

3. The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:
 1. A financial contribution of £12,369 index linked towards the improvement and enhancement of Cherry Tree Wood.
 2. A financial contribution of £600 index linked towards tree planting in the vicinity of the development.
 3. A financial contribution of £2,272.55 towards the amendment of the Traffic order to restrict occupants of the development from obtaining a parking permit.
 4. A travel plan and contribution of £5,000 index linked to monitor the objectives of the Travel Plan.
 5. A financial contribution of £3,750 index linked towards Travel Plan incentives.
 6. A financial contribution of £46,540 towards the Council's Carbon Offset fund in order to meet zero-carbon (the proposal meets a 35% carbon reduction on-site).
 7. A financial contribution of £292,551.29 towards affordable housing (subject to an early and late stage review mechanism).

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawings: A01 Rev A; A10 Rev A; A80 Rev A; A81 Rev A; A100 Rev E; A101 Rev A; A102 Rev A; A103 Rev B; A104 Rev B; A150; A151 Rev A; A152 Rev B; A153; A190; A200; A201; GA301 Rev 01; GA302 Rev 01; GA303 Rev 01; GA304 Rev 01; 8338-PL-X-GA-101 Rev 01; 8338-PL-X-GA-102 Rev 01; A108338-PL-X-GA-103 Rev 01; 8338-PL-X-GA-104 Rev 01; 8338-PL-RL-GA-100-UGF.
Arbtech TPP 01 (Tree Protection Plan).
Arbtech AIA 01 (Arboricultural Impact Assessment).
Arboricultural Method Statement, Arbtech, May 2021.
Drainage and Foul Sewerage Statement (ref 20206 rev03), Manhire Associates, April 2021.
Utilities Assessment (ref 10885-WDA-ZZ-ZZ-RP-U-0001 rev02), Whitecode Design Associates, May 2021.
Energy and Sustainability Statement (ref 10885-WDA-00-ZZ-RP-SS-0-0000 rev3), Whitecode Design Associates, April 2021.
Transport Statement (including Travel Plan), TPP, April 2021.

London Sustainable Drainage Proforma.
Landscape and Public Realm Strategy (ref 8338-DAS-001), Spacehub, May 2021.

PHASE 1 GEO-ENVIRONMENTAL DESK STUDY AND PRELIMINARY RISK ASSESSMENT (ref 2775/Rpt 1v3), Brown 2 Green Associates, April 2021.
Design and Access Statement, dMFK April 2021; Design and Access Statement - Addendum June 2022 (uploaded 15th July); Daylight, Sunlight and Overshadowing Report (rev1), Avison Young, May 2021.
Air Quality Neutral Assessment (ref EER19_AQNA revA), Aeolus Air Quality Consulting, April 2021.

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

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

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

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04

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

- 5 No development other than demolition works shall take place until a revised parking layout plan showing details of 8 off-street parking spaces including 1 disabled space and 2 enlarged bays and a loading/drop off area as well as the proposed signage within the site (as per recommendations of the Road Safety Audit (RSA 1) as well as any proposed alterations to the existing site access, including reinstatement of redundant crossovers shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development, and the enlarged bays shall be able to be converted to disabled spaces as required.

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

- 6 No development other than demolition works shall take place until a plan showing pedestrian visibility splays at all site accesses and egresses shall be submitted to and approved in writing by the Local Planning Authority.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (2 active and 6 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 8 Prior to occupation of the development, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, 47 cycle parking spaces (45 long-stay and 2 short-stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in

connection with the approved development.

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

- 9 Within 3 months of occupation, a full Framework (Residential) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) (2012) CS9 and Development Management Policies (adopted) (2012) DM17.

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

- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.
- xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies SI1, T4 and D14 of the London Plan.

- 11 Prior to occupation, a full Delivery and Servicing Plan (DSP), including refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 12 Prior to occupation, a full Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Parking Management Plan.

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

- 13 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policy SI 1.

