

Location **Intec House 49 Moxon Street Barnet EN5 5TS**

Reference: **22/4526/FUL** Received: 7th September 2022
Accepted: 14th September 2022

Ward: High Barnet Expiry 14th December 2022

Case Officer: **Josh Mclean**

Applicant: Moxon One Limited

Proposal: Demolition of the existing building and redevelopment of the site with the erection of a part-3 to part-7 storey building (including lower ground floor and mezzanine floor), to provide of 92no. residential units (Use Class C3), reprovision of 728sqm of employment space (flexible workshop units) (Use Class E) with associated access, parking and cycle parking spaces, refuse storage, landscaping and amenity spaces and supporting infrastructure

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. **On-site Affordable Housing contribution**
A minimum of 35% by habitable room on the basis of the following mix:

London Affordable Rent

- 10 x 2B4B
- 5 x 3B5P
- 3 x 3B6P

Intermediate

- 1 x 1B2P
- 3 x 2B3P

Early stage review mechanism

4. **Carbon Offset**

Contribution of £345,837 towards the Council's carbon offset fund.

5. **Skills and Employment**

On-site or Off-site contribution towards skills and employment.

6. **Restriction of Parking Permits**

Contribution towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits. Inform new residents that they are not entitled to a parking permit for any current CPZ.

7. **Travel Plan and Monitoring contribution**

Submission of a full Residential Travel Plan with incentives of £150 per dwelling and a monitoring contribution of £10,000.

8. **Car Club Provision**

Provision of one car club space or a financial contribution towards the delivery of a car club scheme.

9. **Pedestrian and cycle improvements in the area**

Contributions to pedestrian and cycle improvements in the area.

10. **S278 Works**

Complete the Highways Works in accordance with the relevant Section 278 Agreement before occupation.

11. **Loss of Street Trees**

Contribution of £45,000 for the loss of street trees removed to accommodate the development.

12. **Be Seen Energy Monitoring Guidance**

Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.

13. **S106 Monitoring**

A contribution towards the monitoring of the S106.

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:

SITE LOCATION PLAN - 00001
EXISTING SITE PLAN - 00002
PROPOSED SITE PLAN - 00003
EXISTING LOWER GROUND FLOOR PLAN - 01001
EXISTING GROUND FLOOR PLAN - 01002
EXISTING FIRST FLOOR PLAN - 01003
EXISTING SECOND FLOOR PLAN - 01004
DEMOLITION LOWER GROUND FLOOR PLAN - 03001
DEMOLITION GROUND FLOOR PLAN - 03002
DEMOLITION FIRST FLOOR PLAN - 03003
DEMOLITION SECOND FLOOR PLAN - 03004
PROPOSED LOWER GROUND FLOOR PLAN - 04001
PROPOSED UPPER GROUND FLOOR PLAN - 04002
PROPOSED MEZZANINE FLOOR PLAN - 04003
PROPOSED FIRST FLOOR PLAN - 04004
PROPOSED SECOND FLOOR PLAN - 04005
PROPOSED THIRD-FOURTH FLOOR PLAN - 04006
PROPOSED FIFTH FLOOR PLAN - 04007
PROPOSED ROOF PLAN - 04008
PROPOSED EAST ELEVATION - 05001
PROPOSED SOUTH ELEVATION - 05002
PROPOSED WEST ELEVATION - 05003
PROPOSED NORTH ELEVATION - 05004
PROPOSED SECTION A - 06001
PROPOSED SECTION B - 06002
PROPOSED SECTION C - 06003
PROPOSED SECTION D - 06004

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) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s), 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).

4 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.

5 Part 1

Before development commences other than for investigative work:

a) If the desktop study and Conceptual Model submitted with the application indicated 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.

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

Part 2

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

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

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

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

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

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

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

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

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

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

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

- 9 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref 22-8927 by Syntegra Consulting Ltd dated August 2022 shall be implemented in its entirety 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 SI 1 of the London Plan (2021).

- 10 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.

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

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

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

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. A-04001 01 (Proposed Lower Ground Floor Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan 2021.

- 13 Prior to occupation of the development, the electric vehicle charging points shall be installed as shown on Drawing No. A-04001 01 (Proposed Lower Ground Floor Plan). For the avoidance of doubt, this should include the provision of 7 active and 29 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 T6.1 of the London Plan 2021.

- 14 Prior to occupation of the development, 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 171 cycle parking spaces (165 long stay and 6 short stay) Cycle parking spaces will seek to accord with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 15 a) Before the permitted development is first occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.
- b) The development shall be carried out in accordance with the approved 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.

- 16 Prior to first occupation of the residential units, a Residential Car Parking Management Scheme (RCPMS) shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and 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. To ensure and promote easier access for disabled persons to the approved building 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.

- 17 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).

18 a) No development (other than demolition and site clearance 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).

19 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. TPP/IH49MSB/010 A2 and the method statement contained from Section 8 of the approved Arboricultural Impact Assessment & Arboricultural Method Statement, by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

b) No site works (including, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan 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 G6 of the London Plan 2016.

- 20 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012).

- 21 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme. The 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.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012).

- 22 Prior to occupancy of the development hereby approved, a Biodiversity Net Gain assessment and supporting plan that demonstrates biodiversity net gain and details of landscape enhancements shall be submitted and approved by the local planning authority.
- A. This document shall include details of habitat creation, enhancement measures for biodiversity gains using an appropriate Defra Biodiversity Metric calculator. This shall be incorporated into the scheme of the hard and soft landscaping, of the development. This scheme will include details of existing trees to be retained and size, species, planting heights, densities, positions of any soft landscaping, and habitat enhancements such as bird and bat boxes log piles etc appropriate to location 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 and biodiversity enhancements shall be carried at the most optimal time wildlife and plantings. All works must be completed within 12 months after occupation before the end of the first planting and seeding season and when most optimal for when following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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 2021 and Environment Act 2021.

- 23 No development (including Demolition, Ground Works, and Site Preparation Works) shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. Details within the CEMP shall include the precautionary mitigation measures to sufficiently protect those that habitats, species, and statutory and non-statutory designated site of nature conservation outlined within the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior, and Construction Exclusion Zone plan within the CEMP.

The CEMP shall include:

- a. Site information (including ecological features)
- b. Description of works, equipment and storage
- c. Programme of works
- d. Temporary hoarding and fencing
- e. Temporary works
- f. Ecological avoidance and mitigation measures.
- g. Construction Exclusion Plan

Reason: To ensure that nature conservation interests are not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

- 24 Prior to occupancy of the development hereby approved, at least 2 x Schweglar 1FF Bat Box (or similar alternative) and 2 x sparrow terrace all be installed on the newly constructed building and/or retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. In addition, 1 x purpose built hedgehog home, and 2 x habitat pile are to be installed along the boundary of the site adjacent either retained woodland or planted hedges. Details on the specifications, location, aspect, and position of these species enhancement measures shall be submitted and approved by the Local Planning Authority.

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.

- 25 Prior to the commencement of works details of a Sensitive 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.

- 26 Prior to the commencement of works, a detailed Precautionary Method Statement for Reptile, Stag Beetle, and mammals (Hedgehog and badgers) is required to be submitted and approved by the Local Planning Authority. The document will need to outline the potential risk of encountering the species present, the required work methods, and what to do in the event that any of these species are encountered during the proposed works as outlined with the submitted and approved Preliminary Ecological Appraisal (Syngerta Consultancy, June 2022).

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.

- 27 Prior to the occupation of the development hereby approved a 'Secured by Design' accreditation shall be obtained for the building.

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.

- 28 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

- 29 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 30 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 31 a) The non-residential development is required to meet the BREEAM Very Good level.
- b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016).

- 32 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome

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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 33 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 Policies D7 of the London Plan 2021.

