

Location **Broadfields Estate Bushfield Crescent Edgware HA8 8XH**

Reference: **20/3742/FUL** Received: 13th August 2020

Accepted: 25th August 2020

Ward: Edgware Expiry 24th November 2020

Case Officer: **Dominic Duffin**

Applicant: Ms Susanna Morales

Proposal: Demolition of 37 garages and the erection of 28 new affordable homes (19x1b, 9x2b) (C3), associated landscaping, car parking, cycle parking and ancillary works

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

3. Affordable Housing

-An obligation to secure the details of the affordable housing provision of this 100% affordable scheme.

4. Highways

Off - site Highways Improvement Works

Bushfield Crescent:

A) Provision of a new access at the north wester corner of the site near No 74

Bushfield Crescent

B) Reinstatement of the footway approximately 5 to 10m either side of new or existing access based on condition surveys

C) Upgrading the existing access at the south eastern end of the site to Heavy duty crossover standards. Clear delineation of the boundary of the adopted highway must be introduced.

D) Introduction of waiting restrictions at junction corners on Bushfield Crescent

Stopping Up of Highway under (s257 and 247)

Stopping-up of footpaths , accesses , amenity areas within the curtilage of the site is required to facilitate the proposed development.

A) Verge adjacent to the path running along the rear of No 74 Bushfield Crescent

B) Existing paths to the rear of the Nos 12-72 Bushfield Crescent

C) Existing paths and rights of way to the garages at the rear Nos 118 -140 Kenilworth Road

5. Energy Consumption

-An obligation to secure energy use monitoring as part of the GLA "Be Seen" initiative.

6. Loss of Trees

-Obligation to secure a contribution for the loss of trees on site (CAVAT value to be determined).

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

RECOMMENDATION II:

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

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

1925 RCK ZZ ZZ DR A 00010 Site Location Plan - As Existing Rev P1
1925 RCK ZZ ZZ DR A 00100 Site Block Plan - As Existing Rev P1
1925 RCK B6 00 DR A 00130 B6 Ground Floor Plan - As Existing Rev P1
1925 RCK B7 00 DR A 00135 B7 Ground Floor Plan - As Existing Rev P1

1925 RCK ZZ ZZ DR A 00200 Street Elevation AA BB - As Existing Rev P1
1925 RCK ZZ ZZ DR A 08200 Street Elevation AA BB - As Proposed Rev P1

1925 RCK ZZ ZZ DR A 08100 Site Block Plan - As Proposed Rev P5

1925 RCK B6 L00 DR A 08130 Block B6 Ground Floor Plan Rev P4
1925 RCK B6 L01 DR A 08131 Block B6 First Floor Plan Rev P4
1925 RCK B6 L02 DR A 08132 Block B6 Second Floor Plan Rev P2
1925 RCK B6 L03 DR A 08133 Block B6 Third Floor Plan Rev P2
1925 RCK B6 R04 DR A 08134 Block B6 Roof Plan Rev P2
1925 RCK B6 XX DR A 08230 Block B6 Front and Rear Elevations Rev P3
1925 RCK B6 XX DR A 08231 Block B6 Left and Right Elevations Rev P3

1925 RCK B7 L00 DR A 08140 Block B7 Ground Floor Plan Rev P5
1925 RCK B7 L01 DR A 08141 Block B7 First Floor Plan No S2 P5
1925 RCK B7 L02 DR A 08142 Block B7 Second Floor Plan Rev P3
1925 RCK B7 R03 DR A 08143 Block B7 Roof Plan Rev P2
1925 RCK B7 XX DR A 08240 Block B7 Front and Rear Elevations Rev P3
1925 RCK B7 XX DR A 08241 Block B7 Left and Right Elevations Rev P3

EXA-ZZ-00-DR-L-00001 GF Reference Plan Rev P1
2003-EXA-ZZ-00-DR-L-00100 GF General Arrangement Plan Rev P1
2003-EXA-ZZ-00-DR-L-00101 GF General Arrangement Plan_Detail Area 1 of 2
Rev P1
2003-EXA-ZZ-00-DR-L-00102 GF General Arrangement Plan_Detail Area 2 of 2
Rev P1

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

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

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

- 3 a) No development shall take place other than demolition works, 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.

- 4 a) No development above ground floor slab level 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 Policies D3, D4, D5 and D6 of the London Plan 2021.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

- 6 Notwithstanding the parking site layout plan submitted with the planning application, prior to occupation of the development; a detailed parking layout plan showing the 31 proposed off-street parking spaces including 3 disabled bays and any redundant crossovers to be reinstated to footway in the development shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the 31 off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, a minimum of 49 cycle parking spaces 47 (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 bicycles 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.

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved no residential units shall be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 9 Before the permitted development is occupied, details of parking management plan 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

- 10 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 6 active and 25 passive electric vehicle charging points. 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 T.6.1 of the London Plan

- 11 Prior to the commencement of the development hereby approved, details of any highways or public Rights of Ways to be stopped up under Section 247 of the Town and Country Planning Act within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out after the stopping up order has been made.

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 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

d) Where remediation of contamination on the site is required completion of the

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

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

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

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

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

- 14 No above ground 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 any 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. 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 2013) and Policy D14 of the London Plan 2021.

- 15 a) prior to occupation of the development, 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 occupied.

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 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 Policies GG3 and S11 of the London Plan 2021.

- 16 prior to occupation of the development, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied 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 S11 of the London Plan 2021.

- 17 a) No above ground 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), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D14 of the London Plan 2021.

- 18 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 19 Prior to the occupation of the hereby approved development, details of a Biodiversity, Landscape & Ecological Management Plan for all areas for a minimum period of 30 years shall be submitted to and approved in writing by the Local Planning Authority.

a) The Biodiversity & Landscape Management Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules, replacement planting provisions for existing retained trees, and any new soft landscaping to be planted as part of the approved Biodiversity Net Gain scheme.

b) This management plan will ensure compliance with the approved level of biodiversity net gain for the approved development.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

d) The approved management plan shall detail habitat creation, detailed planting schedule, enhancement measures (including the location and specifications of the recommended bat and bird boxes) and required monitoring of the habitats and species affected by the project. This would need to be

commiserate with any Biodiversity Net Gain Plan for the site in order to avoid any redundances.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan and 2021 Environment Act 2021.

- 20 Prior to occupation of the development details of the specification and number of integral bat bricks or tubes within buildings within the site, and purpose-built bird nest and swift boxes shall be submitted and approved by the local planning authority. Ideally these features should be installed on the newly constructed building or retained nearby trees (as per the manufacturer guides), at least 3m high on the S, SE, or SW orientation, ideally and with enough space for bats to fly under the box easily in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)'. These installations shall be maintained and replaced as necessary for the lifetime of the building as directed by an appropriately qualified and licenced bat ecologist.

REason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 21 Prior to the commencement of works details of a Low Impact Lighting Strategy shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for project; including during the operational phase, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

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

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

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

- 23 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).

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

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

- 25 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.

- 26 Before the buildings hereby permitted are first occupied, the proposed window openings in the western elevation of Block B6 at first, second and third floor level, serving the Living/Kitchen/Dining areas of units B6.1.5, B6.2.5 and B6.3.5, as identified in the approved plans, 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).

- 27 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the residential blocks hereby permitted shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify

the details of the privacy screens to be installed, including screens to address privacy issues between blocks. The development shall be implemented in full accordance with the approved details and specifications prior to the occupation of the development and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings in accordance with polices DM01 and DM02 of the Barnet Local Plan.

- 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 100% in carbon dioxide emissions, as detailed in the submitted Energy Strategy (Thornley and Lumb Rev B 29.06.2022) 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 SI2 of the London Plan 2021.

- 29 Notwithstanding the details shown on the plans otherwise hereby approved, prior to the first occupation of the the development a scheme detailing all play equipment to be installed in the communal/public amenity space as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and the play space shall thereafter be retained.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and of Development Management Policies (Adopted) September 2012 and Policy S4 of the London Plan (2021).

- 30 Notwithstanding the details submitted with the application, prior to occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority that provides details of the existing "pram sheds " (external storage facilities) that are to be demolished, pram sheds that are to be retained, and replacement pram sheds for those that are to be demolished.

The submission under this condition shall include details of the location of all pram sheds and associated floor and elevation plans.

The development shall be implemented and the storage facilities provided fully in accordance with the approved details before the the development is occupied.

Reason: To ensure satisfactory storage facilities are provided at the development in accordance with polices DM01 and DM04 of the Barnet Local Plan.

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

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

- 32 a) No development, other than demolition and site preparation 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 G.7 of the London Plan 2021.