- 14 The measures detailed within the approved air quality neutral assessment report (EER19_AQNA revA, Aeolus Air Quality Consulting, April 2021) shall be

implemented in their entirety before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 15
- a) Prior to commencement, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.
 - c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 16
- a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

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

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

- 18 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 19 Part 1

Before development commences other than for investigative work:

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

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

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

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

Part 2

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

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

20 No development other than demolition works shall commence until a revised Surface Water Drainage Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall include, but not be limited to, the following details:

- A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
- SuDS design input data and results to support the design.
- Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed.
- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
- Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020.
- Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.
- Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- SuDS operation and maintenance plan.
- SuDS detailed design drawings.
- SuDS construction phasing.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be costeffective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Poliiy SI 12 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014,

Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

- 21
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and D3 of the London Plan 2021.

- 22
- a) No development other than demolition works shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D3 of the London Plan (2021).

- 23
- No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection as shown on approved drawing Arbtech TPP01 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement (Arbtech, May 2021) hereby approved.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policies D3 and G7 of the London Plan 2021.

- 24 No development other than demolition works shall commence until details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) have been submitted to and approved by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: to ensure that the development makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01, Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 25 a) Prior to occupation, the development hereby approved shall obtain a 'Secure by Design' accreditation and confirmation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

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

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

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

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

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved

as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policy SI 2of the London Plan 2021.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021.

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

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

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

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

- 32 Before the building hereby permitted is first occupied the proposed first and second floor windows in the eastern side elevation facing Diploma Court, Diploma Avenue labelled as 'obscure glazing' on submitted drawing no. A151 Rev A shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26 April 2022, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, tree planting, local open space enhancements, and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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.

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

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

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

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

- 4 Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer is expected to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 5 Any works on the highway including alterations to the existing accesses will require a s184 licence which that applicant will need to obtain from the council.

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses

please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings:

code of practice;

4) Department of Transport: Calculation of road traffic noise (1988);

5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

9 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

10 The developer is advised that construction management should be implemented in partnership with the operator of the Bobath Centre nursery.

OFFICER'S ASSESSMENT

This application would normally be determined under the Council's Delegated powers but has been "called in" by Councillor Claire Farrier who wishes the matter to be considered by Planning Committee for the following reasons:

"I would like to call this application in to be decided by a planning committee, on the grounds of height and bulk, overdevelopment of the site, access and effect on listed building (The Bobath Centre)."

Following the committee decision to approve subject to a S106 agreement on 14 December 2021, it became apparent during legal agreement negotiations that a section of the site curtilage shown on the site plan to the south was not formally within the ownership of the applicant. As such, the applicant has provided revised site and other plans showing this area, comprising approx. 170 sqm, omitted from the scheme. The revised proposals also included minor alterations to the layouts and fenestration placement of Units 4 and 5 at ground floor to ensure that outlook and privacy would not be unduly impacted by the presence of a boundary treatment along the southern site boundary, if this were to be implemented. Officers are satisfied that the revised scheme continues to provide an acceptable level of amenity for future occupiers of Units 4 and 5, including meeting minimum outdoor amenity space standards and provide adequate light, outlook, and privacy. The amenity of all other units within the proposed development is not affected, nor is the footprint or scale of the proposed building.

Officers sought legal advice as to whether the changes could be considered as part of the original application; given that the site location plan changes do not affect the area of physical development and the area of garden space that has been reduced is surplus to the requirements, it is not deemed a material change. Given the minor changes to the scheme as described above, an additional period of consultation was undertaken on 26th May 2022 on the basis of the revised plans. Therefore, it was not considered that a new application would be required.

The application is presented to the planning committee again for consideration.

1. Site Description

The site is located on the southern side of East End Road, to the rear of The Bobath Centre, No. 250. It comprises an area of hardstanding (approx. 0.14 ha) and a small detached building described as a 'toilet block' on the submitted plans. The plot is broadly rectangular in shape, with a slightly tapered width towards to the rear. It is bounded by an area of unadopted land to the south comprising a group of trees; Deanery Close to the west; a group of flat blocks known as Diploma Court to the east; and The Bobath Centre to the north. Dairy Mews is a small terrace comprised of three houses which border the north-eastern section of the site.