- 34 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 44% in carbon dioxide emissions of the domestic element and 35% of the non-domestic element 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 Policies document (2012), Policy SI 2 of the London Plan 2021.

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

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

DM01 of the Barnet Local Plan.

- 36 No development (other than site demolition and site preparation works) shall take place until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan.

- 37 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 38 The employment floorspace shall be used for Use Class E (c) or (g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or submitted by 28 April 2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, highways mitigation and loss of street trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04

and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

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

5 The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

6 Biodiversity Net Gain

No works shall be undertaken during outside of the species-specific activity period. Guidance can be found within BS 8683: 2021 A process for designing and implementing biodiversity net gain and BS42040:2013: Biodiversity Code of practice for planning and development, and documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

Ecology Toolbox Talk

It is advised prior to commencement of works, an Ecology Toolbox talk be given by the project ecologist outlining the relevant legislation relevant to bats and other

protected species e.g., reptile, nesting birds, hedgehogs, stag beetles), areas and actions to be avoided and what to do in the event that such protected species are discovered during the works.

Species rich plantings and seeding It is advised that any landscaping for the site include native species rich plantings and night scented plants and species rich hedges and trees which would attract invertebrates and thus provide benefit to foraging bats and nesting birds. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>.

The proposed hedgerow planting on the east and west side of the new building is advised to consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a 10, 20, 30 formula to develop a diverse tree/hedge 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. These recommendations are in line local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan 2021.

Nesting Bird Check

Avoid all vegetation clearance during the active nesting bird season. If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

There is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. 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.

Protected Species

In the event of any protected species (e.g. hedgehogs, reptiles, badgers, bats) being found works must stop, an suitably qualified ecologist be consulted immediately and the correct level of additional surveys and mitigation applied including any licences that are required to be approved and issued by the Natural England (if required). Following the appropriate level of survey and or surveys approved by the LPA, the works may resume.

Non-native Plant Removal

The removal of the invasive non-native species (e.g. buddleia) is advised to be undertaken by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) Property Care

Association or the Invasive Non-Native Specialist Association View Our Members - INNSA. An invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of controlled waste under the Environment Protection Act 1990 (EPA 1990).

- 7 The submitted Construction Method Statement shall include as a minimum details of:
- Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - 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.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - 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.
 - Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- 8 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 9 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.

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

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

- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not

expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.

- 12 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.

OFFICER'S ASSESSMENT

1. Site Description

The proposal site comprises of circa 0.2 hectares and consists of a part-three storey building to the front, dropping down to a warehouse space to the rear. The area around the building is covered in hard standing with car parking to the front and side. The land falls travelling east on Moxon Street towards the site.

The site and the approach to it, benefits from a verdant character. To the immediate north is a dense row of trees which runs up Moxon Street to the west and also to the east into St George's Fields, which is a Site of Importance for Nature Conservation (SINC), designated Green Belt and a Registered Historic Battlefield. To the south is a two-storey commercial unit (named Fortune House) currently occupied by Howdens Joinery and finished in brick. To the west set behind the row of trees are the rear gardens of the residential properties which front onto South Close which runs parallel to Moxon Street. There are also residential properties to the north on South Close.

The Site is situated within a Locally Significant Industrial Site (LSIS) known as Hadley Manor Trading Estate. On the south side of Moxon Street within the trading estate are also 50 Moxon Street which has received permission through ref: 21/6488/FUL for a Special Education Needs School and Hadley Wood Hospital. 350m to the west is Chipping Barnet High Street and 250m is Wood Street Conservation Area which starts just beyond Tapster Street and extending westwards across the High Street. Whilst the western end of Moxon Street adjacent to the town centre is a mix of residential and business use, the central section of Moxon Street is predominantly residential. In addition, Hornbeam Court and Blackthorn Court are four storey apartment buildings located to the south and accessed from Laburnum Close. Also to the immediate south are the 3 storey residential terraces located on Snowberry Close.

Intec House itself is divided into two areas, the eastern part which is a light industrial warehouse space; and the western part, 3-storey office building with a mezzanine level. The applicant has confirmed that the building comprises 1,682 sqm of useable employment floorspace - Net Internal Area (NIA). In addition, it is also stated that the building currently provides on-site employment for approximately 20 people at any one time, whilst the building is also used for storage and ancillary purposes.

The site has a PTAL of 3 (moderate) as calculated by the TfL WebCAT tool with High Barnet underground station located approximately 950m walking distance to the south.

2. Site History

Reference 19/3994/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 27 September 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 39 dwellings (Class C3). Provision of 22 car parking spaces (including 4 electric parking spaces & 2 wheelchair accessible spaces) and 40 cycle spaces.

Reference 19/3117/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference 19/3083/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference B/00465/11

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 11 April 2011

Description: Continued use of premises as B1/B2 mixed use including opening hours of 08:30 to 13:00 on Saturdays for a period of 5 years.

Reference B/00147/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year.

Reference B/00146/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year together with the extension of the hours of use to include 08:30-13:00 on Saturdays.

Reference B/00113/09

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 March 2009

Description: Retention of change of use from Class B1 to a mixed use comprising B1 (offices) and B2 (car servicing and repairs including use of one bay for MOT Testing) (Sui Generis)

Other relevant Planning History

Reference: 21/6488/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 30 May 2022

Description: Part demolition, alterations and extensions and change of use of the existing

building from Class B8 to Class F1 to provide a 90 pupil 5-18 years SEN School including rooftop recreation addition (MUGA and Sensory Garden), landscaping, access and visitor, disabled and school mini-bus drop-off / pick-up arrangements.

3. Proposal

The proposal comprises the demolition of the existing building and redevelopment of the site to a mixed-use development, consisting of 728sqm of employment space (Use Class E) and 92no. residential units (Use Class C3).

Due to the sloping topography of the site, the proposal would read as 5-storeys with a recessed 6th floor from the front of the site and 7-storeys at the rear. The proposal comprises of a lower and upper ground floor, mezzanine, 1st - 5th storeys and a recessed 6th storey. The proposed employment space would be located at upper ground and mezzanine levels.

The proposed footprint takes the form a 'H-shape' which encloses a courtyard / external amenity area to the south at upper ground and first floor levels. At the upper levels, the built form reduces and steps back becoming 'L-shaped'.

Pedestrian access into the site would be from Moxon Street leading into an opened-top courtyard / lightwell. 36 parking spaces are proposed within the lower ground floor level which would be accessed via a ramp along the southern boundary. A total of 160 cycle parking spaces are provided within an internal store at upper ground floor level.

Additional Information

During the lifetime of the application, in response to Council's Highways Officer, the applicant submitted updated plans, comprising of:

- Subdivision of bike store into two stores at upper ground floor level;
- Proposed electric vehicle charging units illustrated on lower ground floor level

4. Public Consultation

Consultation letters were sent to 170 neighbouring properties. 61 responses have been received, comprising 61 letters of objection.

The objections received can be summarised as follows:

- Query loss of commercial space
- Excessive height, scale and massing
- Overdevelopment
- Not in keeping with the three-storey area
- Impact on Conservation Area
- too big for a Green Belt boundary site
- Inappropriate housing mix
- Properties of an insufficient size
- Quality of internal residential accommodation
- no mention of affordable housing
- Overlooking
- Impact on privacy

- Potential overbearing impact
- Noise impact
- Impact on daylight / sunlight on existing properties
- Inadequate parking provision for residential and employment space
- Cumulative traffic impact with new SEN school
- Increased traffic congestion
- possibility of access to Snowberry Close being opened up
- Proposal at odds with the London Plan's response to climate change
- Impact on trees and woodland
- Impact on ecology and wildlife
- Drainage and sewer impact
- Impact on stretched local social infrastructure
- Disturbance during construction
- Application provides inadequate and/or misleading information

Letters of support

- The development looks to be well designed
- Heartened to green roofs and air source heat pump heating

Internal Consultee Response

Commercial Services Street Scene

The waste strategy for this application is acceptable to the Street Scene collections team.