- 33 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the tree protection details, as detailed in the submitted Tree Report and associated plans by John Cromar's Arboricultural Company Ltd (S90-J3-IA-1 REPORT regarding the impact on trees of proposals for development at Broadfields Estate, Edgware, HA8 updated 25th April 2022)
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the associated tree protection plans (S90-J3-P2 v1, S90-J3-P3 v1) approved under this condition 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 as approved under this condition.

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 Policy G.7 of the London Plan

RECOMMENDATION III:

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

- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 30 September 2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to secure the provision of a policy compliant level of affordable housing, associated highways works to facilitate the development, and planning obligations to ensure ongoing energy consumption monitoring, and to secure a contribution for the loss of trees on site. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy, policy DM01, DM04, DM10 and DM17 of the Development Plan DPD (adopted September 2012), Policies T.6, H.4, SI.2, G.7 and of the London Plan 2021 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.

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.

- 3 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway

shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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.

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

- 5 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.

- 6 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.

- 7 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995

Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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 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.

- 9 Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 10 Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any excavations that need to be left overnight should be covered/fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must

be covered at the end of each work- day to prevent animals entering/becoming trapped. During clearance works at Site 1 and Site 2 any suitable refuges such as log piles, dense leaf litter or scrub piles should be undertaken carefully and dismantled by hand. Any hedgehogs found during the process should be carefully moved to the retained boundary habitats at the site or adjacent habitats off site.

- 11 It is advised that the amenity grassland consist of a ratio of 70/30 native grass to flowering plants. Such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30.

It is also advised the proposed trees and shrub around the to be constructed building with consist of native species rich berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, honeysuckle hazel, and hornbeam. In general, a best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge/shrub population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

- 12 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 13 Flood Risk Activity Permit
The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- o on or within 8 metres of a main river (16 metres if tidal)
 - o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - o on or within 16 metres of a sea defence
 - o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - o in a floodplain more than 8 metres from the riverbank, culvert, or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.
- For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on

03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

OFFICER'S ASSESSMENT

1. Site Description

The current application follows significant amendments to the originally submitted scheme in 2020. This has resulted in revisions to the red line application site and the proposed level of built form that would be developed therein.

The application site is located in the Broadfields Estate, to the rear of x4 three storey residential blocks on Bushfield Crescent, which front Kenilworth Road. The site is accessed between the blocks from Kenilworth Road.

The majority of the site consists of retained grassed areas, provided as ancillary space to the rear of the blocks, as part of the original estate layout. The site also includes two blocks of lock up garages and a number of storage "pram" sheds.

The site has an elongated shape and in the southern section, to the rear of houses on Morley Crescent, are a number of mature trees, two of which have recently been the subject of a Tree Preservation Order - 21/TPO/10 G1 x 2 oak.

The wider estate contains a mix of two and three storey, terrace and semi-detached dwellings, typical of housing developments provided through the 20th century. The character of the area is predominantly residential. The northern section of the site adjoins development laid out as residential cul-de-sacs (Luther Close, Knightswood Close), and there is also a site along the northern boundary containing an adult community centre.

The site is in close proximity to the A41, M1 and Midland Mainline railway, however the site lies in an area with a PTAL rating of 0 - 1b (low). There are no parking restrictions on Kenilworth Road and the road is not in a CPZ.

The site is not within a conservation area and there are no statutory or locally listed buildings on site.

The application site is located partially within Flood Zones 1, 2 & 3a and there is a culverted watercourse which runs below the site.

2. Relevant Planning History

Ref: 20/3741/FUL

Address: Broadfields Estate, Springwood Crescent, Edgware, HA8 8XJ

Description: Erection of 2no dwellings with associated landscaping, parking and ancillary works.

Decision: Pending consideration.

3. Proposed Development

The originally submitted application sought planning permission for the redevelopment of the site to provide 45 residential units with associated landscaping, parking and ancillary works. The submission proposed a number of sites for redevelopment, both within the current application site, but also other individual sites, providing single units. The development ranged from one-unit dwellings to residential blocks, three storey in height, providing 12 No. units.

As detailed, the scheme has been revised, owing largely to the existence of a culvert which runs through this part the Broadfields Estate. The revised scheme proposes 28 residential units. These would be provided in 2 No. blocks (Block B6 and B7), located in the southern section of the site, to the rear of properties on Morley Crescent and the southern most block on Bushfield Crescent.

Block B6

Block B6 would be 4 storeys in height and would be finished in brick. The building would have a flat roof and some units would be served by balcony areas. Block B6 would provide a total of 20 units, including 13no. 1-bed and 7no. 2-bed apartments accessed internally from a central core.

Block B7

Block B7 would be a similar design but would only extend to 3 storeys in height. The building would have a flat roof and some units would also be served by balcony areas. Block B7 would provide a total of 8 units, including 6no. 1-bed units and 2no. 2-bed units.

All units have private outdoor amenity either in the form of ground floor gardens or balconies.

The scheme would provide 100% affordable housing units (19 x 1b2p apartments and 9 x 2b3p and 2b4p apartments)

Within the wider site redevelopment 31 new parking spaces would be provided. Secure cycle parking spaces would also be provided.

The remainder of the site would be landscaped and laid out formally to provide public amenity areas. This would include (as detailed in the Design and Access Statement);

- o The Village Green: serves as flexible community space for residents and locals to meet, socialise, hold small events, and for children to play.
- o Community Spine: a large shared pedestrian area running adjacent to an extensive swale garden which connects the full length of the site. The space will also include incidental play features.
- o Village Square: a key node in the centre of the development and serves as a connecting area between Knightswood Close, the Community Spine and Bushfield Crescent. It

includes a feature tree and formalised angled lawns, which create seating and exercise opportunities. The space also includes parking bays that are reinforced with grass paving and broken up with swale gardens.

4. Public Consultations

As part of the initial consultation exercise, 545 letters were sent to neighbouring properties and residents. In addition, the application was advertised in the local press and site notices were posted around the site. 21 objections and 1 letter of support were initially received.

Public Objections:

The letters of objection received could be summarised as follows:

- Most residents including myself are unable to distinguish the impact, benefits and timetable of work to allow us a reasonable ability to assess whether we are for or against the development.
- Concern about the loss of the storage sheds and whether they will be adequately replaced.
- Hartland Drive and this development are two major building works in such close proximity. How will congestion be managed?
- Concern regarding increased pollution levels.
- The local bus is already incredibly busy at peak times, also local roads.
- Has the impact on oversubscribed doctors and dentists been taken into account?
- Parking is already problematic, what is the outcome for existing residents during the works.
- There is absolutely no need to include play equipment in the back garden, or indeed to open our back garden up to everybody, as there are two large parks nearby, the farm and now the refurbished Glen Gardens.
- Concern about noise, pollution and loss of privacy to our properties.
- The proposed 3 metres for residents will create a 'corridor' of people directly outside our windows, which will be incredibly loud and intrusive, particularly for ground floor residents.
- Existing infrastructure requires further examination to outlined plans
- Over development of area behind flats
- Existing congestion on current roadways in/out
- Disturbance during construction phase
- There's already parking issues. New development creates increased problems compromising safety. Additional traffic increases noise.
- Residents of existing flats overlooked; loss of privacy
- Loss of existing trees
- Geo reports the development is in Flood zone 2&3 with a culverted river running underneath. Many gardens in the local are already waterlogged in the winter, if the culvert is damaged/the river diverted, by accident or design, what are the consequences for neighbouring gardens?
- Significant disturbance during works - parking of workers, movement of large vehicles in a confined space.
- The proposed development is artistically designed but is impractical & lacks sensitivity to the current residents.
- Pressure on existing services - doctors etc.
- Concern about disturbance from proposed basketball court.

- Increase in anti-social behaviour within the area.
- The new blocks of flats are going to be unacceptably close to our homes and we will be overlooked. This will also block out our sunlight.
- Impact on residential amenity through loss of privacy, daylight/sunlight.
- Security concerns as new development will allow access to the rear of our flats.
- What will happen to my shed that forms part of my lease?
- Overlooking from proposed balconies.

The letter of support received can be summarised as follows:

- This new development will be great for our community. I hope it is affordable to neighbourhood locals to live there. I would like to apply for it.

A second consultation exercise was undertaken following the receipt of amended plans and associated supporting information relating to the 28 unit scheme.

4 further letters of objection were received.