East Finchley underground station is located approx. 400 metres from the site. It is located just outside the designated town centre in East Finchley, within close proximity to the amenities of the town centre.

The site does not fall within a conservation area. Although the site itself does not contain any listed buildings, the adjacent The Bobath Centre building is grade II listed.

2. Site and other Relevant History

Reference: 18/4547/FUL

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 20 November 2018

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Reference: 18/4548/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 20 November 2018

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Reference: 19/2828/FUL

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Withdrawn

Decision Date: 23 July 2019

Description: External alterations including refurbishment of existing facade. Internal works of repair, maintenance and restoration to listed buildings. Internal alterations

Reference: 19/2829/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 23 August 2019

Description: Internal works of repair, maintenance and restoration to listed buildings. Internal and external alterations including new louvred door to the west elevation, reduced front gate fronting East End Road, front and rear canopies, installation of plant equipment and CCTV cameras. (Amended Description).

render test) pursuant to planning permission 18/4548/LBC dated 16/08/18

Reference: 19/3899/S73

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 10 September 2019

Description: Variation of condition 1 (Approved Plans) of planning permission 18/4547/FUL dated 20/11/18 for 'Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.' Amendments include, Louvres and louvred door to the west elevation; Gate to fence to East

End Road; Replacement of internal doors and further internal alterations; Front and rear canopies; External and internal plant equipment; External CCTV cameras

Reference: 19/5891/S73

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 15 January 2021

Description: Amendment to include, Variation of conditions 1 (The Approved Plans), 9 (Cycle storage), 11 (Site Enclosure), 15 (Door and Window Details), 17 (Noise Report), 19 (Grilles, lighting, alarms), 20 (Acoustic Screening to Roof, Design) and 22 (Acoustic Screening to Roof, Materials) of planning permission reference 19/3899/S73 dated 10/09/2019 for 'Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.' Amendment to include, alterations to the form of cycle storage, additional sections of fencing and gates to front of building, revisions to glazed entrance screen, details to roof plant and acoustic and visual screens

Reference: 19/5896/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 15 January 2021

Description: Installation of additional acoustic / visual screening to roof plant. Alterations to cycle storage and front elevation, to include, additional fences and gates. Installation of 2no. internal white LED illuminated and facade mounted pan channel lettering with translucent vinyl coloured film and to metal canopy fascia to front and rear entrance

Reference: F/02282/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

Reference: F/02083/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

3. Proposal

The application seeks approval for "Construction of a three-storey building, plus rooms in roof, comprising 25no. self-contained residential units (Use Class C3), with associated plant, car parking, cycle parking, refuse stores, hard and soft landscaping and associated works".

The proposed building measures approx. 14.9 metres in width, 14.4 metres in depth, and a maximum of 13.2 metres in height. The design of the proposed building includes 4no symmetrical front gables and dual-pitched roofs. There is also an area of flat roof in the centre of the building including several photovoltaic panels. The proposed building benefits from projecting balconies to the side and rear elevations. The main proposed external finishes are facing brickwork and slate roofing.

The proposed development provides a total of 25no residential units, comprising the following unit mix:

- 11x 1-bed/2-person (min. GIA 50 sqm);
- 9x 2-bed/3-person (min. GIA 61 sqm);
- 4x 2-bed/4-person (min. GIA 70 sqm);
- 1x 3-bed/5-person (min. GIA 86 sqm).

The proposal includes the provision of private rear gardens serving the ground floor units and balconies for the upper units. It provides a total of 8no off-street car parking spaces, one of which is accessible. A scheme of soft landscaping is indicated around the boundaries of the site. A cycle store is provided within the building at ground floor. Refuse and recycling storage is also provided internally at ground floor. A refuse collection zone is indicated to the north-east corner of the site.