Ecology

No objections to the proposed works on ecological grounds as the findings of the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) and the Bat Activity Report (Syntegra Consulting, August 2022) did not reveal any damage to species, habitats or the adjacent King George's Field SINC that could not be sufficiently mitigated against.

Environmental Health

No objections subject to conditions.

Sustainable Drainage

No objections subject to conditions.

Traffic and Development

Highways would raise no objection subject to a S106 legal agreement, conditions and informatives.

Trees

An initial objection was raised as no details for the CAVAT compensation for tree loss had been submitted. This has been subsequently addressed by the applicant.

External Consultee Response

Metropolitan Police: Secure by Design

If planning approval is granted then due to levels of crime and burglary within the borough and to also help enhance community safety through the implementation of proven crime prevention products and measures (via SBD compliance), I would respectfully request that

any approval contains a relevant planning condition 'whereby the development must achieve SBD accreditation, prior to occupation'.

Transport for London (TfL)

TfL does not object to this application in principle but requires more information before it can fully accept proposal.

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object. Notwithstanding this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that an informative is attached to the planning permission.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Elected Representatives

Theresa Villiers MP

I have been approached by constituents following the submission of the above planning application, all of whom are worried about the plans and the impact they will have on the residents of Moxon Street and surrounding roads.

The previous application, which was refused, aimed to provide 107 dwellings. Although the number of dwellings in this latest application has been reduced to 92, my view is that it is still too dense for the area. Furthermore, only six dwellings have more than two bedrooms when the council has identified the need for 3-4-bedroom homes in the borough.

A number of constituents have mentioned concerns about the height of the building which, they point out, is not in keeping with the 3-storey buildings in the road; and will overlook the properties on South Close and East View resulting in a loss of privacy. The highest buildings locally only exceed four storeys at Brake Shear House. I believe the height of this building could set an unwelcome precedent on the edge of the Monken Hadley Conservation Area.

Another issue is access. Moxon Street is a narrow residential road on a steep hill. It is already at capacity with homes, businesses, parking and traffic. An additional development such as the one proposed would only increase pressure on the present infrastructure and other amenities as only 34 car parking spaces are provided for residents (including 10 wheelchair accessible).

Given the location of this proposed building, far from a bus service, it would be naive to believe that most residents will walk or cycle, not least if a resident has disability issues. Therefore, the increase in residents' vehicles plus visitor parking will only exacerbate the

already difficult parking situation in Moxon Street.

Previous applications have been refused on the grounds that "*the proposal would provide insufficient off-street parking provision to the detriment of highway and pedestrian safety and the free-flow of traffic*" I see no difference in the present plans with regard to the parking provision in this latest application.

I fully recognise the need for new housing, but I believe that this application does not deliver what is needed in the borough - 3-4 bedroom properties suitable for families. The proposal is a gross overdevelopment of the site; it does not provide adequate living space and is out of keeping with nearby properties. The developers seem determined to try to fit in as much accommodation as possible which would be to the detriment of the new residents and the surrounding area.

I therefore oppose this application and believe it should be refused. I would be grateful if you could ensure that the Planning Committee are aware of my views.

Neighbouring / Residents Associations and Local Amenity Groups

Barnet Society

The Barnet Society would welcome a sensitive mixed-use development of this site, but objects to the scale and design of this application.

Although we made a range of criticisms of the proposals at a pre-app consultation with the Society, and via individual members at the public consultation, only token changes have been made.

None of the proposed plans show the red line. When compared with the existing site plan the proposals encroach beyond the boundary towards the woods to the east, and possibly also to the south.

This may be a drafting error but is at odds with the Planning Statement (6.26), which states that 'the building has been set back to provide natural privacy for the rear units and also breathing space with the Green Belt boundary'. We are unclear how there can be 'breathing space' if there is no significant vegetative boundary, whether grassland buffer as recommended by the ecologist or hedgerow as suggested by the architects.

We regret that a complex of this size does not offer more diversity of type and tenure and is not more family-friendly. Only six of the 92 dwellings have more than two bedrooms.

We welcome the workspace on offer, especially if it is at affordable rents. But we question whether it is flexible enough to accommodate a changing variety of businesses, or what would happen in the event of their failure.

We do not object in principle to a shared entrance and courtyard, but the space is mean in size for dozens - and at peak times possibly hundreds - of users. Since the light well will be in shadow most of the day, it would not be an attractive place to socialise in. It is also perverse to locate the concierge deep in the heart of the building instead of near the main entrance, where it would provide informal oversight of visitors and facilitate deliveries.

We are concerned about the development's total reliance on Moxon Street for pedestrian,

cycle and vehicle traffic. It is long and steep, and far from a bus service or visitor parking. Vehicle pick-up and drop-off space is minimal. It would effectively discriminate against those with less than perfect health or mobility.

We are also concerned that 92 units and several businesses would increase traffic in Moxon Street to unacceptable levels at peak times (which would include the start and finish of the neighbouring school day). Construction traffic would be an additional issue adversely affecting the High Street and Tapster Street.

It is a pity that the permeability of the neighbourhood would not be improved by new routes into the woodland or connecting to South Close or Park Road.

Our main concern is the height and density of the development. However well it is screened by trees, disguised by the slope and modelled to minimise impact on neighbours, seven storeys or more at the interface of town and Green Belt would set a most unwelcome precedent close to the town centre, and at the edge of the Monken Hadley Conservation Area and Green Belt. Apart from St John the Baptist's Church, the highest buildings locally only exceed four storeys at Brake Shear House, 164 High Street, which is largely hidden from its surroundings. Seven storeys have proved extremely controversial at the Victoria Quarter (less than a mile away in New Barnet).

Although some attempt has been made to vary the materials and massing of the building on the Moxon Street (west) façade, it remains otherwise a largely monolithic block.

Nor is its internal planning pleasant and easy to navigate. There are long internal corridors and dog-legs. A number of flats are north-facing and single-aspect, which would not receive adequate sunlight. None of the 92 flats have balconies generous enough to provide outdoor rooms - a shame given their verdant setting.

Since access to the nearest outdoor green space, King George's Fields, would be long and tortuous, the proposed rooftop play area and garden are the least that should be provided. It is therefore unfortunate that many families would only be able to reach them via lengthy corridors, and that more ambitious green roofs have not been designed.

We also have questions about constructional and premises management matters, particularly in relation to sustainability and fire emergencies.

We would expect an application of this sensitivity to have a proper landscape plan, not just some diagrams and perfunctory text in the Design & Access Statement.

The D&AS (Section 7.0) makes reference to 'defensible planting', but there is no clarity on what space this will grow in. The holly seems to be in some sort of planter, but this may be as little as 400mm wide and will be in the rain shadow of balconies above.

The application does not address recommendations of its own Preliminary Ecological Assessment Report. Para 5.4 advises that 'to minimise effects on the adjacent s41 deciduous woodland...the RPAs outlined in the arboricultural impact assessment report by DCCLA (2022) are adhered to as well as the inclusion of a woodland grassland buffer zone'. Para 5.6 states that 'The future lighting on site must ensure a lighting plan that is direct, low light spill, low lux and have hooded designs', but we cannot see these on the building plans - a significant omission since there is a potential conflict between the active roofscape proposed and the reality of bats foraging in the vicinity. This is not the ecologically-led design process recommended in para 6.3.

We are also concerned that with the building line tight to the site boundary there will be a negative impact on the existing woods. The contractor will have to establish a safe zone for the scaffolding. And the Arboricultural Report makes a point of ensuring control of pollution via use of dust netting and the need for an agreement to prune trees outside the site boundary - i.e. with the permission of other landowners.

The building would be obtrusive and overbearing, both visually and at times aurally, especially to residents of South Close. We believe it would also intrude into and dominate views of Chipping Barnet from a wide arc of view-points from King George's Fields to Barnet Vale - none of which appear in the application.