The comments can be summarised as follows;

- How secure are the sheds going to be as we won't be able to see them as we can now & the footfall along that path will increase considerably as it will be an access route to the new flats. Concerned the pram sheds will be reduced in size. Why can't you knock the existing sheds down, rebuild them with a flat roof & then plant the roof so it would still be in keeping with the green theme plus the tenants of the block will be able to keep an eye on them & their possessions in them.
- Concern the level of refuse storage will be inadequate to serve existing units and an additional 28 flats.
- totally unacceptable that some of the new flats have back gardens yet are taking away the large communal open space for the existing flats in order to build the new flats. No mention of designated parking and there are clearly not enough spaces in the drawings to allocate 1 to each flat. Parking will become impossible.
- No mention of electric vehicle charging points which i believe is now a legal requirement. The new blocks are closer to the existing blocks than previously proposed so there will be multiple Right to Light claims.
- As neighbours of the proposed property and speaking on the behalf of all the neighbours, with the proposal of this three storey property from the current one storey, there will be overshadowing and loss of privacy of current homeowners.
- Overshadowing and loss of privacy of current homeowners.
- There is insufficient parking space planning for the number of proposed new flats which will increase congestion and parking difficulties in all neighbouring roads, particularly Morley Crescent.
- The distance of the new proposed window facing property does not meet minimum requirements by Barnet council and law and encroaches on the Morley Crescent Gardens. This further damages the privacy of the bordering gardens and properties of Morley crescent residents.
- There is also question as to who will upkeep the proposed green areas bordering on the Morley Crescent gardens which risks both environmental and sanitary issues.

_responses from Internal Consultees

Environmental Health: No objection subject to conditions.

Highways: Detailed response. No objection subject to conditions and an s106 to agree a Travel Plan and its monitoring.

Trees Officer: No objection, suggested conditions

Ecology: No objection, suggested conditions

LLFA: Detailed response received requiring further information

_responses from External Consultees

EA: Objection is now removed following scheme revisions

Natural England: No comment received

Transport for London: No objection subject to conditions.

Metropolitan Police Design Out Crime Officer: Detailed response, further detail can be agreed by condition.

Thames Water: No objection.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17.

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan, 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 needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Other Documents

- GLA: Housing (2016)
- GLA: Affordable Housing and Viability (2017)
- LB Barnet: Residential Design Guidance (2016)
- LB Barnet: Sustainable Design and Construction (2016)
- LB Barnet: Green Infrastructure (2017)
- LB Barnet: Planning Obligations (2013)
- LB Barnet: Affordable Housing (2007)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development - Residential Development, Affordable Housing Provision & Site Suitability for Development;

- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Impact on Trees
- Provision of refuse storage,
- Third Party Representations.

5.3 Assessment of Proposals

Principle of Development

Residential Use

National planning policy for England is set out in the Government's National Planning Policy Framework (NPPF). A revised NPPF was published on 20 July 2021.

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved.

The Government's policies for delivering housing are set out in Chapter 5 of the NPPF. In particular, paragraph 60 of the NPPF is significant:

"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

Further, paragraph 62 states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site, and paragraph 64 adds that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Paragraph 120 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs

Paragraph 125 notes that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. Local planning authorities should refuse applications which they consider fail to make efficient use of land.

It is recognised and accepted that there is a pressing need to deliver new homes in London and the borough more generally. The development of this site would assist in meeting the housing requirements for the borough and, more widely, London, as well as providing much needed affordable housing, the scheme providing 100% affordable units.

The site is located within a developed estate of residential properties, and Local Planning Authorities should look for opportunities to use existing sites more efficiently in the provision of housing, and other needs, to meet the requirements of the borough's

population.

The general principle of redevelopment for housing can be accepted. However, any scheme should meet other policy requirements of the development plan, and how any development can be accommodated in relation to considerations such as character, design/layout, amenity of neighbours and the quality of accommodation provided are also key considerations. Any potential constraints on the development of the site must also be considered. These issues will be discussed below, but the principle of developing this site for housing can be agreed.

Affordable Housing Provision/Dwelling Mix

Policy DM08 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012 requires that developments "should provide, where appropriate, a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the Borough".

It goes on to identify dwelling size priorities as being:

- i. For social rented housing - 3 bed
- ii. For intermediate affordable housing - 3/4 bed
- iii. For market housing - 4 bed (highest priority) and 3 bed (medium priority)

The scheme consists entirely of one- and two-bedroom units. However, given the realities of the London property market, these units in themselves continue to be in demand. There are some constraints to providing larger, family units on this site. Whilst there is a priority to provide larger units, the council continue to address these needs when possible, however it is considered the provision of smaller, affordable units on this site can be justified, and this dwelling mix is acceptable.

Policy DM10 states that the maximum reasonable amount of affordable housing will be required on site, subject to viability. The submission indicates an affordable housing provision of 100% which exceeds the 40% local policy provision. Any provision of this nature is to be welcomed from an affordable housing perspective.

Flood Risk Considerations

One potentially significant constraint to development is the location of the culverted watercourse which runs through the site, and the sites partial location within Floodzones 2 and 3a.

In that respect, both the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) has provided detailed comment on the scheme.

The EA had initially raised concern with the originally submitted scheme for 46 units, which they could not support, but owing to the culverted watercourse there has been a significant redesign and reduction in the number of units/amount of development proposed. This has resulted in built form being repositioned to retain a separation distance of 8.0m to the culverted watercourse.

Based on a review of the newly submitted information, The E.A have advised they are now in a position to remove their objection to the proposed development. The response is summarised below:

Daylighting the Existing Culvert:

In accordance with Barnet's Local Plan, Policy DM04: Environmental considerations for development (paragraph h), requires development proposals wherever possible, to naturalize watercourses, ensure an adequate buffer zone is created and enable public accessibility. Where appropriate, contributions towards river restoration and deculverting will be expected.

The Thames River Basin Management Plan identifies that physical modifications are a reason for not achieving good ecological status within the Brent Catchment. This development provides the opportunity to assist in meeting the requirements of the Water Framework Directive and providing valuable green and blue space on site. Daylighting culverts has been shown to potentially reduce flood risk, offers a space for nature and residents, as well as providing mitigation for the urban heat island effect.

The E.A acknowledge that the developer has provided some basic reasoning as to why daylighting is not possible at this site, although ideally all avenues of opportunity should be explored before it is ruled out entirely.

Biodiversity Net Gain:

The E.A note that the applicant has not included the main river within their biodiversity net gain assessment. In accordance with national policy, this development proposal should avoid significant harm to biodiversity and seek to protect and enhance it, delivering biodiversity net gain. The Environment Bill mandates, the demonstration of a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 3.1 (or subsequent version), even where development proposals do not result in biodiversity loss. As this development has not incorporated the culvert into their assessments, we do not believe that the assessment honestly reflects the full suite of habitat and opportunity on site. This development should therefore factor the culvert into their assessment in order to satisfactorily achieve biodiversity and wider environmental net gains on this site.

Flood Resistance and Resilience:

The E.A recommend the use of flood resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

Flood Risk Activity Permit:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the riverbank, culvert, or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not

assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The applicant advises that daylighting has been ruled out for the following reasons;

- o Insufficient space within development to construct 1 in 3 slopes from culvert invert to existing ground level due to existing buildings, trees and utilities in close proximity of the culvert
- o Prevents access across the development and estate in contrary to the development objective of making a connected community
- o Unacceptable reduction of developable areas on the estate for the provision of amenity and parking areas
- o Where 1 in 3 slopes are not used, there is an unacceptable safety risk due to sudden 3m depth of culvert
- o Loss of existing garden and green space
- o Risk of undermining proposed and existing building foundations and utilities in the estate.

Whilst the existing culvert would not be daylighted the scheme will bring significant benefits and results in a redeveloped site that will provide much needed affordable housing, and communal amenity space which will be an asset to local residents. Daylighting would require a significant redesign of the scheme.

The scheme will provide a green space with significant biodiversity credentials (discussed below) and will improve public accessibility to the green space. Officers would not insist on daylighting of the culvert across the site in this case.

In terms of Biodiversity Net Gain of 1.6 or 75% would be achieved by the creation of new habitat, and the addition of native trees and wildflower meadows within the site. These are considered acceptable results, notwithstanding the culvert has not been included for the purposes of achieving further net gain.

Sequential/Exception Test

The submitted red line application site is part within floodzones 1, 2 and 3a. The submission indicates the 2x No residential buildings could be located in the lower section of the site which is within Floodzone 1. The rest of the site is within Floodzone 2 and 3a.

The West London Strategic Flood Risk Assessment states in Paragraph 4.2.1, titled 'Application of the Sequential and Exception Test:

"Proposed development sites within multiple flood risk zones are classed under the highest Flood Zone present on site. For example, a site that partly falls under Flood Zone 1 and Flood Zone 2 is formally classified as a site in Flood Zone 2. The Flood Zone that each proposed site falls under helps inform the approach needed for the site and the information required for the planning application. The Sequential Test will need to be applied to steer the entire proposed site to the areas with the lowest risk of flooding."