As noted, changes to the site location plan have resulted in some amendments to the scheme, notably at ground floor level. For clarity, the following changes to the scheme have been introduced since it was heard at committee:

- *Changes to site boundary, mainly on southern and western boundaries*
- *Minor landscaping changes*
- *Flat 4 has a reduced amenity space compared to the original scheme, providing 77sqm (originally 177sqm, a reduction of 100sqm). Internal reconfiguration of this flat with primary windows of all habitable sited on the eastern elevation, and removal of one window on south elevation. The unit size (2b3p) remains unchanged.*
- *Flat 5 has a reduced amenity space compared to the original scheme, providing 50sqm (originally 88sqm, a reduction of 38sqm). This unit would now immediately abut the site boundary and therefore changes to the internal layout have been proposed to ensure the bedrooms benefit from good outlook. High sill windows introduced to southern elevation serving this flat. The unit size (3b5p) remains unchanged.*
- *Introduction of sections of green roof, replacing some of the photovoltaic panels at roof level; this will not be visible from street level.*

Since the committee decision to approve the application subject to S106 agreement, new CIL charges have been adopted in Barnet. Officers consider it reasonable to deduct the new CIL liability, which would increase, from the agreed affordable housing contribution; this is discussed in more detail below.

4. Public Consultation

A site notice was erected on 20 May 2021 and a press notice was published on 20 May 2021. Consultation letters were sent to 333 neighbouring properties. 2no responses have been received, both in objection to the proposed development.

The contents of the letters in objection can be summarised as follows:

- The proposed development is too tall and an overdevelopment of the site;
- Concerns regarding loss of outlook and overlooking to neighbouring occupiers;
- Lack of outdoor space for future occupiers;
- Lack of detail of construction management measures;
- Concerns regarding impact on local infrastructure;
- The proposed development is not in keeping with the local character;
- Concerns regarding the accuracy of submitted documents;
- Concerns regarding energy and sustainability measures;

- Concerns regarding illegal parking;
- Concerns regarding fire safety.

As noted at the start of this report, a call-in request in objection to the proposed development was also received from Councillor Farrier.

Further consultation was carried out on the 26 May 2022. 2no responses were received, both in objection to the scheme; these are summarised as follows:

- *Loss of light and privacy to properties on Beresford Road*
- *Loss of light and privacy to properties on Dairy Mews/ overlooking to Dairy Mews*
- *Overdevelopment of the site.*
- *Refuse near Dairy Mews would result in noise, disturbance and vermin*
- *Impact of new planting on neighbouring properties.*

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The current iteration of the National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The London Plan (2021)

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

Barnet's Local Plan (2012)

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Affordable Housing SPG

Planning Obligations SPG

Residential Design Guidance SPG

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality (including heritage considerations);
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Principle of development

The host site is currently a vacant area of hardstanding. Its redevelopment to provide residential accommodation is considered to be appropriate in principle. A flatted use is considered to be acceptable in this location given the presence of several other purpose-built blocks of flats within the local area. It is noted that the site is allocated for residential development in the emerging Local Plan.

The proposed unit mix, including 1no 3-bed dwelling (highest priority), is considered to be acceptable and in accordance with Policy DM08.

Provision of affordable housing

Given that the development is for 25no residential units, the proposal would require provision of affordable housing under policy DM10 of the of the Development Management Policies 2012. Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal does not provide any affordable housing units on-site and as such the applicant has provided a viability report by Avison Young which has been independently reviewed by Savills. Officers accept that in this instance, given the level of surplus generated by the development and the site context, it would not be appropriate to seek on-site provision of affordable housing and a financial contribution in-lieu would be acceptable in these exceptional circumstances. Following the review by Savills, a financial contribution in-lieu of £500,000 towards providing affordable housing in the borough was agreed by the applicant and the Local Planning Authority. *When the application was originally presented to Planning Committee (December 2021), this was considered to be the maximum contribution that the development could viably provide.*

As part of the viability assessment, the CIL charges a development would be liable for, are considered. In the original assessment presented to Planning Committee, the development was liable for a total of £534,117 in CIL charges based on the 2013 CIL charging schedule. In April 2022, Barnet adopted a new CIL charging schedule which came into effect for any development approved after this date. As a result, the development is now liable for a total of £741,565.71 of CIL fees; an additional £207,448.71 compared to the fee based on now superseded CIL charges.