Since most of these viewpoints are in the Green Belt, and several in the Conservation Area, we are especially concerned about the precedent seven storeys would set for other future developments. As well its visual impact, there would also be impacts on wildlife.

This is a very special site at the interface of town and country, both remarkable survivals much prized by residents and visitors. A sensitive and imaginative solution could benefit everyone. Instead, this application attempts to squeeze the maximum amount of accommodation onto the maximum footprint that the site allows, without regard for the needs and aspirations of either existing or new residents. It must be refused.

Barnet Resident's Association

In the Planning Statement (para 32) the applicant says it has been established that the historic use of the building was B1 offices (now class E) and uses this to justify re-provision of an element of Class E space. This is incorrect. Three previous applications to justify conversion to residential were refused because the applicant failed to demonstrate that the property was solely used for B1 (now E) purposes. The majority of the building is class B2-8, and this has implications regarding the loss of industrial space. The London Plan, Policy E2 says that developments involving the loss of B class should demonstrate there is no reasonable prospect of the site being used for business purposes. There is no indication this has been done. The Planning Statement says the space is largely unused but that may be a consequence of an absence of marketing. The Council Business Rates Register identifies 28 units, which suggests a greater level of usage than the applicant indicates.

As the property is in a hollow rebuilding to a greater height than usually appropriate for the area should be acceptable, but the seven/eight storeys proposed will have a visual impact which is not evident from the application except from one direction. The top of the building will be visible from part way up East View/Hyde Close (demonstrated visually in the application), and from the middle of the open space between the railway sidings and Kingsmead (the photograph in the application is misleading being taken from a lower point at the eastern edge). Also, the top floor would be visible from the bungalows on South Close and vice-versa. Other objectors have said the building would be visible from KG Fields - on which we cannot say one way or another, but given the misleading information regarding the view from Kingsmead the visual impact needs more careful assessment.

The application indicates that only a limited number of trees on the land they own would be removed, being to the north side of the property on land owned by the applicant. Some objectors suggest more trees will be removed than we perceive exacerbating overlooking on South Close. This should be clarified. However it appears that a considerable number of trees immediately to the east and north of the property, the majority on council land, will

remain. It is difficult not to conclude that these will have an unacceptable impact on natural light for the properties on the lower floors of the development. It should also be clear that as the trees on South Close owned by the Council provide screening for the bungalows, there should be no question of any of these trees being removed for the benefit of the development.

We are well aware of the "21m" rule. However it is important to recognise that this is a minimum requirement and the expectation is that the distance should be in excess of 21m. This is particularly true in this case as the proposed building will be very dominant in relation to the bungalow opposite, where rooflights are important to the use of those properties. We have attempted to assess the distance and conclude that it may be just 21m or a little less. Any uncertainty should be in favour of the bungalows. We are also unsure regarding the impact of the trees on South Close council land protecting the bungalows from overlooking from the upper floors of the development. This needs precise assessment, and again, any doubt should be in favour of the bungalows.

The applicant state the development will be equivalent to 460 units per hectare, also claiming that the site is in a PTAL4 location, and so the density is within the range set out in the London Plan. But this is in fact a PTAL3 location. Barnet's draft Local Plan (16.2 table 1) has an indicative density matrix of 200 - 450 units per hectare for a PTAL3 location. So the proposal is in excess of the maximum indicative range for a site of this size.

The London Plan Policy D4D(1) says the scheme must have had at least one design review before an application is made if there is a residential component that exceeds 350 units per hectare. There is no indication that such a review has been undertaken. This is important for this site which is evidently very constrained in several aspects including access, natural light, amenity space, size of units, parking, impact on neighbours and visual impact.

4.8 of the Planning Statement says the demand for 3 and 4 bed properties is in the form of houses. However what is not said is that the London Plan (and the draft Local Plan) says that a 2-bed flat may be regarded as a family home for 4 persons, as few houses are now being built. A 3-bed flat is also suitable as a family home. Barnet's housing assessment (2018) identified that over the period 2011 - 2018 78% of new units were 1/2 bed, and the assessed future need was for 36% 1/2 bed units and 78% 3 bed or more. So, judged against both recent historical provision and future need this development falls well short of what the Borough requires. There should be a much higher proportion of 2 and 3 bed units.

We have not addressed the issue of social/affordable housing but this should be a consideration for a development of this size.

The Planning statement indicates the site has a PTAL rating of 4. But as we indicate above, the rating for this location is 3. This has important implications for parking provision. The London Plan table 10.3 sets out maximum standards for parking provision. For PTAL4 provision for 1-3 bed dwellings should be up to 0.5 -0.75 spaces per dwelling. For PTAL3 provision rises to 0.75 spaces for 1/2 bed dwellings and 1.0 spaces for 3 bed dwellings. Thus the maximum permitted provision for this development should be 70 spaces. The proposed 34 residential spaces are therefore way short of what is permissible.

With few properties having access to a car, moving up the particularly steep Moxon St will

be a challenge for many residents, especially the elderly, the physically impaired, the very young and mothers with prams. It is not acceptable that a large development has such poor travel arrangements that impose major limitations on many potential residents. The parking provision should seek to maximise the permissible number of spaces.

There are evident concerns regarding the capacity of this site to deal with rain water run-off and sewerage. This needs to be thoroughly assessed and solutions agreed prior to any planning consent

Given the many difficulties with this site that we have identified, and the questionable compliance with a number of planning requirements, the scheme as proposed is way too ambitious. It needs to be revised to provide a much smaller development attuned to planning polices, the limitations of the site and the sensitivities of the locality.

Hendon and District Archaeological Society

45 Moxon Street is, as the submitted Archaeological Desk-Based Assessment says, in an Archaeological Priority Area, and we ask for an archaeological condition to be attached to any approval granted. I am copying this to Historic England, who will advise on the form of any condition

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS7, CS8, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM11, DM14, DM15, DM16, DM17

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 has reached a critical stage of advancement and 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 increasing weight can be attributed to the policies and site proposals in the draft Local Plan and the stage that it has reached. The weight given to the emerging policies is limited. The independent Examination in Public commenced on Tuesday 20th September 2022.

Supplementary Planning Documents

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2016)
- Sustainable Design and Construction (April 2016)

Principle of Development

Employment Provision

The site is located within the Hadley Manor Trading Estate, which is a Locally Significant Industrial Site (LSIS) under Barnet DM14. The existing building is currently vacant. It is acknowledged that previously the prior approval application (Ref: 19/3994/PNO) was refused on the grounds that there was insufficient information that the site was in a lawful office use (b1a) at the time of the application under the previous Use Class Order. However, since that decision, it has been demonstrated to Officers that the building has a lawful use of B1a which then transferred to Use Class E(a) under the new Use Class

Order legislation.

Barnet Policy DM14 states under a: i) "*Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted.*" Normally these sites would be associated with a B2 or B8 use class. However, as the lawful use has been established as formerly B1(a) and now transferred to E(a), it could freely transfer within the E Use Class without the need for permission and outside of the LSIS B Use Class restrictions.

The application is supported by an Economic Statement which advises that the building comprises approx. 1,700sqm of useable employment space and at a time in 2021, the employment level in the building was approx. 20 people. It concludes that a long-term industrial use of the site is unlikely to be successful, due to its location (away from main industrial and logistics hubs) and its poor access. It does state that a small number of local or start-up businesses may be attracted to the location if it contains flexible small-scale units. It continues that the level of demand is likely to be low and the amount of reprovision should reflect this.