As part of the site is in Flood Zone 3a, the scheme would therefore fall within the 'more vulnerable' classification in the Planning Practice Guide. As a result, residential development may be appropriate subject to the application of the sequential test as set out

in Policy DM04 of Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012 (DMP).

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The overall aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Para 163. Of the NPPF states the following:

163.If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Given the more vulnerable nature of the scheme, the exception test also applies.

Sequential Test

The PPG on the Sequential Test advises that for individual planning applications, where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

Whilst reference is made to the site being acceptable subject to meeting the requirement of a Sequential Test within the Planning Statement, no associated test had initially been submitted. A "Broadfields Estate, Edgware Sequential Test Review" document, dated 25 August 2022, was subsequently received.

The PPG Guidance outlines that any study area should be agreed between the council and the applicant.

The starting point for any study area would be the entire borough, and sites within Floodzone 1 that could accommodate the proposed development.

The submitted document suggests that any review should be limited to the Edgware area, as "the Local Plan identifies Edgware as a key Growth Area", and essentially the Broadfields Estate, as the only reasonable location to bring forward the proposed 100%

affordable housing scheme on council land.

The submission mentions 23 sites that have been discounted for redevelopment within the Broadfields Estate, but no further details are provided. It is stated that "many are discounted on the basis of ease of construction, size and availability of the land for construction".

It is not considered the limitation of any search to Edgware, as an area targeted for growth, is in itself justifiable.

The applicant in this case is Barnet Homes, an entity of the Barnet Group, who manage the borough's council housing stock on behalf of the council.

The applicant advises that Barnet Homes are acting as developing agents on behalf of the London Borough of Barnet in respect of the development at the Broadfields Estate. The Broadfields Estate is owned by Barnet Council and is also managed by Barnet Homes via a management agreement.

The applicant further advises:

"Barnet Homes have secured £2.8m grant funding from the Greater London Authority (GLA) to deliver a total of 28 new homes through a development programme known to the Council as "GLA 87". Broadfields forms part of this programme. This is not transferable. Barnet Homes intend to develop 28 new homes on the Broadfields Estate, which are 100% affordable rent at London Affordable rents. In addition, the proposed scheme includes extensive enhancement to the public realm within the existing estate."

The applicant confirms the 2.8m funding is specific for redevelopment on the Broadfields Estate to provide affordable housing.

The council has an ongoing need to meet the housing requirements of the borough's residents, and this includes the provision of affordable housing. Barnet Homes are a key stakeholder in bringing forward such housing. The securing of grant funding is a significant aid in the provision of affordable housing.

In terms of justification for developing this site, to the rear of Bushfield Crescent, it is council owned land and therefore a site that could be brought forward for development on behalf of the council. The site has no significant constraints, notwithstanding its Floodzone status, which would curtail a residential scheme from coming forward, subject to all material planning considerations.

The council's emerging plan identifies an ongoing need for affordable housing stating "In terms of meeting the objectively assessed need for affordable housing the SHMA states a need to provide as a minimum 23% of the overall objectively assessed need as affordable accommodation. This equates to a minimum of 10,600 new affordable homes by 2036".

It further states that any affordable housing targets need to be realistic and existing use values can impact on the delivery of affordable units.

It is accepted that there are a number of mechanisms to address the requirements to provide affordable housing across the borough. However, it is considered that infill developments on council owned sites, supported by GLA funding, which have the potential to make more efficient use of a site, in the provision of 100% affordable housing schemes,

can play a significant role.

Barnet Homes is a body set up to aid the council with the management of its housing stock and the delivery of affordable housing through the development of council owned land. This does limit the scope of available land relating to schemes brought forward by this body. Furthermore, as detailed above, specific funding exists to provide affordable housing on the Broadfields Estate. In these circumstances, it can be agreed to limit and search area to the Broadfields Estate.

It is the case that the majority of the Broadfields Estate is within Floodzone 1. The estate is densely developed and has a strongly identifiable character of largely two storey dwellings. Therefore, identifying a site that could discreetly accommodate the two blocks of flats in the provision of 28 units would be difficult. Given the location of three storey flatted development to the front of the site, this further lends to the location of a flatted development at the application site. It is not considered the use of areas of public amenity space, particularly formalised areas of amenity space, are suitable sites for the proposed development.

In light of the above it is considered that the scope of the Sequential Test can be limited to the Broadfields Estate and that there are no reasonably available sites within the study area to provide this development. Whilst there are some concerns, as discussed above, it is considered the foregoing would justify the development of this site, subject to consideration under the Exception Test, which is discussed below.

Exception Test

Para 163 of the NPPF advises that to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Sustainability Benefits:

The PPG guidance advises that the reuse of previously developed land can potential be considered a sustainability benefit. The applicant's Planning Statement outlines further potential sustainability benefits relating to the significant carbon reductions of the buildings, resulting in 100% reductions over Part L building regulations (policy SI.2 of the London Plan requires at least 35% reductions) and the significant biodiversity net gains that would be accrued from the associated redevelopment of the remainder of the site, as discussed in the description above. Both the Ecologist and Trees Officer point to significant biodiversity gains, and state that the site would provide a considerable improvement to the area.

As discussed above, the site would provide a new housing development - a 100% affordable housing scheme, and there are there are wider sustainability benefits associated, which would benefit the wider community, as discussed below.

Paragraph 7 of the NPPF explains that: "the purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

Planning Authorities should support facilitate housing, economic and other forms of sustainable development and the NPPF sets out a criteria by which such proposals should be considered.

The NPPF requires the planning system to deliver sustainable development; this is defined as a threefold objective in paragraph 8 in terms of:

- o An economic role to help build a strong, responsive and competitive economy
- o A social role, to support and strong, healthy and vibrant community, and
- o An environmental role to protect and enhance our natural, built and historic environment, including making effective use of land

The three components need to be pursued in an integrated way looking for solutions which deliver multiple goals.

In line with the three dimensions of sustainable development identified in the NPPF the proposed development would include associated sustainable benefits as per para 8 of the NPPF;

Economic: The proposed development will provide a range of economic benefits, including direct employment in its own right, supporting the local economy with an increased footfall and local expenditure, with jobs created and more people to put money into the local economy in the longer term.

Social: It is noted that at Paragraph 60 the NPPF states, that in in order to support the Government's objective to significantly boost the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing needs are addressed, and that land with permission is developed without unnecessary delay.

Whilst the council consider that they can demonstrate a 5 year supply of deliverable sites for housing, as required by the NPPF, it is acknowledged that there is a pressing need for housing across London as a whole, and that the provision of market and affordable housing is a significant benefit of any development scheme. The site would assist in meeting the housing requirement for the borough and, more widely, London.

The development would also provide new high-quality amenity spaces for the enjoyment of residents and a large public open space.

Environmental: Section 11 Making effective use of land confirms at Paragraph 119, planning policies and decisions should promote an effective use of previously developed land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living condition.

Para 120 at C states planning policies and decisions should;

"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"

D outlines that planning policies and decisions

"promote and support the development of under-utilised land and buildings, especially if

this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)"

Whilst it is accepted the site is in no way derelict or despoiled, it is located on an existing residential estate and qualifies as previously developed land. As discussed below, officers consider the site could accommodate the proposed development, when considered against material planning considerations, and local authorities should look for opportunities to make more effective use of under-utilised sites. The development of this site would therefore also make a modest contribution to reducing the pressure to develop greenfield sites in order to meet the Council's housing requirements.

The landscape proposals would allow for the creation of new and enhanced habitats and would achieve a net biodiversity gain which could be subject to a planning condition. The proposed development would incorporate a variety of energy reducing measures.

Whilst the site is situated in a low PTAL rated area, it is not considered a particularly unsustainable location to locate a limited affordable housing scheme. For the most part the proposal would be a sustainable form of development, as discussed above.

Summary:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

The three dimensions of sustainable development are economic, social and environmental.

Economic - Residents increase spend in local shops and services, long and short term employment. Social - Provides a form of housing that meets current and future housing needs.

Environmental - Makes effective and efficient use of the site

Officers therefore consider the proposal would provide wider sustainability benefits for the local community which must be weighed against flood risk, this aspect is discussed below.

Flood Risk:

As detailed above, any sustainable benefits must outweigh flood risk and the proposal must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy by Conisbee. The LLFA have assessed the submission and provided technical advice on this aspect of the scheme.