*This additional charge of CIL has an impact on the viability of the scheme. Officers consider it reasonable to deduct the additional CIL liability from the agreed affordable housing contribution. This would result in the total contributions to the Council remaining unchanged, albeit with a notably reduced affordable housing sum, which officers consider as regrettably unavoidable. The updated financial contribution in-lieu would be **£292,551.29** towards providing affordable housing, which would be secured via a Section 106 agreement with the Council.*

It is considered that following the assessment of the viability report and the financial contribution offered, the proposal makes an acceptable provision for affordable housing, in accordance with Policy DM10 and the Affordable Housing SPD (2007).

Impact on the character of the area

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012). Additionally, Policy DM06 of the Local Plan states that 'all heritage assets will be protected in line with their significance. All development will have regard to the local historic context.'

The area surrounding the site contains several purpose-built blocks of flats, including at Diploma Court immediately to the east and on Deanery Close to the west. Buildings generally range between two and four storeys. The proposal for a three storey building with additional rooms in the roofspace providing self-contained flats is considered to be appropriate in this context. The proposed building is not considered to appear disproportionately large or out of keeping with the surrounding area, particularly given the separation to all site boundaries which maintain a sense of spaciousness. While it is noted that the site is at a higher ground level than adjacent land, it is not considered that this would result in an unacceptably prominent building.

The proposals retain the existing vehicular access to the rear of The Bobath Centre. This provides a buffer between the proposed building and the adjacent listed building. Additionally, it is noted that the rear of The Bobath Centre benefits from contemporary

extensions, which have less heritage significance. Given the three storey scale of the proposed building and the separation between buildings, it is not considered that there would be an unacceptable overbearing relationship on The Bobath Centre. There is some space to the front of the site allocated to soft landscaping, which will help to further soften this relationship. Taking into account the height of the proposed building and its siting to the rear of The Bobath Centre, there would be a minimal visual impact on the setting of the listed building as viewed from East End Road. This is demonstrated in the submitted townscape views.

The proposed building has a pitched roof form with 4no front gables. This reflects the front and rear gables which are a prominent feature of The Bobath Centre. Officers consider the design and appearance of the building to be sympathetic to the local character. The proposed materials are considered to reflect the local vernacular and, subject to more precise details as required by condition, are acceptable.

The Council's heritage officer has been consulted on the proposed development. Given the scale of the proposed building and its relationship with the Bobath Centre building, having consideration for existing extensions to the rear of the Bobath Centre, the proposed development is not considered to have a detrimental effect on the setting of the adjacent listed building. Therefore, officers are satisfied that the proposed development would protect the adjacent listed building, in accordance with the requirements of Policy DM06 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to existing trees on site, the proposals include the removal of 4no trees to accommodate the proposed building and due to poor condition. Subject to replacement planting, this is considered to be acceptable. A total of 14no new trees are proposed, although a detailed landscaping plan is required by condition to ensure that this consists of appropriate species and sizes. Additionally, the applicant has agreed to make a contribution towards tree planting in the vicinity of the development to provide additional mitigation. This would be secured via Section 106 agreement. Given the constraints of the site, this is considered to be acceptable in this instance.

Taking into account the above, officers consider that the proposed development would provide a high-quality design which is sympathetic to the local character and protects the significance of the adjacent listed building. As such, the proposals are in accordance with planning policy including Policies DM01 and DM06 of the Local Plan, and Policy D3 of the London Plan (2021).

Impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

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

Given the three-storey scale of the proposed building and the separation distances to the boundaries on all sides, it is not considered that it would result in any unacceptable overbearing impacts or loss of outlook to neighbouring residential occupiers. Regarding light impacts, a daylight and sunlight assessment has been submitted with this application. It states that the vast majority of properties assessed (95%) are fully compliant with BRE

guidelines on daylight and sunlight. Of the remaining properties (4 out of 81 the properties tested) there are minor deviations only from the BRE guidelines. Officers are satisfied on this basis with the conclusions that daylight and sunlight impacts on neighbouring properties would be acceptable.

