

**LOCATION:** 84 West Heath Road  
London  
NW3 7UJ

**REFERENCE:** 22/0228/FUL Validated: 02.02.2022

**WARD:** Childs Hill Expiry: 04.05.2022

**APPLICANT:** SM Planning

**PROPOSAL:**

Demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space

**PREFACE**

The application was withdrawn from the agenda for Planning Committee B on 23<sup>rd</sup> January 2023 partly as a result of further representations received prior to the committee which raised substantive issues.

The report has been amended to address the matters raised in the additional correspondence received which are outlined in this preface for expedience.

Firstly, it was raised in correspondence received that the current lawful use of the site had not been adequately assessed within the officer report (OR), and that there was a consequent failure to consider DM13. The lawful use of the site is a C2 Use Class and this was not affected by an unlawful change of use to a day school (Use Class D1) for which formal enforcement action was taken. Given that the lawful use of the site is a C2 Use Class, there is no loss of a D use class and Policy DM13 is not relevant. This is addressed fully in paragraphs 5.4 to 5.6 of this report.

Secondly, it was outlined in the correspondence received that the OR fails to consider whether the proposal meets the definition of a care home for the purposes of Policy H13 of the London Plan. In response, the applicant has provided clarification on their operational model and note:

- All residents must sign up to a minimum care package with 4 tiers plus bespoke 'one to one' care – these depend on the individual needs of each resident.

- All care and nursing is provided by KYN's own staff. There is no opportunity to nominate another provider.
- Residents sign up to 'Terms and Conditions' and a 'Resident Contract'. These are not occupancy agreements, for example, tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold
- Fees are paid weekly in monthly instalments in advance of care. This Contract does not confer exclusive possession upon the Resident/Nominate Representative, nor does it create a relationship of landlord and tenant between parties. The Agreement will terminate immediately on the Resident's death. The room must be cleared within 5 days after the date of death. No residents' rooms have any self-catering facilities ie. No kitchen or laundry available within the room. This is included within the basic package.
- All KYN homes will register with CQC as nursing homes. This enables KYN to provide 'residential care', 'nursing care' and 'dementia care' in the same building. Often this is stipulated and backed by the planning Use Class designation of C2 care home for the frail elderly and is often regulated with a minimum age. KYN are unable to accommodate any resident without CQC registration.

Officers are satisfied that this provides certainty that the use falls within the definition of a care home as defined by the London Plan. Officers also consider it prudent that these details are secured by way of condition requiring a revised Operators Statement to be submitted for approval inclusive of the measures outlined above. The condition would require the property to operate in accordance with the approved details. This is included as Condition 26.

Thirdly, the letter purported that the assessment of the proposal on the character of the area within the OR was lacking. Additional assessment of the impact on the character and appearance of the area is set out in paragraphs 6.1 to 6.13 of this report.

Lastly, it was outlined that the approach taken to ecology and the likelihood of European protected species (bats) being present at the site is entirely flawed, and the requisite surveys have not been carried out. Additional surveys were undertaken on 26<sup>th</sup> September 2022 as had been requested by the Council's ecologist in the initial response to the consultation. It was also outlined in the applicant's initial ecology assessment that the 'optimum' time for surveys to be undertaken during the peak season.

Further guidance was therefore sought from the Council's Ecology officer who responded as follows:

- The Updated Preliminary Roost Appraisal (PRA) and Dusk Activity Survey Report (Syntegra, October 2022) stated that the PRA conducted on September 26th, 2022, confirmed the presence of the previously confirmed potential bat roost features on the main building which reaffirmed the classification of the building as a having low suitability. Subsequently a survey reports a single emergence survey was carried between 18:36 and ending at 20:21, under suitable conditions with light winds (4 mph), 30% cloud cover and 12oC, the end survey conditions were also suitable with 80% cloud cover, light winds (4mph) and 11oC. The conditions and time of the survey are in line BCT guidelines (Collins 2016) considering to sufficiently confirm the likely absence of bats due to the unseasonable warm summer and autumn that was experienced in 2022.

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- Prior to the survey the consultant ecologists undertook an external survey of the building identified features of interest such as likely exit and entrance points; examples include: holes in walls, gaps in windows and doors, cracks in stonework/brickwork, hanging roof tiles, and loose eaves. The grounds around the building were searched for evidence of bats such as droppings or feeding remains. The fact that no evidence occupancy was discovered strongly supports the conclusion that the building does not support roosting bats. This classification is further justified by limitation outlined in section 2.6 of the survey report.