The LLFA response has raised some concerns with the proposed submission and require details of;

1. Confirmation of a decrease in flood risk at the site and to third party developments. Additional clarification is required.
2. Confirmation that flood risk to third-party developments downstream of the site aren't at increased risk of flooding due to the removal of existing structures and fluvial flows not

being held back upstream of and at the site location.

3. Appropriate flood plane compensation should be provided in lines with Barnet Level 2 Strategic flood risk assessment.

4. Any potential opportunities for de culverting and restoring the culverted watercourse to more of a natural state to improve the biodiversity is strongly recommended to be considered.

5. Evidence of consultation with the EA confirming the appropriateness of the hydraulic modelling that has been carried out and results.

Further details on the surface water drainage strategy for the site are also requested.

At the time of the report, there is ongoing discussion between the applicant and the LLFA in order to reach an agreed position through revised submissions.

Officers need confirmation from the technical advisors at the LLFA that the development of the site will remain safe for its lifetime and not increase flood risk elsewhere.

Should favourable advice be received, the content of any response, as well as any suggested conditions, can be reported in addendum to committee. At present, the test of para.163 of the NPPF is not satisfied, with a requirement to ensure this proposal will not present flood risk concerns both on and off site in order to conclude, that the sustainable attributes can have determining weight against the flood risk considerations.

Character and Appearance

The National Planning Policy Framework (published 2012) 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.

Paragraph 130 further states that decisions should ensure developments are sympathetic to local character, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The new London Plan was published on the 3rd March 2021 and sets out the Mayor's overarching strategic planning framework. This London Plan period runs from 2019 to 2041 and now supersedes the previous Plan (2016).

Policy D3 - Optimising site capacity through the design-led approach states at part A;

"All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D".

Part 1 in "Form and Layout" outlines that development proposals should;

1) enhance local context by delivering buildings and spaces that positively respond to local

distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Part 11 "Quality and Character" states that proposed schemes should;

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Policy DM01 of the Barnet DPD - Protecting Barnet's Character and Amenity states:

"Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets".

As discussed above the original submission has been much reduced, and the proposed built form now consists of the 2 No. residential blocks, and the more formalised layout of the amenity space around the buildings which is proposed.

The existing estate was largely developed in the 1960s-1970s and consists mainly of conventional two storey terraces and semi-detached houses, but also some three storey blocks of flats like that at Bushfield Crescent, where the application site is behind.

The area has an identifiable layout, and developed as a large scale "residential estate" development consists of buildings of variable scales set in landscaped areas, and often accessed by footpaths as opposed to streets. Many of the properties are arranged in traditional block layouts, served by front and rear garden areas and fronting estate roads. The landscape areas do offer some setting for what is an otherwise relatively densely occupied area.

In the immediate context, the grassed areas to the rear of Bushfield Crescent serves as ancillary green space around these taller buildings.

The estate does have a defined character and whilst being mindful that any new scheme does not necessarily need to replicate existing character, any new development must be mindful of a desire to be based on an understanding of local character and to ensure that the existing setting is preserved or enhanced.

The two blocks of flats would be constructed to the rear of the three storey blocks of Bushfield Crescent, which front Kenilworth Road. Opposite these blocks are two storey semi-detached dwellings. The houses run perpendicular to Bushfield Crescent and front a communal Green. There is therefore some variation, and it could not be said the immediate area is homogenous in form or layout. The proposed buildings would be largely obscured by the existing built form but could be glimpsed through gaps between buildings, particularly B6. However, they would not appear out of place.

Whilst backland development will always need careful consideration in terms of how it would successfully assimilate into the wider area, there is enough local variation to ensure that these buildings would not appear stark or incompatible in this setting. The buildings would form a new streetscene with the rear of the existing blocks, but it is not the case that this new arrangement would result in an incongruous introduction to the wider area. There is space around the building to provide a suitable setting, and the new structures would not appear cramped or seriously constrained.

This would be aided by the fact that only two buildings would be developed, and the area of the site where the grassed area becomes more confined would remain free of built form and would provide an organised area of public amenity space.

The new blocks are to some degree a more modern replication of the existing three storey blocks on Bushfield Crescent, irregular in shape, a response to site constraints, but employing a similar brick finish.

The wider site would be set in areas of landscaping with ancillary parking spaces, and residential pathways. The buildings would have areas of amenity space provided by accessible balcony areas and this would also reference the existing built form on the Broadfields Estate, evident on the Bushfield Crescent blocks. The utilisation of modern materials and irregular shape to the blocks will however give the buildings a much more contemporary appearance.

In some respects, this site can be developed as a standalone development plot, and with three storey blocks adjacent, the blocks would not appear strikingly out of character.

The redevelopment of the grassed area to the rear of the flats has been referenced in objection comments, and it does perform an important function and provides setting for the larger flat buildings. However, the grassed area would be replaced by communal amenity and play areas and on balance this can be justified. The formalising of the space, including providing opportunity for exercise and with children's play facilities also provided, will open up the area to much more valuable use, providing a public amenity space which will be of benefit to the local community and bring ecological enhancements. The new layout would also provide a suitable setting for the blocks and aid with their assimilation into the wider setting.

In light of the above it is considered the proposed development offers the opportunity to develop the site in a more efficient manner, providing much needed affordable housing, and this development of the site would not cause harm to the existing character of this section of the Broadfields Estate. The proposed design and layout of this proposal is acceptable.

Whether harm would be caused to the living conditions of neighbouring residents

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to both existing residents and future occupiers of the development.

As the Residential Design Guidance states, privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Reduced distances can be accepted where there are material justifications.

The scheme will result in the fairly intensive development of a plot of land which adjacent to existing residential properties and as such their assimilation into this setting takes careful consideration to ensure suitable amenity levels for existing residents is retained.

Block B6

With regards to block B6, the 4 storey unit, this is located between the southern-most block on Bushfield Crescent (118-140) and the community centre to the rear. It is not considered there would be any material impact on this centre.

With regards to the residential block to the front, it is accepted that the outlook to the rear of the block will significantly change. The rear elevation of this building will directly face the front elevation of the proposed block. A gap of 18.0m would be retained between the facing elevations. The upper floor elevation would include bedroom windows, and enclosed balcony areas accessible from main living areas, essentially habitable rooms.

It is accepted that this retained distance is within the 21.0m as stipulated within the Residential Design Guide. The London Plan SPG guidance also states that the 21.0m guidance can often restrict greater densities and as such a degree of flexibility exists.

It is not considered that this infraction, which results in facing elevations overlooking a generous communal garden area would seriously impact on the amenity of existing residents or future occupiers. The council should seek to optimise the redevelopment of the site, the units are well laid out, and this aspect can be accepted, given site confines and the desire to ensure a redevelopment that provide a suitable level of units. It is not considered that a serious impact on existing amenity levels would result.

It is accepted that the outlook from rear facing windows will change and given the current open aspect there will be some level of impact on outlook. But, as above, it is considered separation distances are acceptable, and on balance, it is assessed that the resulting outlook will not be excessively poor or seriously impact the amenity of existing residents.

The built form would retain suitable separation distances to the nearest dwellings and their associated amenity areas on Luther Close to the rear.

Block B7

With regards to block B7, the 3-storey unit, this is located between dwellings on Morley Crescent to the front and Luther Close to the rear.

With regards to Morley Close the block would be located directly to the rear of No's 3-6. These properties are served by generous rear gardens and a distance in excess of 21.0m would be retained between elevations (31.0m). Furthermore, the proposal would retain a distance of 10.5m to the common boundary. These scheme characteristics would ensure there would be no serious impacts on the existing amenity levels of residents on Morley Crescent.

The rear elevation would be located between 5-7.5m from the common boundary that separates the site from the cul-de-sac of Luther Close. The building would replace the southern-most block of garages, and located on the other side of the boundary fence are other lock up garages. This creates some degree of separation to the nearest residential properties. Elevation to elevation separation distance to the nearest property 30/31 Luther Close would be 16.0m, but the relationship would be offset and it is not considered material overlooking would occur.

The amenity areas to the rear of 30/31 are sub-divided to serve the flats. The amenity space is irregular in shape, and extends to a point behind garages attached to the

dwelling. The rear wall of Block B7 would retain a gap of 7.0m to the nearest point. It is not considered the building would appear particularly overbearing when viewed from the garden areas, which are reasonably generous. Furthermore, there are limited openings in this aspect, they serve the entrance stairwell and it is not considered serious overlooking of amenity areas would result.

Daylight / Sunlight:

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.