Regarding potential for overlooking, the distances to the nearest neighbouring occupiers to the south and west of the site exceed minimum separation distances (as per the Sustainable Design and Construction SPD) to avoid a harmful loss of privacy. Similarly, is a sufficient distance to The Bobath Centre to the north to avoid any harmful overlooking of the neighbouring use. With regards to the relationship with the property to the east at Diploma Court, the windows at first and second floor levels directly facing the neighbouring block are obscure glazed. Additionally, there are no projecting balconies on the eastern side elevation directly facing the neighbouring building. Given the inset design of the balconies to the third floor units and the change in levels between the site and the adjacent two storey building, it is not considered, on balance, that these units would provide opportunities for harmful overlooking to neighbouring windows. As such, the design of the proposed building is considered to mitigate any potential overlooking and it is not considered that there would be any harmful loss of privacy to the neighbouring occupiers at Diploma Court.

With regards to the impact on Dairy Mews, it is noted that following amendments, an objection was received detailing concerns about loss of privacy and light to these occupiers; this section will elaborate on the impact to these occupiers. Dairy Mews is comprised of a terrace of houses and flats, with no.3 located closest to the site boundary. These properties benefit from relatively small gardens. Due to the unusual layout of the site, the proposed building would be in line with the end of the rear gardens of Dairy Mews however windows or the balconies would not align with windows or the garden of no.3 Dairy Mews. Whilst the eastern elevation of the building would be approximately 6.6m to the boundary of no.3 Dairy Mews at first and second floors and 9.1m at third floor, due to the relationship of the plots and positioning of the building, it is not considered that views from the windows or balconies of flats 9, 17 and 23 would lead to direct overlooking into the Dairy Mews properties. Whilst the outlook afforded to the occupiers of these neighbouring properties on Dairy Mews, from both the internal and external areas, would as a result of the proposal change, this does not necessarily equate to harm. Any views on to the Dairy Mews properties would be relatively oblique and considering the urban setting are, on balance, considered acceptable.

The daylight and sunlight report has considered the impact on Dairy Mews as well as other neighbouring occupiers. With specific reference to no.3 Dairy Mews which is closest to the site, the report noted that 7 out of 8 windows satisfied the BRE guidelines for Vertical Sky Component (VSC) however the ground floor window would have a minor deviation from the BRE guidelines. As noted above, this was previously considered acceptable and the amendments to the scheme since it was last presented to committee have not altered this.

Taking into account the location just outside the East Finchley Town Centre and the presence of several flatted uses within the local area, it is not considered that the development providing 25no units would have a material impact on the character of the area or result in harmful noise and disturbance impacts to the detriment of neighbouring amenity.

Overall, it is considered that the proposed development would have an acceptable impact on the residential amenities of all neighbouring occupiers, in accordance with Policy DM01.

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 25no dwellings. The proposed dwellings are as follows:
11x 1-bed/2-person (min. GIA 50 sqm);

9x 2-bed/3-person (min. GIA 61 sqm);
4x 2-bed/4-person (min. GIA 70 sqm);
1x 3-bed/5-person (min. GIA 86 sqm).

The proposed dwellings meet or exceed the minimum internal space standard for the relevant dwelling size, as per the Sustainable Design and Construction SPD.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m² and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. It is considered that the proposed dwellings would benefit from adequate internal ceiling height.

Light/Outlook

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The majority of dwellings within the proposed development are dual-aspect. The small number of single-aspect units are 1-bedroom dwellings and would still benefit from one good-quality aspect. Additionally, the submitted Daylight and Sunlight Assessment demonstrates that the rooms within the proposed development would benefit from adequate levels of daylight and sunlight. Therefore, on balance, it is considered that the level of light and outlook provided for the development is acceptable.