*“Surveyors within the front and western side of the site, had timed lights that resulted in high light spill on and around the building. Lighting was not seen as a constraint for the surveyors, rather a likely deterrent for roosting bats.”*

- The fact that high light spill was also present on the building indeed provides a deterrent for roosting bats as light spill onto a potential roost feature such as the slight lifts on the hanging tiles on the western aspect would be discourage bats from access or egressing any such roost.
- The consultant ecologist (Syntegra Consulting) has acknowledged within the submitted report that the bat emergence survey was undertaken outside of the optimal bat survey season (May to August inclusive) for a building with low suitability (see below):

*“2.2. The updated dusk echolocation survey was undertaken during in September 2022 and is within the sub-optimal survey period stated in published guidance from the Bat Conservation Trust (Collins, 2016). The echolocation survey was undertaken when temperatures were 10oC or above, no strong winds and or no rain, which are the recommended survey parameters stated within guidance from the Bat*

*Conservation Trust (Collins, 2016). As such there are no limitations associated with the timing and weather conditions of the surveys.”*

- However, it should also be noted that the Bat Survey for Professional Ecological Good Practice Guidelines (Collins, 2016) state regarding the timing of bat echolocation survey “An ecologist should use their professional judgment to design the most appropriate survey regime” and that “Surveys should always be proportionate to the circumstances, which can only be assessed using professional judgment”. Furthermore, the guidance regarding survey effort and timing is exactly guidance and it is down the professional judgement of the appointed ecologist as to the design and implementation of appropriate survey. Were the objections on the grounds of mitigation this would constitute a separate issue as no activities would be permitted to take place that would result in the degradation of the Favourable Conservation Status (FSC) of a confirmed bat roost.
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- In conclusion, it is my professional opinion that the bat emergence survey was designed and implemented by Syntegra Consulting in a manner proportional to the likely risk of encountering a roosting bat within the building with low suitability, sufficient survey effort had been undertaken in regards to the start and end timing of the survey in appropriate weather conditions, and sufficient awareness of the limitation associated with surveying of highly mobile and opportunistic protected species such as bats. The submitted survey data was deemed sufficient to discharge the LPA’s statutory requirement under Section 40 of the Natural Environment and Rural Communities Act 2006 and Paragraph 98 ODPM Circular 06/2005 (see below) and thereby rule out the risk of committing an offence under the Conservation of Habitat and Species Regulation 2017.

Having regard to the above, officers are fully satisfied that the methodology for the bat surveys undertaken were robust and that the conclusions drawn are fully sound.

In respect of the matters addressed above, there has been no change to previous officers recommendation to approve the application subject to conditions and a Section 106 Agreement. An additional condition is attached at Condition 26 in respect of an Operators Statement for the C2 use.

## **RECOMMENDATION**

### **Recommendation 1**

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 of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

1. Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant

2. Enforceability

All obligations listed to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

3. Indexation

All financial contributions listed to be subject to indexation.

4. Travel Plan

Plan to be secured including £10,000 monitoring fee and incentives of £150 per staff member for use on sustainable transport modes.

5. Section 184 Agreement

The provision of dropped kerbs and tactile paving at the existing entrance and an upgrade/modifications of the existing access

6. Local Employment Agreement

A Local Employment Agreement is to be entered into with the LPA in accordance with the requirements of the Employment and Skills SPD.

7. S106 Monitoring Fee

£2000

Recommendation 2

That upon completion of the agreement specified in Recommendation 1, the Service Director Planning & Building Control or Head of Strategic Planning to approve the planning

application reference 22/0228/FUL under delegated powers, subject to the conditions set out within this report.

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

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## **Relevant Planning Policy**

### **Introduction**

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

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

### **The London Plan**

The London Plan (2021) published 2<sup>nd</sup> March 2021 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. This document replaced the London Plan 2016.

### **Barnet Local Plan**

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012.

#### Barnet's Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account has been taken of the policies and site proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application.

#### **National Planning Guidance:**

National planning policies are set out in the National Planning Policy Framework (NPPF) (2021).

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan.

#### The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in the relevant section of this report.

## **PLANNING ASSESSMENT**

### **1.0 Site Description**

- 1.1 The application site is located on the north-east side of West Heath Road at the corner of Eden Close and measures approx. 0.4 hectares.
- 1.2 The site is currently occupied by a large detached building located centrally on the site with direct access from West Heath Road. The building itself rises to a maximum of 2 storeys with additional accommodation within the roof.
- 1.3 The surrounding area is characterised by large scale residential plots with dwellings that vary between 2 and 4 storeys in height.
- 1.4 The site is not located within a conservation area, nor is the building statutorily or locally listed. In that regard, it is noted that the Secretary of State for Digital, Media and Sport declined to list the property in April 2022 following consultation with Historic England. The effect of this that the property benefits from a Certificate of Immunity from listing for a period of 5 years (from April 2022).
- 1.5 There are TPO designations around the site boundaries. The site is located within Flood Zone 1 and has a PTAL rating of 3.