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

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

The applicant has submitted a Daylight/Sunlight Report to accompany the application (Hollis, July 2022). This tested impacts on windows on surrounding development with regards to the introduction of this new built form

This report identifies two windows on the ground floor of the residential block on Bushfield Crescent (118-128) which would not meet the target values recommended in the BRE guide for Vertical Sky Component (VSC) values. The windows would score 0.70 and 0.71 of their former value when the BRE guide recommends 0.80 of former value. 70 Of 72 windows tested in the wider area would exceed the 0.80 requirement.

Overall, these are good results and it is not considered this slight infraction would seriously impact the levels of daylight to the rooms or materially impact the amenity of occupants.

In relation to Daylight Distribution, 50 out of 56 rooms assessed (89%) will achieve the target values recommended in the BRE guide. The six windows below the 0.8 of former value recommendation are also in the block on Bushfield Crescent (118-128) and range from 0.54-0.79. As the scheme sees the introduction of a new building in a built up area it is not considered the results point to serious impacts on surrounding development overall. 5 of the 6 windows failing serve bedrooms, which would not be in constant use, with a kitchen scoring 0.79, a marginal fail. It is not considered the results point to serious daylight impacts on surrounding development and are good levels of compliance. Given the other policy aims, of which daylight/sunlight are only one consideration, the results are acceptable.

With regard to sunlight amenity, the report advises that "the BRE guide only recommends the assessment of windows which have a reasonable expectation of enjoying direct sunlight, i.e., those which face within 90 degrees of due south over the development site. In terms of Annual Probable Sunlight Hours (APSH), all (100%) windows assessed would meet or exceed the BRE recommended target for both annual and winter sunlight". Windows qualifying for assessment would still receive suitable levels of sunlight.

Surrounding amenity areas would also be unaffected by the new scheme.

It is therefore the case that there would be some loss of daylight and outlook to rear facing windows at the southern-most block on Bushfield Crescent, and this is acknowledged. It is also the case that, as discussed above, the council should look for opportunities to optimise the redevelopment of development plots if the opportunity arises. On balance, it is not considered the proposed scheme would seriously impact on the amenity of residents of Bushfield Crescent, the rear aspect currently enjoys an unrestricted outlook, which will be inevitably infringed by redevelopment, and it is not the case that this would be to any serious levels.

Some neighbours have raised concern that the development of land behind the three storey blocks on Bushfield Crescent will result in a material loss of amenity from increased movements. Whilst there will inevitably be an increase in movements around the rear of the flats, it is not considered that existing amenity levels would be significantly altered, the flats are located adjacent to communal land, and any impact would not in itself justify a refusal of consent.

Whether adequate amenity would be provided for future occupiers

A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance.

Internal Space Standards:

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

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²
- (2 Bedroom/4 person): London Plan requirement = 70m²

The units all meet or exceed, these required minimum areas.

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

Each of the proposed bedrooms complies with this requirement.

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

Daylight/Sunlight/Outlook:

All proposed residential development should provide suitable outlook and daylight for future occupants.

The submitted Daylight/Sunlight Report outlines that of the 65 proposed rooms, 53 (82%) will meet the BRE guides numerical criteria. 12 rooms within block B6 would fail the test, and 15 rooms within the blocks would fail the internal sunlight test.

With regards to considerations of daylight/sunlight, the NPPF outlines at para 125 (C) states the following;

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

It is also acknowledged that the provision of balconies, providing an area of outdoor amenity space, can provide justification for an infringement on daylight, and results can be impacted by the location of a balcony above. It is evident that the majority of impacted rooms are open plan living/kitchen/dining with balconies above. Given the benefit of outdoor amenity space the infraction, and results of 80% compliance, are considered acceptable and in line with typical results. The location of living areas to the front of the L/K/D's would ensure that the habitable areas would receive adequate supplies of daylight.

It is evident that the results of the sunlight tests largely affect bedrooms, less susceptible to any sunlight infringement and again the results, and level of failing at 80%, are not considered particularly poor for a new development in a built-up area.

When considering an application which aims to make more efficient use of a site, policy advocates a flexible approach with regards to daylight/sunlight. It is also recognised that there are considerations which can affect achieving perfect scores. 80% compliance is generally considered acceptable, it is also recognised that balconies above windows, and developing in areas with existing development can also impact results.

It is considered that the results are broadly acceptable having regard to the above considerations, daylight/sunlight should not be judged in isolation but as part of the wider material considerations, including the other considerations on amenity. These results considered in isolation would not warrant refusal, and other aspects of amenity are assessed within this section of the report.

Outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximises the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

A good level of outlook to the front and rear of units would result. The end units are double or triple aspect. Whilst there are single aspects units in the centre of the blocks they are south west facing and would receive direct daylight/sunlight.

The two flank elevations are located circa 10.5m apart. Bedroom windows are offset and

the option exists to obscure glaze side facing windows to living areas and agree screening to balconies on units on upper floors of B6. This would have no serious impact on the amenity of occupants of these units and would ensure that mutual overlooking would not result.

Room Stacking:-

The proposed internal stacking of the units is considered acceptable.

Amenity Space Provision:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

All units would be served by modest areas of private amenity space, largely provided by balconies.

The scheme would have a requirement to provide circa 465 sq. m of private amenity space. The private amenity space would provide approximately 300 sq. m.

Whilst the overall private amenity space would fall short of the target, some units would have an over-provision, particularly ground floor units, and a very generous communal area would be provided. This communal area is seen as a real asset for the development and guidance does recognise that private space can be supplemented by a communal provision. Furthermore, balcony areas, which are often of modest area, are a common way to provide amenity space on flatted developments, albeit some are reasonably generous in area, and given the desire to optimise the sites redevelopment, this shortfall can be accepted. Furthermore, areas of play space are provided for 0-4 years and 5-11 years in dedicated areas within the developed site.

The occupants would also have access to the communal amenity area that would be provided.

Together this would ensure adequate amenity space for future occupants.

Accessibility:

The proposed development would be designed to comply with M4(2) and M4(3) standards. This would have been secured via condition.

Conclusion on Amenity of Future Occupants

In light of the above, it is considered the scheme would provide a good standard of accommodation for future occupants.

Highway and Pedestrian Safety

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 council's Highways Officer has commented on this submission and the considerations are detailed below.

The site is accessed from Bushfield Crescent, which is residential in nature. There are no parking restrictions on Bushfield Road and the road is not in a CPZ. The site lies in an area with a PTAL rating of 0 - 1b (low) and there is only one bus route (288) that runs near the site which can be accessed from stops on Bushfield Crescent within 1-2 minutes walking distance of the site. The site therefore has poor accessibility to public transport.

The proposals consist of 28 new affordable homes consisting of (19x1bed, 9x 2bed). Based on Policy DM17, a maximum parking provision of 9-33 spaces is allowable. Given the low, PTAL rating of the site Highways would recommend the provision of 30 spaces. The Transport Assessment submitted by the applicant states that 31 spaces are proposed. In the worst case scenario, 37 spaces will be lost resulting due to demolition of the garages and 14 spaces will be lost on-street parking displacement. Hence, a total of 51 spaces could be lost. 31 spaces are proposed which could lead to a shortfall of 20 spaces. A parking survey " Lambeth Methodology" was undertaken by the applicant on and the results suggests a parking stress of 66% and 97 spaces available.

In the worst case scenario, assuming all the garages were occupied by cars, a maximum of 20 vehicles will be displaced on-street. This will reduce the number of available spaces to 77 and increase the parking stress to 73% which is under the 90% maximum stress threshold. Highways would therefore raise no issue with the proposed parking provision for the site.

For the 28 units proposed, a minimum of 3 disabled bays are required and 3 disabled spaces are proposed which is acceptable.

For the proposed 31 spaces 6 active and 25 passive points electric vehicle charging points are required based on London Plan standards. Details are to be secured by way of a planning condition.

Based on London Plan standards, minimum of 47 long stay and 2 short stay cycle parking spaces are required for the proposed development. The long stay spaces will be provided in each of the two buildings with flats and the short stay provision will be in the form of 2 Sheffield stands in the public realm area. 5% of the long stay spaces will be earmarked for accessible larger bicycles which is acceptable and a minimum of 3 short stay cycle parking spaces in the public realm. Details of cycle parking including elevations and store dimensions are requested and these are to be secured via a planning condition.

The proposed development has been designed to fit in with the existing estate and therefore, pedestrian access to the site (and individual units) will primarily be from the existing footway/footpath network.

A new shared vehicle access is proposed off Kenilworth Road as shown on Drawing No. 19079A/004 in Appendix F of the applicant's Transport Statement which is acceptable and the accompanying swept path analysis of a fire tender and a refuse vehicle shown on Dwg Nos 19079A TR01 Rev B and Dwg Nos 19079A TR03 Rev B show that there is adequate room to accommodate an emergency and service vehicle safely to access the site and turn around in forward gear.