The proposal provides circa 700sqm of employment floor space which is supported on the basis that a wholesale replacement of an industrial or office use would be unlikely to be appropriate or successful. Furthermore, the provision of a series of small scale commercial or industrial units would meet existing needs. The Council's Planning Policy Team are accepting of this principle, with the loss of employment floorspace needing to be mitigated through a contribution to employment training in accordance with Barnet's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Looking at the wider LSIS, Hadley Manor Trading Estate extends to 0.5ha and represents one of the smaller LSIS designated industrial estates in the Borough. There are four existing buildings comprising the estate, one of them being the application site (Intec House), the adjacent Fortune House (currently occupied by Howdens), Hadley Wood Hospital and 50 Moxon Street which most recently obtained permission to convert to a SEN school. As the proposal still retains a meaningful level of employment floor space at the site, it is considered overall to be acceptable in regards to this element and compliant with Barnet Policy DM14.

Residential

Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 - 2028/29. In addition, Policy H1 (Increasing housing supply) of the London Plan (2021), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre (which would include this site).

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The application site is located circa. 300m from the boundary of New Barnet District Town Centre by Barnet's adopted Development Management Policies DPD (2012), making it

sustainably located in terms of access to shops and services.

It is situated in an area with a PTAL rating of 4 (Good) making it sustainably located in terms of access to public transport also. This PTAL rating has been confirmed with TfL through the pre-application process by the applicant. The evidence of this is contained within the submitted Transport Assessment appendices.

Overall, the redevelopment of the site would broadly accord with the objectives of abovementioned policies.

Agent of Change

As a mixed-use development site located within an LSIS, the application needs to demonstrate that the introduction of residential uses in this location will not harm the ongoing operation of existing employment uses (which in this instance is only Howdens).

The application has submitted air quality and noise impact assessments which demonstrates that the residential units will meet the relevant standards and the Department of Development and Regulatory Services have not raised any objection with these assessments.

Furthermore, the design of the scheme has been sensitive to the operation of Howdens by avoiding the location of any habitable room windows on the southern elevation. The access of the site remains unchanged and safe pedestrian routes are provided within the local area (and commitments to additional crossing points provided within the Heads of Terms).

Housing Quality

A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the designed approach), D5 (Inclusive design), and D6 (Housing quality and standards). It is also 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 SPD.

Unit Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3- and 4-bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.

The application development proposes the following unit mix across the application site:

Unit Type	No. of units
1 bedroom	50 (54%)
2 bedrooms	36 (39%)
3 bedrooms	6 (7%)
Total	92

Within the policy preamble, there is recognition that financial viability is a factor and whilst the aspiration is for family-sized homes at intermediate level, products such as shared ownership / low-cost home ownership may be unaffordable. Therefore, smaller 1 and 2-bedroom intermediate tenure homes will also be supported. Affordability is also an important factor for market level housing, with one and two bedrooms being a more affordable option for allowing younger, first-time buyers and young couples to get on the housing ladder in areas that may not have otherwise been possible.

The scheme provides a large number of one and two properties. As established in previous precedents set in the Borough, the Council's policy does not dictate the delivery of only three and four bedrooms uses. A decision needs to be made on a case-by-case basis. In this instance, the application site is located circa 300m from a District Town Centre and has a PTAL of 4. As such, it is a location where the density of the scheme should be optimised and where low car ownership flatted development is encouraged by the London Plan.

Furthermore, as discussed in the following section, the applicant is proposing that all of the three bedroom units are delivered as affordable, which would be a significant benefit of the scheme. Given this, and the other points set out above, the unit mix is considered acceptable.

Taking into account the reasons set out above, the proposed dwelling mix is considered to be in accordance with Barnet policy DM08.

Affordable Housing

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The emerging Barnet Local Plan seeks to align with the London Plan requirements but still maintains the 60/40 tenure split.

The affordable housing provision proposed is 35% using the habitable room calculation required by the London Plan. It also delivers more than 60% of its units as social or affordable rent. The scheme therefore qualifies for the Fast Track Route under the London Plan, which essentially establishes 35% as the policy compliant position for affordable

housing provision on sites such as this.

A full table of affordable housing provision proposed is set out below. As discussed, the applicant is offering all of the largest family units (the three bedroom and larger two bedroom units) as social/affordable rent which is considered to be a positive outcome for the scheme as these are in the highest demand.

	Proposed mix – units	Proposed mix – habitable room
Social / Affordable Rent	16	70
1b2p	0	0
2b3p	0	0
2b4p	10	40
3b5p	5	25
3b6p	1	5
Intermediate / Shared ownership	13	42
1b2p	10	30
2b3p	3	12
2b4p	0	0
3b5p	0	0
3b6p	0	0
Total	29	112

Standard of Accommodation

Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.

All of the units proposed comply with the Gross Internal floor areas prescribed in Policy.

The development would comply with the standards set out within Policy D6 (Housing Quality and Standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction SPD (2016).

Daylight and Sunlight

London Plan Policy D6 states that new development should provide sufficient daylight and sunlight to new and surrounding housing. Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2011). This only tested 15 rooms on the ground floor facing on to King George's Fields, rather than the whole development. This is because these units naturally will have the most contained light levels and performance will increase as one moves to the upper floors.

The daylight and sunlight report concludes that the vast majority of rooms receive good levels of daylight in excess of the relevant BRE targets. The APSH results show that 100% of the rooms meet the sunlight criteria when considering rooms served by windows within 90 degrees of due south – this is for both annual and winter sunlight. These are the units which are expected to achieve this standard under the BRE Guidance. Other windows that are within 90 degrees of due north do not achieve this standard as would be expected due to their orientation. For the north facing living rooms (the room use which is expected to achieve the highest levels of sunlight), although beneath the target guideline, still demonstrate good levels of sunlight just below the guideline target figures.

For daylight, for the ground floor units only around half of the units achieve the BRE guidance figure, but those that fail, only do so narrowly. This figure includes combined Living/Kitchen/Dining (LKD) rooms which are large, deep spaces and the BRE guidance states that the focus should be on delivering the highest level of daylight to the living areas. The kitchen area may therefore be darker and naturally reliant on task lighting and the assessment shows that they lead on to what will be considered well-lit living spaces.

Members will be aware that BRE Guidance is not a mandatory standard and just an indicator of performance. It is extremely rare for flatted development to deliver a scheme which delivers full adherence against the guidance. Given the above figures relate to 6no. units within a scheme of 92 and these units would have the lowest level of performance this is considered to be a good level of daylight and sunlight across the scheme when considered as a whole and the light levels that will increase to the upper floor units.

Wheelchair Accessible Housing

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (i.e. compliant with Building Regulation requirement M4(3)). The applicant has confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that the appeal is allowed and planning permission is granted, to ensure compliance with these policies.

Amenity Space

London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. Barnet's requirement is for 5sqm of space per habitable room.

The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

The development delivers amenity space through the provision of private balconies and a shared courtyard (281 sq m). It would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016)

standards, and Policy D6 of the Mayor's London Plan (2021).

Children's Play Space

Policy S4 of the London Plan seeks to ensure that development proposals incorporate good quality, accessible play provision for all ages. At least 10m² of suitable playspace should be provided per child.

Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan. In addition, Barnet's emerging Local Plan (regulation 22 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 21. The development would therefore need to provide 210m² of children's play space.

The scheme delivers 210sqm of playspace within the shared central courtyard and at the proposed fifth floor level. Officers are satisfied with the principle and quality of play provision proposed. It is noted that King George's Field is immediately to the rear of the site and Old House Playground is circa 500m to the south-west of the site.

Secure by Design

Pursuant to London Plan Policy D11 (Safety, security and resilience to emergency), Barnet Core Strategy Policy CS12 and Barnet Development Management Plan Policy DM01. All areas of public open space will be clearly overlooked, and the indicative landscaping scheme is designed to avoid hidden spaces. The Metropolitan Police's Design Out Crime Unit have considered the scheme and advised that they have no objection subject to a condition requiring that the development obtain the Secure by Design accreditation. It is therefore considered that subject to such a condition the scheme would be acceptable from a safety and security perspective.

