. Numerous birds were recorded on site at the time of the survey although none on Schedule 1 as defined by the Wildlife and Countryside Act.

Overall the report recommends that permission can be granted subject to the attachment of appropriate conditions to ensure the delivery of the biodiversity enhancement measures recommended in the ecological appraisal and to safeguard wildlife during construction. Suitable conditions are attached and officers consider that the scheme is satisfactory from a bio diversity perspective.

Flood risk, Water Resources, Drainage and SUDs

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

In support these considerations Flood Risk is considered within the submitted Environmental Statement

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding. The proposed development is acceptable in this zone and there is no requirement for exception and sequential testing of the acceptability of the scheme.

In line with policy requirements the proposed development proposes to restrict runoff from the site to the equivalent greenfield runoff rates. This will enable a significant reduction in surface water runoff being discharged off-site, freeing up

capacity within Thames Waters surface water sewers and thus reducing flood risk within the downstream catchment.

The proposed drainage strategy promotes the use of rainwater harvesting. This will reduce the demand for potable water supply and will help to capture the first 5mm of runoff, reducing the level of pollutants being discharged off-site. The inclusion of a SuDS attenuation pond will offer water quality enhancement as well as other ecological and biodiversity benefits. Exceedance flows beyond the 100 year plus 30% critical storm event will be routed towards convenient holding points within the confines of the development area, away from properties and primary access routes.

Foul flows from the development will discharge to the existing foul sewerage network beneath Brunswick Park Road.

No objections were raised by the Environment Agency, Thames Water or the LLFA to the original application which the scheme is not fundamentally different from. While no consultation response has been received from Thames Water on the current S73 application, conditions recommended in relation to the earlier extant scheme are similarly attached to this recommendation.

Overall therefore the proposal is considered acceptable in relation to both floor risk and surface water drainage subject to appropriate conditions.

3.7 Other matters

Ground conditions and Contamination

In regards to potential contamination, the Council's Environmental Health Officer was consulted in relation to this S73 application who have advised that the proposed S73 application raises no additional contaminated land concerns over the original extant permission. It is noted that the site of the proposed school concerns a predominantly undeveloped part of the site and are therefore less likely to require extensive remediation. Suitable conditions were attached to the extant permission which are replicated in the recommendation for this application.

3.8 Viability, Planning Obligations & CIL

S106 obligations & viability

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

The extant approval provided for the provision of **10%** affordable housing by habitable room along with other obligations such as the provision of land for the new school building. Other obligations included a late stage viability review, travel plan requirements, local employment contributions, the provision of a shuttle mini bus service and bus contributions.

This agreement will be carried over to this planning permission sought via means of a deed of modification. We have reviewed the agreement and consider there to be no need to amend the content of the agreement on the following grounds:

- The application proposals will allow a revised scheme to be delivered, but one which is not substantively different to that already approved under the previous planning permission meaning the amendments will not give rise to any different impacts which would necessitate any new planning obligations.
- There has been no change to policy to warrant changes to the scope of planning obligations necessary to make the proposed development acceptable.
- The proposed amendments maintain compliance with all of the obligations applicable within the existing Section 106 Agreement.

LB Barnet CIL

As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

The CIL charging schedule was revised in April 2022 and now charge £300 per square metre as opposed to £135 per square metre under the previous rates in place at the time the original planning application was granted.

Mayoral CIL

Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', the levy was revised in April 2019 (MCIL2) and currently charges a flat rate charge of £60 per square metre in the London Borough of Barnet.

4. EQUALITY AND DIVERSITY ISSUES

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

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

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;

- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

The changes involved in the S73 would not conflict with any of the above objectives and officers consider that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

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

5. RESPONSE TO OBJECTORS

The majority of comments outlined in public comments relate to the residential elements of the proposal which are not proposed to be altered under this S73 application and therefore are not material to the determination of this S73 application. Other comments have been addressed where appropriate in the report.

6. CONCLUSION

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the wording of condition 1 (Approved Plans) pursuant to planning permission ref. 15/07932/OUT dated 24/02/2020.

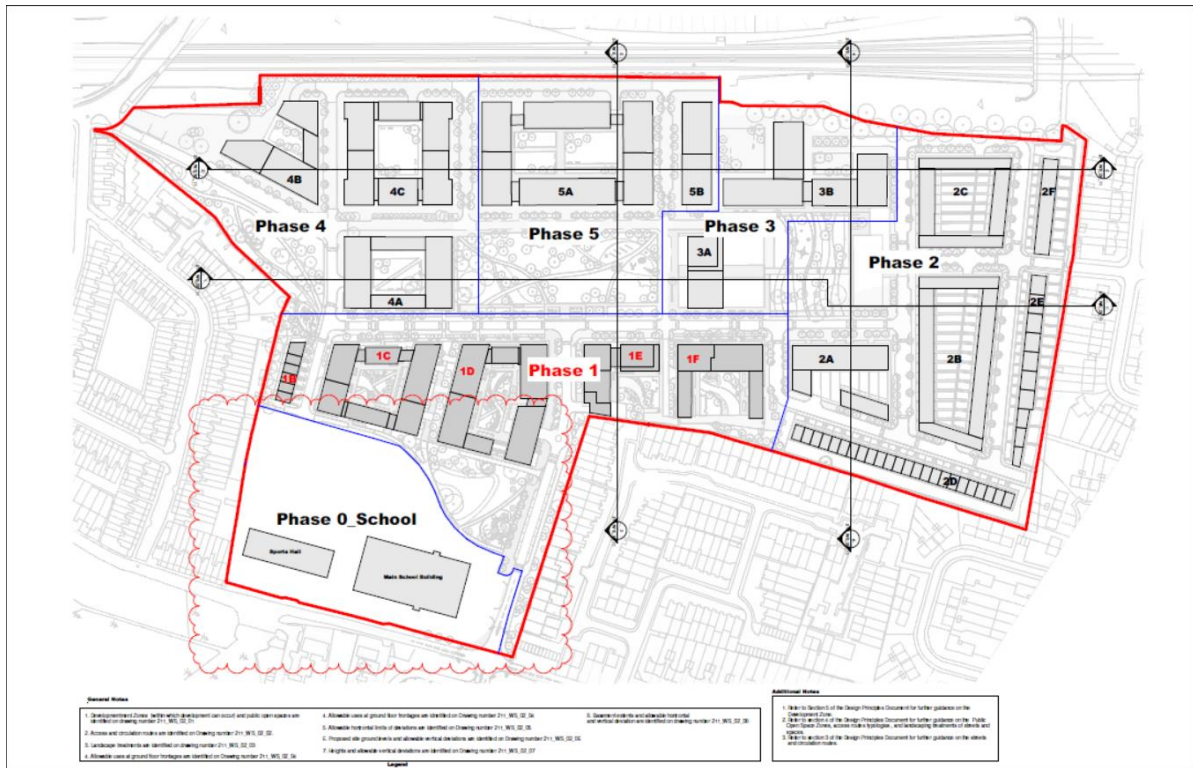
National Planning Practice Guidance (NPPG) advises that a minor material amendment *"is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."* In this case, it is not considered that the changes proposed would result in any significant change to the approved scheme.

The amendments proposed do not alter the fundamental nature of the permission and an assessment of the implications of the amendments particularly design has been taken into account and is considered acceptable. The proposed amendments generally and taken overall accord with the relevant development plan policies.

Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

SITE LOCATION PLAN: North London Business Park, Oakleigh Road South, London N11 1GN

REFERENCE: 22/1579/S73



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