### **2.0 Proposed Development**

- 2.1 Permission is sought for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space.
- 2.2 The development would provide 80 bedrooms, with 12 bedrooms on the ground floor, 21 bedrooms on the first floor, 27 bedrooms on the second floor and 20 bedrooms on the third floor along with ancillary communal space incorporating the following facilities:
  - Cinema
  - Activity Room



- Great Room & Bar
- Communal Toilets
- Private Dining Room
- Restaurant
- Grand Lobby
- Spa Bathrooms
- Household Dining/Activity Rooms
- Quiet Rooms
- Seating Areas
- Library
- Hair Salon
- Therapy Rooms
- Orangery
- Landscaped Garden

2.3 The proposed building will be centrally located within the site and access to the site would be through the existing vehicular gates from West Heath Road.

2.4 It is noted that the scheme has been amended during the course of the application to align with both officer and consultee comments. Members attention is drawn to the Design & Access Statement Addendum which highlights a reduction in the depth of the south-east elevation and the introduction of a green wall system to encourage both biodiversity net gains and significant visual/amenity improvements.

### **3.0 Relevant Planning History**

3.1 The following planning history is relevant to the consideration of the application.

3.2 On 6 March 1974, full planning permission was granted for the erection of a staff room under application reference C04794. It is understood that, at this time, the site was in active use as a care home for the elderly.

3.3 On 24 April 1974, full planning permission was granted for the erection of a fire escape under application reference C04794A. As above, the site was in active use as a care home at this time.

3.4 On 10 November 1995, full planning permission was granted for alterations to the building elevations, front entrance ramp, fire escape staircases and general refurbishment works under application reference C04794B. The application confirmed that the site remained in active care home use at this time.

- 3.5 On 3 July 1996, a full planning application for alterations to the home, including the erection of a two-storey rear extension, was refused by the Local Planning Authority under application reference C04794C.
- 3.6 On 27 January 2017, a lawful development certificate application for the proposed internal conversion of the property and its use as a boarding school was granted by the Local Planning Authority under application reference 16/5298/192.
- 3.7 On 12 October 2020 a planning application was lodged under application reference 20/4748/FUL for the full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. The application is pending consideration.
- 3.8 On 1 August 2022, a planning application was lodged under application reference 22/3958/FUL for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space. The application is pending consideration.
- 3.9 On 17<sup>th</sup> January 2017, a Planning Enforcement Notice was issued on the basis that a change of use of the property to a day school (Use class D1) had taken place without permission. The following reasons were given for the serving of the notice:
1. The introduction into a previously quiet residential area of the incongruous patterns of activity associated with the school and, in particular, the increased comings and goings at either end of the school day has resulted in detriment to that character, contrary to policy CS5 of the adopted Barnet Core Strategy DPD (2012) and to policies DM01 and DM13 of the Development Management Policies DPD (2012).
  2. Traffic generated by the day school, over and above that which might reasonably be associated with any fall-back position, likely reduces the free flow of traffic on local roads. Any increase in journey generation, whether resulting from a change in travel behaviour or an increase in the size of the school, will exacerbate the situation. Furthermore, any increase will also likely lead to an unacceptable risk to local highway safety, contrary to policy CS9 of the adopted Barnet Core Strategy DPD (2012) and policies DM17 and DM13 of the Development Management Policies DPD (2012)
  3. By virtue of the noise and disturbance associated with access and egress the use of the site as a day school has a detrimental effect upon neighbours' standard of life and there exists the potential for an increase the level of general disturbance, contrary to policies DM04 and DM13 of the adopted

#### **4.0 Consultations**

- 4.1 As part of the consultation exercise, 97 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press. As a result of the initial consultation exercise, a total of 75 responses were received comprising of 74 objections, 0 letters of support and 1 representation.

##### Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the representations received from neighbouring residents can be summarised as follows:
- Overdevelopment
  - Excessive height and scale
  - Development out of context with surroundings
  - Ecology –bat surveys
  - Operator/Use Class – the credibility of the proposed operator in terms of constitution and funding capabilities
  - Lack of Affordable Housing
  - Tree/Landscape Impact
  - Flood Impact
  - Risk to road and pedestrian safety due to location close to a bend in the road
  - Roof gardens not appropriate for elderly residents
  - Parking impact
  - Intensity of use not appropriate for residential setting
  - Disruption during the construction of the development
- 4.3 The material planning objections are addressed within the main body of this report.