The construction of the new vehicle and pedestrian access adjacent to Nos 62-70 Bushfield Crescent is noted. However, there is a gradient between street level and the rear of the site and cross sections of the proposed access to the car parking area at the north-west corner of the site is requested. It is proposed that the proposed access is constructed as a heavy duty crossover. There is grass verge adjacent to the pedestrian path that runs along the rear of 74 Bushfield Crescent and the proposed development will restrict passage across this verge area which may have accrued rights of way and thus these areas may need to be stopped up.

The existing accesses and footway along the site frontage along Bushfield Crescent and Kenilworth Road is likely to be damaged by construction traffic and needs to be improved to facilitate the development .

The existing access by junction of Bushfield Crescent and Kenilworth Road will be the main access for construction vehicles and this access would need to be reconstructed as a heavy duty specification. There is currently access and free passage in front of the garages at the south eastern corner of the site The construction of blocks B6 and B7 will affect existing amenity areas / hard landscaping / access to the garages which will require to be stopped up under Section 247 of TCPA 1990. There a condition for Stopping Up needs to be included.

Due to obstructive parking at junction corners, it is recommended that waiting restrictions are introduced at junctions and at other locations on the estate, as necessary to deter obstructive parking It is noted that the applicant will be required to enter into a s278 agreement for any highway works on the adopted highway. All off-site highway works will need to be completed prior to first occupation of the development.

As refuse vehicles will use un-adopted internal roads, highways would recommend that the roads are constructed to adoptable standards or an indemnity against damage to the highway issued to the Council's waste department refuse vehicles. A planning condition requesting construction details of these roads to demonstrate that they have been designed to adoptable standards or an indemnity against damage caused by refuse vehicles is recommended.

Arrangements for the allocation of parking spaces and enforcement of any illegal parking is requested. This is to be set out in a parking management plan to be secured by way of a planning condition.

Trip generation analysis using the industry recognised database (TRICS) has been undertaken for this site. It is estimated that the site would generate a total of 189 two-way person trips daily (84 arrivals and 105 departures). The corresponding figures for the morning (8-9am) and evening (5-6pm) peak hours are 37 and 26 person trips respectively.

8 vehicle trips would be generated during the AM peak (3 arrivals and 5 departures) and 4 vehicle trips during the PM peak (2 arrivals and 2 departures). This level of vehicle trip

generation is unlikely to have a significant impact on the local highway network.

A travel plan statement has been provided by the applicant and it is acceptable.

The works will involve significant construction works and access to some parts of the site will need to be management sensitively in order to maintain residential amenity. A demolition and construction logistics plan is therefore requested and this can be secured by way of a planning condition.

Off - site Highways Improvement Works (list to be inserted into the s106)

Bushfield Crescent:

- A) Provision of a new access at the north western corner of the site near No 74 Bushfield Crescent
- B) Reinstatement of the footway along the site frontage (between No 74 Bushfield Crescent and 116 Kenilworth Road)
- C) Upgrading the existing access at the south eastern end of the site to Heavy duty crossover standards. Clear delineation of the boundary of the adopted highway must be introduced.
- D) Introduction of waiting restrictions at junction corners on Bushfield Crescent

Stopping Up of Highway under (s257 and 247)

Stopping-up of footpaths , accesses , amenity areas within the curtilage of the site is required to facilitate the proposed development.

- A) Verge adjacent to the path running along the rear of No 74 Bushfield Crescent
- B) Existing paths to the rear of the Nos 12-72 Bushfield Crescent
- C) Existing paths and rights of way to the garages at the rear Nos 118 -140 Kenilworth Road

TfL have also been consulted on the scheme and raise no objections subject to conditions. Whilst a draft travel plan has been submitted, given the limited number of units proposed, a full travel plan, secured by s106, is below the TfL recommended 50 unit threshold and not considered necessary, owing to the scale of the development. Suitable conditions and s106 obligations to secure the above highway works could be included on any approved scheme.

Trees and Soft Landscaping

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

amenity value.

The site contains some recently designated TPO Trees (Tree Preservation Order 21/TPO/10 G1 x 2 oak). The council's Trees Officer has assessed the submission including the submitted arboricultural information;

The proposal for new landscape and a x 2 blocks of flats at the rear of 62 to 140 Kenilworth Road has been remodelled to address concerns raised previously. A TPO was made to secure the retention of very important oak trees located at the rear of 140 Kenilworth Road (T3 & T4 applicants plan). The revised application has reduced the impact on these two trees downwards considerably. However, no levels plan has been submitted to evidence the feasibility of this proposal. The main impact on the root system will be the construction new footpaths over the RPA.

No dig surfacing should minimise any harm of this to an acceptable level. It is very likely that the upper crown of both trees will need to be pruned back from the buildings to allow more natural light into the buildings. However, the impact on visual tree amenity will be localised and controlled by tree works applications.

The trees proposed for removal have not been valued in accordance with Barnet's Tree Strategy and the London Plan G7. This information needs to be provided. Trees T5 and T9 fall under this policy the remaining features are established shrubs.

Landscape:

An outline landscape plan has been proposed that provides considerable improvement to the area and should provide a pleasant amenity space for the residents. Subject to detail plans which can be provided under planning condition.

Existing and proposed levels can be agreed by condition, which should ensure that any impacts to the TPO trees would not cause harm.

In accordance with Barnet Council's Adopted Tree Policy:

1.36 Section 106 agreements can be sought from developers by the council. They are to improve the community and local area and are commonly sought to improve the local amenity including parks and open spaces. The Planning Department and Tree Team can work together to ensure funding is sought where new planting schemes would be beneficial to the local community in the vicinity of developments.

1.37 When a council owned tree is required to be removed to facilitate a development, the Capital Asset Value for Amenity Trees(CAVAT)value of the tree will be required to mitigate the loss, and the money received from the developer used to support the planting targets discussed throughout this Policy.

Officers consider the calculated CAVAT values of the trees can be secured with an appropriate s106 obligation.

Ecology and Biodiversity

The applicant has provided a Preliminary Ecological Appraisal by Green Shoots Ecology (revised July 2022) and a Bat Emergence Survey by Green Shoots (July 2022). The council's ecologist has assessed the submission and provided comment, as discussed

below;

Ecology

No objections on ecological grounds as the submitted Preliminary Bat Emergence/Re-entry Survey (Green Shoot Ecology, July 2022d) found no evidence of roosting bats were recorded within the building 1 - 6 and Tree 1. No further bat surveys or Natural England bat mitigation licence is required.

The updated Preliminary Ecological Appraisal (July 2022a) did not reveal any significant changes to the habitats and the potential for protected and notable species e.g., nesting birds and hedgehogs. Therefore, the recommendations of the proposed conditions outlined in of the previous ecological comments by Caroline Smallthwaite (09.10.2020) remain valid. No further ecological surveys are required to support the application.

Biodiversity Net Gain

No objections to the Biodiversity Net Gain Calculation Report (Green Shoot Ecology, July 2022b) as the proposed scheme will result in the planting of new urban tree (0.014 ha), modified grassland (0.058 ha), rain garden (0.009 ha), introduced shrub (0.102 ha) and other neutral grassland will result in an overall increase in Area Based Habitat Units from 2.11 to 3.71 units, a net gain of 75.69%.

Furthermore, the proposed new planting of 0.383 km of ornamental non-native hedgerow will increase the Linear Based Units from 0.02 to 0.37 units, thereby creating a net gain of 2213.59%. It is advised though that instead of using planting non-native *Ilex crenata* is advised that a similar size native such as *Taxus baccata* or *Buxus sempervirens* which provide suitable nesting and foraging opportunities for birds and invertebrates. A biodiversity net gain plan will be required to ensure the proposed landscaping measures will result in the expected biodiversity net gain outcome.

Urban Greening Factor

No objections regarding Urban Greening Factor Report (Green Shoot Ecology, July 2022c) as the proposed development is expected to achieve a UGF score of 1.519 (Greenage, June 2022c). This score greatly exceeds that of the UGF target of 0.40 outlined in the London Plan. The provision of Species rich lawn and Flowering meadow grassland (632.4 m²), and (8017 m²) tree canopy, and 17 new small, 2 medium retained trees and 18 new medium tree planting will ensure adequate urban greening of the site within the dense urban environment of Edgware.

Therefore, it is recommended that the proposed development be approved subject to conditions and informatives.

ul MET Police

Matters relating to good security and the prevention of anti-social behaviour in the design of the scheme could be agree at the detailed design/layout stage and through appropriate conditions. There are no apparent serious security flaws with the proposed scheme. Due to the reported issues affecting the ward and high levels of burglary in Barnet, it is recommended that a planning condition be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any

approval could be conditioned accordingly.