Amendments were sought for the internal reconfiguration of Units 4 and 5 due to the change to the site boundary, which include relocation of windows and bedrooms, to ensure that all habitable rooms benefit from suitable outlook and privacy. Officers are satisfied that the amendments would retain a high level of amenity for these units.

Amenity

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats, there should be a minimum provision of 5 sqm of outdoor amenity space per habitable room (where rooms exceeding 20 sqm are counted as two). The proposals provide private amenity space for all units, except Units 8 and 16, in the form of private gardens at ground floor and private balconies for the upper units. The two units without access to private outdoor amenity space are 1-bedroom units, which directly overlook the nursery at the Bobath Centre. The proposals include a contribution towards the improvement and enhancement of a local open space (Cherry Tree Wood), which is within close walking distance of the site. Weight is given to the location on the edge of a town centre, close proximity to local amenities, and local open spaces. Given these factors and the contribution, on balance, it is considered that the provision of outdoor amenity space within the development is acceptable.

It is noted that due to the changes to the site boundary noted above, there has been a reduction in the private outdoor amenity space provision of 2no of the units. Unit 4 has been reduced from 177sqm to 77sqm (100sqm difference) and unit 5 from 88sqm to 50sqm (38sqm difference). The private amenity space provision for both units would still be surplus to the requirements and as such is deemed acceptable.

Privacy

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The proposed dwellings are considered to benefit from adequate levels of privacy.

Highways

The site is at the rear of the Bobath Centre which fronts directly onto East End Road (A504). The section of East End Road in the vicinity of the site is a two-way single carriageway road and it joins the A1 in East Finchley town centre. The site is located on the boundary of two Controlled Parking Zones (CPZ). To the east is a CPZ that operate from Mon-Sat, 8am - 6.30pm and CPZ that operates Mon - Fri, 2pm-3pm. However, there are parking restrictions in the form of yellow lines, school keep clear markings, residents permit bays, a bus stop and a zebra crossing in this section of East End Road.

The site lies in an area with a PTAL rating of 4, which represents a good level of public transport accessibility. There are 4 bus routes (143, 234, 263 & 102) which can be accessed from stops within 1 minutes walking distance of the site. East Finchley tube station is located 323 metres to the south and it is within 4 minutes walking distance of the site.

The proposals provide 8no off-street car parking spaces, including 1no disabled bay. Highways officers have advised that this would result in a shortfall of 12no spaces on the basis of the parking standards specified within Policy DM17 of the Local Plan. Taking into account the good level of accessibility by public transport, the proximity to East Finchley Town Centre, and the proposed unit mix, the proposed parking provision is considered to be acceptable, subject to a Section 106 agreement to restrict future occupiers of the development from purchasing parking permits, the provision of 2no additional enlarged spaces which may be converted to disabled spaces if required (as per the attached condition), and the provision of a travel plan for the site. The associated legal agreement includes contributions towards the travel plan monitoring and Travel Plan incentives of £150 per household towards sustainable travel measures. TfL have also been consulted and have raised no objection to the proposed development, subject to conditions.

Regarding the shared use of the vehicular access with The Bobath Centre, information has been provided demonstrating that there is a low trip generation from the adjacent nursery use. This has been confirmed by Highways Officers through a spot check of the site. As such, there is not anticipated to be a harmful conflict with the shared use. In accordance with the findings of the submitted Road Safety Audit, a condition is attached requiring additional signage within the site. As a result of these measures, the proposals are not considered to be detrimental to highways safety.

The proposals provide a cycle store comprising 45no cycle parking spaces, in accordance with London Plan standards. A condition is attached to ensure this is provided. A condition is also attached regarding electric vehicle charging points. This is considered satisfactory to address these requirements.

Overall, subject to the attached conditions and legal agreement, the proposals are not considered to result in an unacceptable impact on the surrounding highways network, subject to the proposed conditions.

Refuse

The proposals include a refuse and recycling store within the building at ground floor. This is considered to be acceptable, subject to the attached condition requiring a delivery and servicing plan including refuse storage and collection arrangements to be submitted and approved.