##### Responses from External Consultees

- 4.4 The following responses were received from external consultees:
- The Victorian Society – Objection received
  - London and Middlesex Archaeological Society-Objection received
  - Westover Hill Residents Association – Objection received
  - Historic England – No archaeological requirement
  - TFL – no objections subject to conditions

##### Responses from Internal Consultees

- 4.9 The following responses were received from external consultees:

- Street Scene – No objections
- Environmental Health – No objection subject to conditions
- Traffic and Development – No objection subject to conditions and S106 obligations
- Travel Plans – No objection subject to S106 obligation
- Trees and Landscape – tree protection measures requested by condition

## **5.0 Land Use / Principle of Development**

- 5.1 The existing site is occupied by a building formerly used as a care home (Use Class C2) and the proposed development seeks the retention of this use with re-development to provide a single building comprising up to 80 care beds (Use Class C2).
- 5.2 Policy CS4 of the Barnet Core Strategy states that Barnet will seek to create successful communities by creating a variety of housing related support options that maximise independence for residents including older people and people with disabilities. Policy CS 11 of the Core Strategy states that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet or its successor bodies and the council's Adult Social Services. A similar approach, of requiring need to be demonstrated, is set out in policy DM09 of the Barnet Development Management Policies and policy HOU 04 of the Barnet Draft Local Plan 2021.
- 5.3 The London Plan states that care home accommodation (C2) is an important element of the suite of accommodation options for older Londoners and this should be recognised by boroughs and applicants. To meet the predicted increase in demand for care home beds to 2029, London needs to provide an average of 867 new care home beds a year. The provision of Care Quality Commission rated Good or Outstanding care home beds is growing at around 3,525 bed-spaces a year in London.
- 5.4 The building was previously in the ownership of the London Borough of Camden as a Care Home (Use Class C2) known as St Margarets. The building was disposed by LB Camden and was acquired by Heathside Preparatory School. The school initially had received a Certificate of Lawful Use (LDC) for "Internal conversion and use of the existing property to provide education and boarding accommodation."
- 5.5 The LDC (ref: 16/5298/192) was submitted on 11th August 2016 for use of the property as a boarding school (use class C2). The application was supported by a Counsel opinion (from James Strachan KC) to determine what level of boarding (as a component of the wider school use) would allow it to operate under the extant C2

planning permission and was granted on 27th January 2017, which confirmed that the use of the former care home as a boarding school fell within the same C2 Use Class and therefore did not require planning permission.

- 5.6 The LDC confirmed that a boarding school can be lawfully operated from the former St. Margret's care home but advised (by informative) that a 50:50 ratio should be maintained between attending day pupils and boarders. It was envisaged that the school would operate with approximately 128 pupils, based on 64 day pupils and 64 boarders.
- 5.7 It is officers understanding that this required ratio was unable to be achieved by the school operators and the school operated functionally as a day school.
- 5.8 Enforcement action was therefore taken against the school for 'Without planning permission, the change of use of the property to a day school (Use Class D1).' From the evidence gathered as part of the enforcement action, it was confirmed that the site was used by Heathside Preparatory School as a D1 day school (now Class F1). Any elements of boarding accommodation were not sufficient in scale, or accordant with the requisite 50/50 ratio to change the nature of the use to a boarding school. Therefore, as the day school use of the site was unlawful, the last lawful use of the property was as a care home within class C2.
- 5.9 Community or education uses are covered by Barnet policy DM13. Paragraph 14.1.2 of this policy defines community and education uses as "health centres, dentists, schools and further education, spaces for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worships and some policing facilities." Given that the site was unlawfully used as a day school, the proposal cannot be considered to involve the loss of an education use. The loss of a boarding school is not considered relevant either as the building was not sufficiently used for the purposes of C2 use. From the above summary, the application therefore does not involve the loss of an education use.
- 5.10 Having regard to the need assessment which was submitted with the application, it is considered that the application will accord with the Policy CS4 and the London Plan. It should also be borne in mind that this application is for a new care home to replace the previous building whose former lawful use was as a care home, so this is not a proposal to introduce a new care home use on land not previously used for that purpose.

## **6.0 Character and Appearance**

- 6.1 The existing building has been extended and altered over time with a side wing extension which mimics the design of the existing building and a more recent two-storey rear element which projects a significant distance rearward into the site. It has also been fitted with various modern window types across the building.
- 6.2 Given the considerable and insensitive alterations to the existing building it is not considered that officers could object to the demolition of the existing building. It is neither designated as a statutory or locally listed building nor located within a conservation area. English Heritage has deemed the building unsuitable for listing. Furthermore, contrary to the views of the Victorian Society it is not considered that the existing building should be accounted as a non-designated heritage asset, and even if it were, a balanced judgement would indicate that the benefits of the proposal outweigh the loss of the building.
- 6.2 Policy DM01 of the Local Plan states that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. These aspects are considered below.

#### Layout

- 6.3 The proposed layout has been informed by a plot analysis which is set out in the Design and Access Statement (D&A). This calculates the existing building as occupying 20% of the site, with an average plot ratio of 30% amongst those within the surrounding immediate area, including on those immediately adjoining the site.
- 6.4 The proposed layout seeks to only slightly increase the site coverage to a level broadly commensurate with the surrounding plots and also responds to existing Tree Root Protection Areas (RPAs) whilst seeking to maintain a 9m clear separation to the existing site boundaries. The footprint was further reduced in the revised scheme and is set out in the D&A Addendum.
- 6.5 Overall, the proposed layout and footprint is supported by officers. High quality hard-surfaced and landscaping details, involving maintenance and management would be secured by condition along with details of tree protection measures.