Fire Safety

The application is accompanied by a Fire Statement produced in line with the requirements of London Plan (2021) Policy D12 (Fire Safety). Whilst the detailed information on materials and product types are not yet available, the statement confirms that the material performance to fire will be in accordance with Regulation 7 'Materials and Workmanship' (Building regulation 20210), ensure that all materials are non-combustible.

A planning condition will be recommended to ensure that the development is constructed in accordance with the mitigation and safety measures prescribed by the fire statement.

Design

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the

appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

Design Concept

The submitted Design and Access Statement begins through an analysis of the surrounding urban grain, building heights, local character and also historic context of the site itself. The document then outlines the evolution of the design, identifying the opportunities and constraints.

Layout, massing and scale

The proposed footprint occupies the majority of the ground coverage with a stepped along the north-western boundary where there are existing trees. Whilst the proposed development occupies the majority of the site, this in itself is not necessary seen as an issue. Within this LSIS, the building footprints are larger than the surrounding neighbouring streets. Even the newer constructed flatted developments in Laburnham Close have large footprints compared to their respective plots. Therefore, in terms of footprint, the proposed development is seen to be acceptable.

The proposed scheme varies in height from 3 storeys up to 7 storeys. When approaching the site from Moxon Street, the proposal has a lower and stepped footprint, with the taller element screened behind the existing trees. This elevation would read as five-storeys with a recessed sixth floor. This is considered to be acceptable. The lower mass here corresponds to the two -three storey massing of Moxon Street but also provides a natural end to the descending view down the hill.

With the steep sloping topography across the site, the massing / bulk of the proposal is increased towards the rear of the site. From South Close, large portions of the elevation would be screened by existing tall trees. Views of the recessed element may be visible but given the set back and use of lighter material, this is not considered to be adversely harmful.

Within Laburnham Close, a similar design / massing approach has been constructed with the flatted developments of Blackthorn Court, Hornbeam Court and Clementine Court. These buildings are located further up the slope and are part-4, part-5 storeys in height and are taller than the adjacent 2/3 storeys residential properties. Their height is considered proportionate as being up the hill, they are more visible than the application site. The application site being at a lower topography and at the bottom of the slope is considered to have the capacity to accommodate a larger massing and scale. The existing Court buildings are also more exposed with no tree screening and therefore visible from within St George's Fields.

In terms of massing, the proposed building is considered to be very well articulated in terms of height transition, stepped variation, balcony projections and recessions and material variation. These elements are considered to successfully articulate the external elevations, adding visual interest and breaks up the facades into clear low, middle and upper sections. It is considered that all these elements successfully reduce the visual massing and bulk of the proposed building.

Discussions were held around suitable viewpoints of shorter and longer views in order to seek confirmation of the visual impact of the proposed development. The submitted Townscape Assessment considers the impact from a variety of short and long range views

and these demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

Appearance and materials

The architectural expression follows a series of horizontal and vertical emphasis with light and dark brick bays. The Council's Urban Design Officer is supportive of the development and the proposed architecture.

The predominate material is a brown brick of varying light, medium and dark colouring with a green coloured metal cladding on the stepped back top floor. The proposed palette of materials is welcomed and is considered to help stitch the proposal within the context of the surrounding area.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies.

Impact on Green Belt

Whilst the site is not located within the Green Belt designation, the adjacent area of King George's Field falls within this designation.

Barnet Policy DM15 states that 'development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

A Heritage, Townscape and Visual Assessment has been prepared and submitted in support of this application. In agreement with Officers, a series of shorter and longer viewpoints were selected and the impact tested from these locations. These demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

The proposal should be seen in the context of the top of the trees and should not be dominant on the skyline or protrude significantly above the existing buildings lines or tree canopy line. The majority of views of the proposed development from St George's Field would be largely screened and views unimpacted and only glimpses of the upper level of the proposed development may be visible from some views. Therefore, Officers are satisfied that the openness of the Green Belt from within St George's Field would be maintained and unimpacted by the presence of the proposed development.

When viewing the proposed development in context, its overall height is experienced against the top levels of the tree canopies, again with the green metal cladding helping blend the proposal into the landscape context.

The conclusions of this visual assessment are that the proposed development does not impact the openness, character and tranquillity of the Green Belt. Officers are in agreement with the report's findings and consider that the proposed development successfully responds and integrates within the immediate site context. Officers are satisfied that it has been demonstrated that the proposed development does not have a detrimental impact on the visual amenity of the Green Belt and is in accordance with Barnet policy DM15.

In order to respond to this, the proposal has a recessed top floor, and it is considered that

the proposal would not be dominant within this skyline and would have an acceptable impact in terms of the setting of the Green Belt.

Heritage

The preservation and enhancement of heritage assets is promoted within Section 16 of the NPPF, recognising that such assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. It is also statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet's 2012 Core Strategy Policy CS5 and Development Management Policy DM06 all require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

The Site is not within or does not contain any designated or locally listed heritage assets. However, the Site is located within the vicinity of the Monken Hadley Conservation Area, Wood Street Conservation Area, a Registered Battlefield and several locally listed buildings. As demonstrated by the Heritage Statement, the application would not impact on any significant views of any statutory heritage assets. It is considered that there will be no harm to the settings of the conservation area, Registered Battlefield or other heritage assets.

Amenity of Impact on Neighbouring Properties

Part of the NPPF's (2021) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications. There are neighbouring residential properties surrounding the site in all directions. The separation distances are measured to each street as follows:

South Close - the scheme achieves in excess of the required 21m when measuring between facing elevations. The closest elements are the two corner elements of the north-west elevation which measure 22m with the middle section being further recessed by a couple of metres. The north-western corner of that elevation also steps back considerably from third storey upwards. The only exception is the property immediately to the west (no.1 South Close) which is 16m away from the proposed development. This elevation facing the application site is a flank elevation, which is usually blank, but it appears two bathroom or hallway windows have been inserted, as well as a living room window which would give

an existing living room a second aspect. However, there is a thick row of trees screening the existing property and the proposed development and there is no proposal to remove these in the application. The trees are also on highways land and so their retention is in the control of the Council. It is not considered that the proposals would result in any demonstrable loss of privacy to the neighbouring properties in this street.

Snowberry Close: Fortune House (Howdens) lies between the application site and Snowberry Close which measures circa 35/36m. It is not considered that the proposals would result in any demonstrable loss of privacy to the neighbouring properties in this street.

To the south-west of the site, lies Hadley Wood Hospital and Blackthorn Court (within Laburnham Close). However, due to the use of the hospital and considerable separate distance to Blackthorn Court (circa 45m), it is not considered that the proposals would result in any demonstrable loss of privacy to these neighbouring buildings.

Impact on daylight, sunlight and overshadowing

A detailed daylight and sunlight analysis has been undertaken in accordance with BRE guidelines and a report submitted in support of the application. When assessing any potential effects on the surrounding properties, the BRE guidelines suggest that only those windows that have a reasonable expectation of daylight or sunlight need to be assessed. The BRE guidelines provide two principal measures of daylight for neighbours - Vertical Sky Component (VSC) and No-Skyline (NSL).

The amount of direct sunlight a window can enjoy is dependent on its orientation and the extent of any external obstructions. Annual Probable Sunlight Hours (APSH) is used to consider any sunlight effect to surrounding properties. The report conducted an analysis on the following immediate and adjacent properties:

1 - 6 South Close;
19A - 22 South Close;
64 and 66 East View;
Blackthorn Court; and
12 - 14, 16 - 19 and 21 Snowberry Close.

The report findings demonstrate that for daylight, all windows and rooms in East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and the Snowberry Close properties achieve or exceed the guideline BRE values, either by experiencing minimal change or no impact from the proposed development to their daylight levels.