A designated point of refuse collection is indicated along the north-eastern boundary close to the Dairy Mews properties, however the bins would not remain in the location other than on collection days. Additional details would be required and reviewed as part of the condition.

Designing Out Crime

Policy D11 of the London Plan (2021) states that development proposals should include measures to design out crime. It is noted that the applicant has engaged with the Metropolitan Police's Designing Out Crime Officer prior to submitting a formal application. Some details of mitigation measures are included within the submitted Design and Access statement. The Designing Out Crime Officer has been consulted on the proposals and has raised no objection subject to a condition requiring Secured By Design certification prior to occupation of the development. This is considered to be in accordance with Local and London Plan requirements.

Accessibility

The application states that all 90% of the proposed units Building Regulation will meet requirement M4(2), and 10% will meet requirement M4(3). This is in accordance with the London Plan. A condition is attached to ensure compliance with this.

Energy and Sustainability

In respect of carbon emission reduction, the proposals achieve a 35% carbon reduction over Part L of the 2013 building regulations, secured by the attached condition. Additionally, the applicant has agreed to make a contribution to the Council's carbon offset fund to meet zero-carbon, in accordance with the London Plan 2021.

An air quality neutral assessment has been submitted with the application. This includes details of mitigation for the impact of the development to achieve air quality neutral. The Council's Environmental Health officer has been consulted and is satisfied with the proposed mitigation measures.

The proposed development therefore would meet the necessary sustainability, energy, and efficiency requirements of the London Plan (Policies SI2 and SI4) and Policy CS3 and M and DM04.

5.4 Response to Public Consultation

- The proposed development is too tall and an overdevelopment of the site;
- Concerns regarding loss of outlook and overlooking to neighbouring occupiers;
- Lack of outdoor space for future occupiers;

These issues are addressed in the above report.

- Lack of detail of construction management measures;

A condition is attached requiring details of demolition and construction management measures to be submitted to and approved by the Local Planning Authority prior to the commencement of development. This is considered satisfactory to address this.

- Concerns regarding impact on local infrastructure;

It is noted that the application is liable for the Community Infrastructure Levy. Given the scale of development there are no further requirements in this respect.

- The proposed development is not in keeping with the local character;
This is addressed in the above report.
- Concerns regarding the accuracy of submitted documents;
Officers are satisfied that the submitted documents are accurate and allow a proper assessment of the proposed development.
- Concerns regarding energy and sustainability measures;
The attached conditions regarding sustainability as detailed above are considered to be satisfactory to address this.
- Concerns regarding illegal parking;
The proposals provide sufficient off-street parking to serve the proposed units in accordance with local planning policy.
- Concerns regarding fire safety.
Given the scale of development there are no additional planning requirements in this respect.

Following the re-consultation, the following comments were also received and are responded to:

- *Loss of light and privacy to properties on Beresford Road*
The building would have no additional impact on properties on this road in terms of loss of light or privacy; the building would be located to the rear of the Bobath Centre and would be in excess of 100m from Beresford Road.
- *Loss of light and privacy to properties on Dairy Mews/ overlooking of Dairy Mews*
The relationship of the new building to neighbouring properties was previously considered acceptable. The amendments to the scheme previously presented to Committee do not seek to introduce any additional windows facing Dairy Mews and the building has remained in the same location. It is therefore considered that there would not be greater harm to the occupiers from the amendments compared to the scheme original deemed acceptable. The report above has detailed this further.
- *Overdevelopment of the site.*
Addressed in the report above.
- *Refuse near Dairy Mews would result in noise, disturbance and vermin*
The location nearest to Dairy Mews is the point of collection on collection day only and there is a designated bin store within the building, therefore it is not considered that this location would be harmful to neighbours.
- *Impact of new planting on neighbouring properties.*
New planting is proposed along the perimeter of the site which would be submitted and assessed as part of a pre-occupation condition (condition 21); this will be assessed by the Council's Arboriculturalist.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.