#### Scale, Massing and Height

- 6.6 Scale and height is varied across the proposed development, with a significantly stepped back top floor. The proposed development seeks to concentrate massing and height towards the front / middle of the site with a maximum height of six storeys with the upper level being significantly recessed and designed in a contrasting aesthetic to offset its mass. The development would step down towards the rear of the site with the rearmost element being three storeys in height.
- 6.7 Whilst the proposed development would represent an increase in building mass and height, the height and extent of screening around the site softens the impact of built development and in any case, Officers consider that the proposed scale, massing and height can be suitably accommodated within the site. The transition and step down in height towards the rear is welcomed and responds to the surrounding context.
- 6.8 In terms of massing, the proposed building is broken up by a number of recessed and projecting sections, transition in heights and a significantly setback top floor. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposed buildings.
- 6.9 The Barnet Characterisation Study 2010 sets out inter alia that *“this character area is substantially residential.... adjacent to the West Heath, streets begin to meander in line with the topography and yet remain well-connected. Residential building plot sizes are consistent across Golders Green with standard semidetached houses. They vary elsewhere, although are generally of a standard semi-detached size except alongside West Heath where they become quite large.”*
- 6.10 The study goes on to state that *“...in areas adjacent to the West Heath, there is a greater abundance of detached housing on large plots, becoming semirural in character”*.
- 6.11 Further guidance can be drawn from appeal decision APP/N5090/A/04/1149384 at 63/67 West Heath Road. In the decision notice for that appeal, the inspector, in establishing the existing character of the area, noted inter alia that *“... there are various large residential properties, often set behind mature trees”* (paragraph 5). In going on to assess the impact of development, the inspector goes on to state that *“along this part of West Heath Road, the buildings, although of a substantial size, are extremely varied in their appearance. They range from detached houses to sizeable blocks of apartments and include both old and new properties. It is evident that no particular architectural style predominates”* (Paragraph 7).
- 6.12 In concluding on the issue of impact on character and appearance, the inspector noted that *“... the scale, massing and height of the proposed blocks broadly reflect*

*that of adjoining buildings. Although the blocks would have four or five floor roof heights when viewed from the road would be similar to that of neighbouring properties” (Paragraph 8).*

- 6.13 In terms of other neighbouring development, it is noted that a similar scale and design of building was approved and currently under construction at The Oren, 114-120 West Heath Road. This scheme is located to the north-east of the site and was approved under reference 16/5993/FUL. The scheme comprises six storeys, with a recessed top level and similar projecting and recessed bays. Further to the above example, on the opposite side of the road, there are two sites of Oak Lodge and Oracle Apartments which comprise five storeys.
- 6.14 In the context of these precedents, officers consider that the scheme would not be incongruous within the established context of its surroundings. Officers consider that the proposed development would sit well within its large plot which as outlined is an established feature of the locality. The site is heavily screened by mature trees which are to be retained which would also provide a good degree of screening and maintain the semi-character outlined in the Barnet Characterisation Study and at paragraph 6.10. As noted by the inspector in the decision for appeal ref APP/N5090/A/04/1149384 there is little uniformity in the properties in the surrounding context and it is clear to officers that the established character is of large properties set within large plots of varying scales and styles. As has been set out with the existing precedent, the scale of some of those existing properties are substantial and broadly similar to scale of the proposed development as would be perceived from the street. As such, officers consider that the scale and height of the development would not have a detrimental impact on the established character of the area.
- 6.15 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. Further details of the architectural detailing would be secured by condition.

## **7.0 Amenity Impact**

- 7.1 Part of the ‘Sustainable development’ imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

### Privacy, Overlooking and Outlook



7.2 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.

7.3 The site is surrounded by residential properties within Eden Close to the north and north-east, of which the site shares a boundary with No.8 whilst the road of Eden Close separates the site from Nos. 1 &2 and No.88 West Heath Road. To the south-east and south, the site shares boundaries with Nos 6 – 12 Westover Hills, as well as No.74 West Heath Road. In addition to the separation distances set out below, it is also worth noting that the scheme has been amended to include angled windows in order to further reduce any perceived overlooking.

The separation distances are measured to each street as follows:

- Eden Close – the scheme achieves an approx. 11-12m distance from the rear elevation to the north-eastern boundary treatment with No.8. A 20.5m window to window separation is maintained and there are significant mature and tall trees along this boundary which will prevent overlooking. This distance increases as the building form steps back. Nos 1 and 2 Eden Close are sited between 25-35m away from the proposed built form. Due to the siting and orientation of these properties, views towards these properties would be obscure and are again screened by mature trees.
- Westover Hill – measured from the south-eastern elevation, there would be in excess of 25m to the rear elevations of nos. 6 – 12. This exceeds the SPD guidance and therefore it is not considered that overlooking concerns arise. Again, there is considerable screening along this boundary.
- West Heath Road – there is 25m separation from the proposed to both the north (no.88) and south (no. 74).