For sunlight, all properties with south facing windows were tested. All windows and rooms in 66 East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and Snowberry Close properties achieve or exceed the guideline values for both annual and winter APSH, either by experiencing minimal change or no impact from the proposed development to their sunlight levels.

For those properties which do experience a reduction in daylight / sunlight levels as a result of the proposed development, a summary of the impacts are set out below:

22 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the ones that remain, one window achieves a value of 0.6 times its former value, and one window achieves a value of 0.63 times its former value. For daylight distribution, two (100%) of the two rooms assessed adhere to the guideline values, demonstrating that the light levels with the rooms themselves remain adequately lit.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all four (100%) achieve the guideline values for winter sunlight. Of the window that remains for annual sunlight, it achieves a value of 0.54 times its former value.

21 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the windows that remain, one lighting a study achieves a value of 0.65 times its former value and one lighting a living area achieves a value of 0.37 times its former value. For daylight distribution, one (33%) of the three rooms assessed achieve the guideline values and does not experience any reduction in its lit area whatsoever. The rooms that remain, these achieve values of 0.77 and 0.76 times their former value respectively, and therefore only narrowly miss a guideline of 0.8.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all (100%) of the four rooms assessed achieve the guideline values for winter sunlight. For annual sunlight, the window that remains achieves a value of 0.42 times its former value.

20 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, 12 (60%) of the 20 windows assessed achieve the guideline values, with all windows on the first floor adhering to the guidelines. Of the eight windows that fall short of the guidelines, four retain absolute VSC values of 15% or above, ranging from 20.59% to 16.97%. For daylight distribution, all (100%) of the four rooms assessed achieve the guideline values, demonstrating how the light levels within the rooms of this property remain adequately lit.

For sunlight, 16 (84%) of the 19 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms achieve the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of between 90% and 59%, well above the 25% guideline suggested by the BRE. On a winter basis, the rooms achieve values of between 20% and 15% against a guideline of 5%.

19 South Close

This residential property sits to the north of the site.

For VSC, five (50%) of the 10 windows assessed achieve the guideline values. Of the windows which fall short of the guidelines, one window achieves a value of 0.77 its former value, narrowly missing the 0.8 guideline. The remaining four windows achieve values ranging between 0.68 and 0.53 times their former value. Again, each of the windows that fall beneath the guidelines lights a room that is lit by many other windows that are BRE

adherent. Looking to the light within the room, for daylight distribution, all (100%) of the two rooms assessed achieve the guideline values, demonstrating how the light within the rooms will remain adequately lit.

For sunlight, seven (70%) of the 10 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms exceed the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of 64% and 36%, respectively, well above the 25% guideline suggested by the BRE guidelines. On a winter basis, the rooms achieve values of 18% and 14% against a 5% guideline.

Overshadowing

An overshadowing assessment has also been undertaken by the applicant and assesses the overshadowing effect to the neighbouring gardens from the proposed development. BRE guidance recommends that at least half of the garden or open space can receive at least two hours of sunlight on 21 March. The rear gardens of the following properties have been assessed:

19A - 22 South Close;
64 & 66 East View; and
1 - 6 South Close.

The results of the two-hour sun contour test confirm that all of the gardens at the South Close and East View properties exceed the guideline values, with negligible or no impact received.

Daylight, sunlight and overshadowing summary

The results demonstrate that the vast majority of windows within the neighbouring properties will meet or exceed the BRE guideline values for both daylight and sunlight availability with the proposed development. When considering both the VSC and daylight distribution together, almost all rooms in the neighbouring properties exceed the guideline values for daylight - the exception being two rooms within 21 South Close, with both only narrowly missing the 0.8 guideline.

The results demonstrate that all of the gardens assessed will either continue to receive good levels of sunlight or show a negligible change to sunlight levels.

In conclusion, the layout of the proposed development follows the BRE guidelines and it is not considered to significantly reduce sunlight or daylight to existing surrounding properties.

Environmental Considerations

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and

avoid significant adverse impacts on health and quality of life.

Contaminated Land

The application is accompanied by a Desk Study Report. This concludes that significant remediation works would not be required as part of the proposed development, as the potential risk to identified receptors is considered manageable through the use of measures detailed within Contamination Risk Assessment report. The Council's Environmental Health team have reviewed the contents of both documents and are satisfied with the recommendations and conclusions set out.

Air Quality

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment report produced by Syntegra. The report states that the air quality impacts arising from the scheme are unlikely to be significant, given the limited amount of traffic on the existing roads and arising from the development. This assessment assumes that best practice construction methods are followed, and this is secured by condition.

Noise and General Disturbance

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials. This was explored in the earlier Agent of Change section.

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The commercial uses are less in quantity than the existing site usage and would be unlikely to result in additional disturbance to the existing environment, or to the proposed residential units.

The Air Quality Assessment produced by Syntegra has identified that the approach to building envelope secures a suitable scheme that meets the necessary standards, this is based on construction assumptions that can be secured through condition.

In considering the potential impact to neighbours, conditions are recommended to ensure that any plant or machinery associated with the development achieves required noise levels for residential environment. The Council's Environmental Health team have also recommended conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is also covered by the Environmental Protection Act 1990.

Overall, the development is not expected to give rise to any undue noise or disturbance to the existing neighbouring environment, thereby satisfying Policies DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy D13 of the Mayor's London Plan (2021).

Transport, Highways and Parking

Policy CS9 of the Barnet Core Strategy 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 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 CS9 and DM17 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.

Residential Car Parking

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units.

The scheme will provide 34no. residential off-street car parking spaces at a ratio of approx. 0.37 spaces per dwelling. Provision of a minimum of 10% Blue Badge residential parking spaces on-site will be accommodated.

The site lies within a No Waiting Zone, residential CPZ and Payment Parking (Mon-Sat 8am-6.30pm). This extends up Moxon Street and to the surrounding streets. The site lies in an area of PTAL 4 (good).

The applicant has carried out an overnight parking survey on roads within a 200m distance of the site and the results show that there a parking stress of 56% within the study area.

Based on the above factors, the Council's Highways Officer accept the proposed parking provision subject to the following measures to reduce car ownership and encourage sustainable travel:

- Restriction of future residents from obtaining parking permits
- A robust travel plan;
- Provision of car club space

TfL does not object to 34 residential car parking spaces and welcomes 10 disabled parking spaces.

Commercial Car Parking

It is proposed to provide 2no. parking spaces for the commercial occupiers, with one of the spaces being designated as a disabled space. The Council's Highways Officer is accepting of this provision.

Cycle Parking

In terms of cycle parking, a minimum of 160no. secure and covered long-stay cycle spaces are provided at proposed Upper Ground Floor Level, plus 4no. short-stay spaces for visitors. The Council's Highways Officer and TfL are accepting of the proposed residential cycle provision.

For the commercial space, the development proposes 5no. secure and covered long-stay cycle parking spaces, plus 2no. short-stay cycle parking spaces for visitors. TfL have stated that the commercial cycle provision should be based on the highest potential applicable cycle parking standard (Office: long-stay and Retail: short-stay) as the final flexible use has not been fixed. However, Officers can state that retail would be strongly inappropriate in this location and would not be supported, therefore, the applicant's calculation and provision is considered to be acceptable.

Waste and Recycling

In terms of refuse collections, bin stores for the residential and commercial aspects of the proposed development will be provided in separate stores at Upper Ground Floor Level. The submitted Outline Delivery & Servicing Plan states that it will be the responsibility of the site's management company to ensure that the bins are presented at the front of the building adjacent to the 'service zone' on the day of collection.

In terms of the residential refuse and recycling collection, it is expected that this will be collected by the Council as part of the existing established domestic collection arrangements locally. The servicing arrangements for the commercial element of the development are proposed to be carried out via a privately contracted arrangement, in-keeping with the existing arrangements for the occupiers of the existing premises.

The waste strategy has been reviewed by the Council's Street Scene collections team and considered to be acceptable.