Environmental Health Comments

The Environmental Health section of the council raise no objection subject to conditions. These include requirements regarding acoustic mitigation, air quality reports, a Demolition and Construction Management and Logistics Plan , and a contaminated land risk assessment.

The Overheating Risk Report by Thornley & Lumb Partnership Ltd dated 29.06.2022 has been assessed. The report concludes the risk of overheating is low and that whole house mechanical ventilation has been selected to provide a method of reducing internal gains.

The location of the road is sited near to the railway and M1 which was not included in previous consultations, as a result a noise impact assessment should be carried out.

Refuse/Recycling

Refuse collection would be from dedicated bin storage buildings within the development site. The applicant advises;

"The proposed refuse strategy is for residents of the new apartment buildings (Buildings B6 and B7) to deposit their refuse and recycling at new bin store locations within the proposed landscape, which will then be collected by the street team. The existing on Bushfield Crescent and Kenilworth Road will also use these new bin stores provided, removing the need for individual wheelie bins.

2no. bin stores are located to the north and south of the red line boundary. They sit within 10m of the property boundary and 30m from the furthest dwelling. The store will be secured by code or fob access and allows for nine 1100l Euro bins for dry mixed recycling, garden waste and refuse.

Details of waste storage and a collection strategy could be agreed by condition.

Sustainability

London Plan Policy SI.2 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
- Be seen: monitor, verify and report on energy performance

The London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development.

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.

The application is accompanied by an Energy Statement from Thornley and Lumb (Rev B 29.06.2022) which sets out how the development accords to the London Plan energy hierarchy.

Be Lean

For the Be Lean scenario, a combination of all feasible passive measures has been incorporated to all the units of the development. This includes the below measures;

- Low external element u-values
- Low air permeability
- Low energy LED lighting
- Whole house mechanical ventilation with passive heat recovery MVHR

The Be Lean measures facilitate a carbon reduction of 10%

Be Clean

Greater London Energy Assessment Guidance advises for either connection to a local existing or planned heat network where feasible and to be categorised under the 'Be Clean' scheme.

The London Heat Map shows that the proposed site is in a low heat density area with less priority for heat networks. Though there is a proposed heat network in the area, the applicant advises it will not be financially feasible to connect to the heat network due to the distance from site. The financial viability of a connection to the network is directly related to the distance the heat pipes must run in order to provide the proposed development with thermal energy generated by the centralised plant. The heat network to the South-West is the existing London Academy network which is currently 3 km from the proposed development. This would require an investment of £1.0M to £1.5M which, the applicant advises, will not be financially viable for the District Energy Network Operator.

Be Green

The 'Be Green' measures include;

Be Green Measures

- o Air source heat pump ASHP providing space heating
- o Air source heat pump ASHP providing hot water services
- o Sola PV photovoltaic panels generating on site zero carbon electricity

building achieves a total carbon reduction of 30.6 tonne CO₂/annum over the baseline. The report advises this is an improvement of 100% in the minimum carbon reduction targets in line with Part L of the Building Regulations thereby providing a net zero carbon development and net zero carbon homes.

Summary

There are two key energy targets for the development:

Achieve a reduction in carbon over Part L Building Regulation requirements (2013)

Provide energy for the development from Low Carbon Energy or Renewable Energy

Incorporating the design measures provides a 100% saving in carbon emissions over Part L Building Regulations requirements (2013) which is significantly above the 35% reduction target.

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

Part A (4) of Policy SI2 requires a "be seen" aspect to energy savings and carbon reductions. This requires an applicant to monitor, verify and report on energy performance. Details to ensure that energy reductions are achieved and secured through a s106 obligations, with the involvement of the GLA.

5.4 Response to Public Consultation

It is considered that the majority of third-party comment have been addressed within the report.

- Most residents including myself are unable to distinguish the impact, benefits and timetable of work to allow us a reasonable ability to assess whether we are for or against the development.
- Concern regarding increased pollution levels.
- Hartland Drive and this development are two major building works in such close proximity. How will congestion be managed?
- Existing infrastructure requires further examination to outlined plans
- Disturbance during construction phase
- Significant disturbance during works - parking of workers, movement of large vehicles in a confined space.

As detailed in the submitted Energy Report the scheme proposed energy efficiency measures and there would also be ecological enhancements which limit levels of pollution. Details of construction and logistics would be agreed by condition and this would help limit levels of disturbance for the construction phase.

- Concern about the loss of the storage sheds and whether they will be adequately replaced.
- How secure are the sheds going to be as we won't be able to see them as we can now & the footfall along that path will increase considerably as it will be an access route to the new flats. Concerned the pram sheds will be reduced in size.
- What will happen to my shed that forms part of my lease?

The applicant advises that the pram sheds would be replaced or retained. Details could be agreed by condition.

- The local bus is already incredibly busy at peak times, also local roads.
- Has the impact on oversubscribed doctors and dentists been taken into account?
- Parking is already problematic, what is the outcome for existing residents during the works.
- Existing congestion on current roadways in/out

- There's already parking issues. New development creates increased problems compromising safety. Additional traffic increases noise.
- No mention of designated parking and there are clearly not enough spaces in the drawings to allocate 1 to each flat. Parking will become impossible.
- No mention of electric vehicle charging points which I believe is now a legal requirement.
- There is insufficient parking space planning for the number of proposed new flats which will increase congestion and parking difficulties in all neighbouring roads, particularly Morley Crescent.

The scheme provides a suitable level of parking to serve the scheme. There is nothing to suggest the level of development would put serious pressure on local services. A parking management plan and further details on electric vehicle charging point can be agreed by condition.

- There is absolutely no need to include play equipment in the back garden, or indeed to open our back garden up to everybody, as there are two large parks nearby, the farm and now the refurbished Glen Gardens.
- Concern about noise, pollution and loss of privacy to our properties.
- The proposed 3 metres for residents will create a 'corridor' of people directly outside our windows, which will be incredibly loud and intrusive, particularly for ground floor residents.
- Over development of area behind flats
- Residents of existing flats overlooked; loss of privacy
- The proposed development is artistically designed but is impractical & lacks sensitivity to the current residents.
- The new blocks of flats are going to be unacceptably close to our homes and we will be overlooked. This will also block out our sunlight.
- Impact on residential amenity through loss of privacy, daylight/sunlight.
- Overlooking from proposed balconies.
- As neighbours of the proposed property and speaking on the behalf of all the neighbours, with the proposal of this three storey property from the current one storey, there will be overshadowing and loss of privacy of current homeowners.
- Overshadowing and loss of privacy of current homeowners.
- The distance of the new proposed window facing property does not meet minimum requirements by Barnet council and law and encroaches on the Morley crescent gardens. This further damages the privacy of the bordering gardens and properties of Morley Crescent residents.

Addressed within the relevant sections of the report above.

- Loss of existing trees

Addressed within the trees section above.

- Geo reports the development is in Flood zone 2&3 with a culverted river running underneath. Many gardens in the local are already waterlogged in the winter, if the culvert is damaged/the river diverted, by accident or design, what are the consequences for neighbouring gardens?

Addressed in the main body of the report.

- Increase in anti-social behaviour within the area.

- Security concerns as new development will allow access to the rear of our flats.

The MET Police Design Out Crime Officer has been consulted and details to ensure a secure and safe development can be agreed by condition.

- Concern the level of refuse storage will be inadequate to serve existing units and an additional 28 flats.

Details of refuse storage/collection would be agreed by condition.

- Totally unacceptable that some of the new flats have back gardens yet are taking away the large communal open space for the existing flats in order to build the new flats.
- The new blocks are closer to the existing blocks than previously proposed so there will be multiple Right to Light claims.
- There is also question as to who will upkeep the proposed green areas bordering on the Morley Crescent gardens which risks both environmental and sanitary issues.

The scheme will provide a usable area of communal space for all residents. The space will be redeveloped to make a more usable amenity facility to the benefit of residents. Right to Light claims are a civil matter, officers consider any impacts on existing daylight/sunlight levels are acceptable.

7. Conclusion

In light of the above appraisal, it is considered that the proposed scheme is broadly in compliance with the relevant policy framework. The scheme will bring forward much needed affordable housing and make a more efficient use of the site, whilst not impact adversely on the amenity of existing or future residents. The proposed design and the scheme's ability to assimilate into the existing setting is appropriate. It is therefore recommended consent is granted subject to conditions and s106 contributions, but under the proviso that the flood risk concerns of the LLFA are addressed in order for this scheme to suitably address sequential and exception test requirements given the site partial location in flood zones 2 and 3a.