7.4 Particular concern has been raised from adjoining properties regarding privacy and of the neighbouring properties. The issues of privacy have been addressed above and it is considered that there is adequate separation distance between the sites with, in many instances, oblique angles. In addition, the presence of existing mature and tall trees along the boundary would ensure that there would be no undue loss of privacy.

## Daylight and Sunlight

7.5 An assessment on daylight and sunlight on neighbouring buildings has been submitted in support of the application. The report conducted an analysis on a considerable number of properties in the immediate area:

- 88 West Heath Road
- 1 Eden Close
- 8 Eden Close
- 6 -12 Westover Hill
- 74 West Heath Road / 4 Westover Hill
- 71 – 79 West Heath Road

### 1 Eden Close

7.6 This property is located immediately to the north of the proposed development. For daylight, the results confirm that the existing values of Vertical Sky Component (“VSC”) are below 27%. However, the BRE states that an adverse effect would only occur if the proposed value is less than 27% and less than 0.8 of the existing value. The results found that the existing windows will achieve 0.95 or 0.9 of the existing value, exceeding the BRE criteria.

### 88 West Heath Road

7.7 This property is located to the north-west on the opposite side of Eden Close. There are four windows which face towards the application site. The results confirm that the windows assessed would achieve 0.89, 0.88, 0.99 and 0.99 of the existing VSC value, which exceeds the BRE criteria of 0.8.

### 8 Eden Close

7.8 This property is located to the north-east and there are windows in the flank elevation facing the application site. The results found that the windows adjacent to the application site would achieve above 0.8 of the existing VSC value, satisfying the BRE criteria. Given the ground floor windows pass the BRE requirements, it is reasonably assumed that the 5 windows at first floor level would also pass.

### 6 -12 Westover Hill

- 7.9 These houses are located to the south-east and south of the proposed development, with rear windows facing the application site. All the windows measured would more than satisfy the BRE criteria.

74 West Heath Road / 4 Westover Hill

- 7.10 These properties are located immediately to the south of the site. The results confirm that there would be little change with results of 0.96 and 0.98 to the existing VSC values.

79 – 79 West Heath Road

- 7.11 These properties are located to the west of the proposed development on the opposite side of the road. Due to the distances between the site, there would be no impact in terms of daylight on these properties.

Sunlight

- 7.12 The results for the neighbouring residential properties that face within 90 degrees of south demonstrates that BRE's criteria for both annual and winter sunlight would be satisfied to all windows.
- 7.13 Overall, Officers accept the findings that the proposed development will not give rise to a significant impact upon the daylight or sunlight amenity received to these properties.

Noise and General Disturbance

- 7.14 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The proposed development will make the most efficient use of the site; a use that is consistent with its historical use class and the overriding residential character of the surroundings.
- 7.15 The increased number of bedrooms would likely result in an increased number of movements to and from the site on a daily basis, however it is not considered that this increase would be so significantly above the current baseline as to result in a significantly greater impact than already exists.

**8.0 Quality of Accommodation**

8.1 Policy DM02 of the Local Plan seeks to ensure development provides accommodation of a suitable standard of living taking into account size of the unit, daylight, sunlight, outlook, privacy and noise and vibration.

8.2 The proposed units are all of a high quality and have been designed to exceed industry requirements. Communal areas, shared leisure facilities and generous amenity spaces would also be provided which, it is considered, would combine to ensure a high-quality living environment for the future occupants.

## **9.0 Sustainability**

9.1 The 2021 London Plan, requires within Policy SI2 that major development be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- be lean: use less energy and manage demand during operation
- clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
- be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site. be seen: monitor, verify and report on energy performance.”

9.2 Policy SI2 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

9.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayor’s targets for reductions in carbon dioxide emissions, within the framework of the Mayor’s energy hierarchy.

9.4 The application is accompanied by an Energy Statement which sets out that the development would achieve the requisite carbon reduction targets through a combination of a fabric first design approach, photovoltaic arrays and air source heat pumps. This approach is considered acceptable and policy compliant.