Trip Generation

The submitted Transport Assessment states that the existing industrial building can be expected to generate in the order of 119 total two-way vehicle trips over the course of a typical weekday comprising of 85 total two-way car/taxi trips, 19 total two-way LGV trips and 15 total two-way OGV trips.

In terms of the residential aspect of the proposed development, it is expected that to generate in the order of 81 total two-way vehicle trips over the course of a typical weekday comprising of 66 total two-way car/taxi trips , 12 total two-way LGV trips and 3 total two-way OGV trips.

For the non-residential element, it is expected that to generate in the order of 10 total two-

way vehicle trips over the course of a typical weekday comprising of 9 total two-way car/taxi trips , 1 total two-way LGV trips and 0 total two-way OGV trips.

Therefore, the proposed development can be expected to generate in the order of 28 fewer total two-way vehicle trips over the course of a typical weekday comprising of 11 fewer total two-way car/taxi trips, 5 fewer total two-way LGV trips and 12 fewer total two-way OGV trips. As such, the proposal would result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

Highways Summary

Taking into account of the matters set out above, the Council's Highways Officer would raise no objection to the proposed development subject to a s106 agreement denying occupants of the development the right to purchase permits within the existing CPZ, a contribution of £10,000 towards travel plan monitoring and £13,800 towards travel plan incentives, as well as contributions to pedestrian and cycle improvements in the area.

Landscaping, Trees and Biodiversity

Landscape

The submitted DAS sets out the proposed landscape strategy which provides a variety of external amenity spaces across the entirety of the scheme.

External amenity is provided in the form of a playspace courtyard at first floor level and a larger landscaped terrace at the fifth floor level.

The Council's Tree Officer has confirmed that the outline landscape proposal is broadly acceptable for the built spaces.

Trees

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. Trees within the site are located to the boundaries and comprise of 1no. individual tree and 7no. groups of trees. The report advises that tree species are generally of low quality and predominately non-native species.

The report recommends that 4no. groups (G2, G4, G5 and G7) are removed irrespective of this application as they are either dead or have limited life expectancy.

The report recommends that 1no. individual tree (T1) and 2no. groups (G2 and G4) will need to be removed in order to facilitate the proposed development. The report advises that these are low quality trees.

It is accepted that the abovementioned tree removal would reduce the amount of screening along South Close, however it is considered sufficient screening will remain, retaining a significant element of softening within the proposed design. The Council's Tree Officer has confirmed that proposal retains many of the better-quality trees on South Close but none of the trees immediately surrounding the site would qualify individually or collectively for special protection under the Tree Preservation Order Regulations. In order to compensate for the loss of trees, a financial contribution towards the funding of replacement trees will be secured by a S106 agreement.

The comments from local residents about the loss of some trees on the north western corner are noted, but there is room for replacement planting in this location and on balance the trees on the north eastern corner provide a greater longer distance screening benefit and their retention is preferable. Concerns have been raised by residents about the removal / loss of trees along the public footway or within King George Playing Fields. However, the proposal does not seek to remove these trees but as they are sited on Council land, they would require permission for their removal from the Council.

Ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) which has been reviewed by the Council's ecologist. No objections to the application on ecological grounds are raised following the findings of the PEA and Bat Activity Report.

The PEA report revealed that the King George's Field Site of Importance for Nature Conservation (SINC) was located immediately east of the red line boundary. Subsequently it has been recommended that "the proximity and connectivity to a number of SINCS, in line with local policies, a CEMP with robust mitigation measures will be required during and post construction to prevent any potential indirect impacts from the proposals. Pollution prevention measures will be required to ensure no spills, debris, or materials enter the nearby area. It is considered that the proposals with avoidance and mitigation measures in place will have not have a significant impact on local SINCS."

Broadleaved Deciduous Woodland is immediately adjacent to the site was recorded as consisting of broadleaved deciduous woodland, with further deciduous woodland and wood pasture and parkland, traditional orchard and good semi-improved grassland (non-priority) within 1km of the site. To safeguard the Priority Habitat of Principal Importance (Natural Environment and Rural Communities Act 2006) the PEA report advised *"that to minimise effects on the adjacent s41 deciduous woodland that the RPAs outlined in the arboriculture impact assessment report by DCCLA (2022) are adhered to as well as the inclusion of a woodland grassland buffer zone."*

that *"no evidence of an active bat roost within B1 at the time of the survey."* The survey has noted a population of common pipistrelle, noctule and leisler's bats. While it is acknowledged that no bats were confirmed within any of the buildings on site, we welcome the recommendation for low impact lighting be implemented as part of the proposed works to avoid light spill which would impact commuting and foraging bats using the site. In addition, we welcome the recommendation for the provision of purpose-built bat boxes to enhance the site for roosting bats.

The PEA report revealed the presence of suitable vegetation and buildings which could support nesting birds. The PEA subsequently advised that *"any works to the on-site habitats, including buildings take place outside of nesting bird season (February to August inclusive), unless a nesting bird search by a suitably qualified ecologist takes place prior to the works commencing. The avoidance of works during this time period will prevent the disturbance or damage to any nesting birds that may be presence."*

The PEA report revealed the presence of numerous refuge piles and coniferous woodland undergrowth on the boundary of the site which have the potential to support sheltering and foraging reptile and amphibian species, great crested newts were deemed unlikely to be present within the site. We welcome the provision of precautionary measures which are *"advised when undertaking works. Works to suitable areas such as rubble piles within the*

woodland to be done under ECoW supervision." Furthermore, the PEA report recommended that *"Landscaping scheme should seek to enhance the site for reptiles (e.g. inclusion of refugia and gaps in fence."*

Although the PEA report did not find direct evidence of badger or hedgehogs present on site e.g. hairs, droppings, footprints or dens it did determine that *"there is a moderate chance for badgers to be present on site due to there being suitable habitat on site with connectivity to further woodland. Precautionary measures are advised for the works"* these precautionary measures would include that *"any holes, trenches, and/or ditches be supplied with an inclined mammal ladder to provide a means of escape. Future fencing on the site must ensure use of mammal gates/gravel boards to allow for connectivity across the site and seek to enhance hedgehog populations."*

The PEA report deemed that the woodland on site had the potential to support notable invertebrates such as stag beetle and thus advise *precautionary measures will be required in the event of removal of dead wood such as log piles on site. Stag beetles are protected by UK and European law and are active above ground from mid-May to July. Works are advised not to take place during this time.*

We welcome the provision of 4th and 5th floor biodiverse green roofs (433 m²) (Proposed Roof Plan) as these will provide ideal foraging habitat for a variety of pollinating insects including bees, butterflies, moths and beetles. The provision of biodiverse green roofs will greatly enhance the site for biodiversity in comparison to its current developed/hardstanding artificial nature. The implementation of the biodiverse green roof should follow the guidance of Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019).

Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The proposal achieves a score of 0.57 which exceeds the target of 0.4 set by Policy G5 (Urban Greening) of the London Plan. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the heat island effect, and sustainable drainage.

Energy, Sustainability and Drainage

Energy

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach,

and to minimise the emission of other pollutants. The development will be constructed to comply with Part L of the Building Regulations and in line with the London Plan to achieve a minimum of 44% CO2 reduction for the domestic elements and 35% for the non-domestic elements.

In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A financial contribution will be required to be secured via planning obligation.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

6. Equality and Diversity Issues

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

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

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

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

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

7. Conclusion

In conclusion, Officers consider that the development is acceptable having regard to the relevant local, regional and national policies.

Having weighed the material planning considerations, the scheme would deliver many benefits including the following;

- A comprehensive redevelopment of a vacant brownfield site
- Optimise housing delivery and make a contribution to the Council's annual housing delivery targets;
- Provision of 35% affordable housing
- Reprovision of improved flexible employment floorspace

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL is recommended subject to conditions as set out above.