## **10.0 Transport / Highways**

10.1 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate

transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

#### Parking

- 10.2 The site has a public transport accessibility level (PTAL) rating of 3 (average). This is on a scale of 1 to 6 where, 1 represents poor accessibility to public transport and 6 represents excellent access to public transport. Six bus routes (460, 82, 13, 245, 328, 260) can be accessed from stops within 6 minutes walking distance of the site. Golders Green tube station is 11 minutes walking distance from the site. The site is in a CPZ which operates Mon-Fri, 11am-12noon and there are yellow lines in the vicinity.
- 10.3 The proposal seeks to provide 80-bed care home with 11 car parking spaces including 2 disabled bays. Given the PTAL rating of the site is 3 and residents will not be driving, the spaces are primarily for staff and visitors. 40% of staff are expected to travel by car and with 15 members of staff on each shift, this would equate to 6 spaces. The remaining 5 spaces will be allocated to visitors. This is considered to be reasonable subject to s106 CPZ permit restriction for staff/residents of the development.
- 10.4 Disabled spaces are provided for visitors which is the minimum London Plan requirement for any development with parking.
- 10.5 Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure for future provision.
- 10.6 The type of charging points to be installed is requested. Details of electric vehicle charging points would be secured by condition.
- 10.7 Based on London Plan standards, a minimum of 4 long (staff) and 4 short stay(visitor) cycle spaces are required. The development will provide 4 long cycle parking spaces and 5 short stay spaces. The cycle parking will be provided in secure storage external to the building and details of the provision would be secured by condition.
- 10.8 Given that no parking restrictions are proposed on site, the issue of obstructive and non-residents' parking needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces is therefore required by condition.

#### Layout, Access and Servicing

- 10.9 The existing access to the site on West Heath Road is to be retained. This connects onto a drive which provides access to parking spaces and the turning head for deliveries and servicing vehicles. The internal driveway is wide enough to accommodate two-way traffic.
- 10.10 Swept path drawings of a car and a refuse vehicle have been provided and these show that both can enter and exit the site in forward gear. Revised details have also shown that a fire engine and a standard Barnet sized refuse truck could also safely access in accordance with a request made by the Council's Transport officers.
- 10.11 A servicing bay is provided adjacent to the main entrance to the building for use by refuse lorries and delivery vans on the site. This is acceptable. 15 deliveries are expected per day and this can be accommodated within the proposed servicing bay assuming a dwell time of 20 minutes per delivery. A servicing management plan including refuse storage/collection arrangements to include the type of storage, elevations and dimensions of the bin stores would be secured by planning condition.

#### Road Safety

- 10.12 An analysis of collisions shown on the accident software site CrashMap over the three year period ending 2019 has been considered. This covered the east to west arm of West Heath Road, between Platt's Lane and the north-south arm of West Heath Road.
- 10.13 The results show that there was 1 slight accident at the junction of the north south and east west arms of West Heath Road and 3 slight accidents at the junction of West Heath Road and Platt's Lane. None involved pedestrians and there is no historical evidence of any fatal accidents. In these circumstances, the section of road in question is not considered to be unduly hazardous.

#### Trip Generation

- 10.14 An analysis of the potential trip generation from the site has been carried out using industry standard database called TRICS. The results show that the development will generate 18 two-way vehicle movements during the AM peak (8-9am) and 12 two-way vehicle movements during PM peak. The corresponding total person trips are 27 and 30 (two-way).
- 10.15 The impact of this level of trip generation on the surrounding highway network is unlikely to be significant.
- 10.16 In conclusion, it is considered that the development would be acceptable from a transport and highways perspective subject to the conditions stated and subject to a travel plan including incentives and monitoring fees being secured through the S106 along with a S278 for necessary highway works.

### **11.0 Flood Risk**

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

11.2 The application is accompanied by a Flood Risk Assessment which sets out that the site is located within Environment Agency Flood Zone 1 and indicating a low risk of surface water flooding. Nevertheless, a requirement would be included within the landscaping condition to ensure that SUDS measures are incorporated into the landscaping scheme.

## **12.0 Crime Prevention / Community Safety**

12.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

12.2 To this end, the Metropolitan Police were consulted on the application and no objections were received. If permission were to be granted, a compliance condition would be attached to ensure that the development complied with Secured by Design standards.

## **13.0 Ecology**

13.1 A Preliminary Ecological Appraisal supports the application and concludes that the nature of the proposed development, with additional surveys, mitigation, and precautionary measures in place, will ensure that the proposals will have no adverse impacts upon surrounding habitats, protected species, and wildlife in general. For full detail please refer to the supporting ecological reports.

13.2 Following review by the Council’s Ecology officers, it was requested that further bat surveys be undertaken. An updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) was subsequently undertaken within the roosting season and submitted for further review.

13.3 According to the submitted report “The landscape plan prepared by James Smith has ensured minimal tree loss with additional planting of boundary shrubs and trees. The landscape plan includes enhancements to the ‘woodland’ sections of the site with additional understorey planting that will provide good insect biomass for local foraging bats.” It is understood that trees T37 (oak tree – moderate suitability), T12 (false acacia - low suitability, climbing inspection) and T15 (maple – low suitability –

climbing inspection) will be retained and thus no further bat survey or inspections would be required.

- 13.4 Subsequent to the additional bat surveys, the Council's Ecology officer had no objection to the scheme subject to conditions which are attached accordingly. In light of the above, the proposed development is considered to align with the NPPF and development plan aim of enhancing the natural environment.

#### **14.0 Arboricultural Impact**

- 14.1 There are 48 trees on the site/ immediately adjacent to it. The trees are primarily located towards the periphery of the site and mostly are judged to be of moderate to low quality specimens. There are TPO designations to the north-east, south-east and west.
- 14.2 The Arboricultural Impact Assessment submitted with the application concludes that there would be, at most, a low impact on the resource: a small portion of the trees will be removed or pruned to facilitate construction. This Assessment responded to comments from the Council's Arboricultural officer in relation to the previously submitted residential scheme.
- 14.3 The trees located towards the edges of the site would be largely retained and as such the screening they provide would not be appreciably diminished which is considered acceptable in line with previous direction from the Council's Arboricultural officer. A condition is attached requiring the submission of a detailed planting plan and tree protection measures.

#### **15.0 Affordable Housing**

- 15.1 The application is for care home purposes, within the C2 Use Class of The Town and Country Planning Use Classes Order.
- 15.2 Policy H13 of the London Plan states that specialist older persons housing should deliver affordable housing. However, it is confirmed in the supporting text that this does not apply to accommodation that is considered to be care home provision, specifically where personal care and accommodation are provided together as a package with no clear separation between the two. As this application proposes 'care home' accommodation, the London Plan requirement for affordable housing is not engaged, and provision of affordable housing for a care home is not required by other planning policies.

#### **16.0 Conclusion and Planning Balance**

- 16.1 After an assessment of the proposed development, officers consider that the development is acceptable having regard to the relevant local and national policies. The proposed development would provide high quality care home development, having an acceptable impact on the character and appearance of the site and wider locality. The proposed building form and layout ensures there is no significant harm



on the amenities of neighbouring properties and the highways impact is considered to be acceptable. The impact on trees is considered to be acceptable.

16.2 The proposed benefits of the scheme are:

- Provision of 80 care home bedrooms along with ancillary communal space contributing towards local and London wide targets
- S106 contributions towards travel plan including incentives
- The economic benefits of the scheme as set out in the Planning Statement
- CIL contributions to improve local infrastructure

16.3 In addition to compliance with development plan policies, it is considered that the package of public benefits is of importance and attracts positive weight in the decision making.

16.4 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, and in addition that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement and the conditions stated, approval of the application is recommended.

**17.0 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE SATISFACTORY COMPLETION OF A SECTION 106 AGREEMENT.**

## **CONDITIONS**

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

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) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

4. a) No development (other than demolition works) shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012).

5. 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) and the Sustainable Design and Construction SPD (adopted October 2016).

6. a) No development (other than demolition works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

7. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the 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).

8. 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.
- 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).

9. a) No development (other than demolition works) shall take place until details of foundations have been submitted and approved before works on the proposed building commence. The foundation design must take account of trees growing proximity to the development and will seek to minimise any harm to the root system. BS5837:2012 Trees in relation to design, demolition and construction-recommendations clause 7.5 provides acceptable guidance on foundations.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01

10. Prior to the first occupation of the development at least 2 x Vincent Pro Bat Box, 2 x 2F Schwedler Bat box (or similar), 2 x Manthrope Swift Box, and 2F Schwegler Nest Box (or similar); shall be installed on the newly constructed building and/or retained trees nearby, and at least 2 x purpose built insect hotels and 2 x purpose built log piles shall be installed near areas of retained or planted boundary treatments in accordance with the approved Updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) and Preliminary Ecological Appraisal report (Syntegra Consulting, January 2022, Version C), and submitted landscape design plans.

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.

11. 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

12. Prior to the commencement of works details of an Invasive Species Management Plan A detailed plan showing the location of invasive species (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended) and Species of Concern under the London Invasive Species Initiative. In accordance with best practice and as directed by Ecological Mitigation Strategy these species shall treated or prevented from spreading out with the site.

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

13. 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).

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.

14. Prior to first occupation of the development, a Car Parking Management Scheme shall be submitted to and agreed in writing 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 unless agreed in writing with the Local Planning Authority.

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.

15. Prior to occupation of the development hereby approved the cycle parking spaces shall be provided in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

16. 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 Policy T7 of the London Plan 2021.

17. . a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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

18. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality.

19. The level of noise emitted from any installed ventilation / 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).

20. a) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

b) Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

21. Development shall not begin 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 and DM04 of the Barnet Local Plan

22. 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).

23. a) Prior to carrying out above grade works of the approved building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

b) Prior to the first occupation of each residential building 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.

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

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

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

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

26. Notwithstanding the details of the application, hereby approved, a revised Operator Statement in respect of the Care Home use (Use Class C2) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The Care Home use (Use Class C2) shall thereafter operate solely in accordance with the approved details.

Reason: To ensure compliance with Policy H13 of the London Plan.



