

Location Victoria Quarter, Land Formerly Known As British Gas Works
Albert Road Barnet

Reference(s): 22/5754/S73
22/5755/S73

Received: 13th December 2022
Accepted: 14th December 2022

Ward: New Barnet

Expiry: 2nd March 2023

Case Officer: James Langsmead

Applicant: Fairview New Homes Ltd

Proposal(s): 22/5754/S73: Variation of condition 2 (Plan Numbers) of planning permission reference 16/7601/FUL dated 16/07/20 for 'Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 15 to 23 Victoria Road and 1A, 2 and 2A Albert Road) and construction of 104 residential units (Use Class C3) within Buildings A, H, J1 and J2 (an increase of 52 residential units across the Victoria Quarter Redevelopment Area), 623sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2) within Building A and Building J1, the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. Relocation of an existing sub-station.' Variation to include; Increase of 2 residential units within Block H from 27 to 29; phased approach to the delivery of the site, with Blocks H and J as the initial phase; Road alignment and parking relocation; Change to architectural detailing and stacking

22/5755/S73: Variation of condition 2 (Plan Numbers) of planning permission reference 17/5522/FUL dated 16/07/20 for 'Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 1A, 2 and 2A Albert Road and the Salvation Army Building, Albert Road) and construction of Building J to include 39 residential units (incl 2x townhouses) (Use Class C3) and 265sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping.' Variation to include; Reduction of residential units within Block J from 39 to 37; A phased approach to the delivery of the site, with Blocks H and J as the initial phase; Review of the location of the shared ownership units; Road alignment and parking relocation; Change to architectural detailing and stacking

OFFICER'S RECOMMENDATION

Approve subject to a Unilateral Undertaking and conditions

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 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).

RECOMMENDATION I:

That the applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 15 July 2020 pursuant to planning permissions 16/7601/FUL and 17/5522/FUL, in accordance with the amendments proposed under this planning application.

RECOMMENDATION II:

The Committee grants delegated authority to the Service Director Planning & 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 his/ her absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee):

22/5754/S73 Recommended Conditions:

1. The development hereby permitted shall begin no later than 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority:

Architectural Drawings:

D3000 Gateway S73 Site Location Plan
D3001 Gateway S73 Existing Site Plan S73
D3050 Gateway S73 Proposed Masterplan
D3100 Gateway S73 Tenure Plan - Ground Floor
D3101 Gateway S73 Tenure Plan - First Floor
D3102 Gateway S73 Tenure Plan - Second Floor
D3103 Gateway S73 Tenure Plan - Third Floor
D3104 Gateway S73 Tenure Plan - Fourth Floor
P-099 Basement Floor GA Plan P8
D3200 Gateway S73 Ground Floor Plan
D3201 Gateway S73 First Floor Plan
D3202 Gateway S73 Second Floor Plan
D3203 Gateway S73 Third Floor Plan
D3204 Gateway S73 Fourth Floor Plan
P-105 Fifth Floor GA Plan P8
P-106 Sixth Floor GA Plan P8
P-107 Seventh Floor GA Plan P8
D3220 Gateway S73 Roof Floor
P-119 Building A - Basement Floor Plan P4
P-120 Building A - Ground Floor Plan P4
P-121 Building A - 1st & 2nd Floor Plans P3
P-122 Building A - 3rd & 4th Floor Plans P2
P-123 Building A - 5th & 6th Floor Plans P2

P-124 Building A - 7th & Roof Floor Plans P2
P-220 Building A - South Elevation P2
P-221 Building A - East Elevation P2
P-222 Building A - North Elevation P2
P-223 Building A - West Elevation P3
D3700 Gateway S73 Blocks H and J Elevations
Gateway s73 Phasing Plan
1961-EXA-BH-00-DR-L-00110 GENERAL ARRANGEMENT PLAN DETAILED AREA
1961-EXA-BH-00-DR-L-00100 GENERAL ARRANGEMENT PLAN SITEWIDE
1961-EXA-BH-00-DR-L-00101 GENERAL ARRANGEMENT PLAN LEGEND
1961-EXA-BH-00-DR-L-00200 PLANTING SCHEDULE & KEY
1961-EXA-BH-00-DR-L-00201 PLANTING PLAN SHEET 1 OF 4
1961-EXA-BH-00-DR-L-00202 PLANTING PLAN SHEET 2 OF 4
1961-EXA-BH-00-DR-L-00203 PLANTING PLAN SHEET 3 OF 4
1961-EXA-BH-00-DR-L-00204 PLANTING PLAN SHEET 4 OF 4
1961-EXA-BH-00-DR-L-00211 TREES & SHRUBS PLAN SHEET 1 OF 4
1961-EXA-BH-00-DR-L-00212 TREES & SHRUBS PLAN SHEET 2 OF 4
1961-EXA-BH-00-DR-L-00213 TREES & SHRUBS PLAN SHEET 3 OF 4
1961-EXA-BH-00-DR-L-00214 TREES & SHRUBS PLAN SHEET 4 OF 4
1961-ExA-00-00-DR-L-00810 URBAN GREENING FACTOR PLAN

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan (2012).

3. Notwithstanding the details shown on the plans, hereby approved, no above grade development shall be undertaken within the relevant phase of the development unless and until:
- (a) details and appropriate sized samples of the materials to be used for all external surfaces of the proposed buildings and hard surfaced areas at the site shall have been submitted to and approved in writing by the Local Planning Authority; and
- (b) sample panels shall be constructed on site, inspected and approved in writing by the Local Planning Authority.

The Development shall thereafter be implemented in accordance with such details and samples as so approved before the dwellings approved are first occupied.

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 (2012) and policies D1, D4 and D6 of the London Plan (2021).

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, the development is not to commence above grade works within the relevant phase of the development unless and until details (necessary details specified in brackets) of the following features and elements of the works have been submitted to the Local Planning Authority and approved in writing:
- Brick bonding (annotated plans at a scale of not less than 1:10). External windows, winter gardens and doors (annotated plans at a scale of not less than 1:10).

- Balustrading to balconies (annotated plans at a scale of not less than 1:10).
- Door canopies (annotated plans at a scale of not less than 1:10).
- Brick detailing including arches, recessed panels, blind windows, brick aprons and window heads (annotated plans at a scale of not less than 1:10).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Privacy screens (annotated plans at a scale of not less than 1:10).
- Boiler flues and other external air extraction, intake and ventilation points (annotated plans at a scale of not less than 1:10).
- Any roller shutters to the undercroft commercial areas (annotated plans at a scale of not less than 1:10).
- Gates at the site vehicular access points (annotated plans at a scale of not less than 1:10).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan (2012) and policies D1, D4 and D6 of the London Plan (2021).

5. The development hereby permitted for Phase 2 will be carried out in accordance with the Method Statement and Risk Assessment / Site Waste Management Plan Rev 003 dated March 2022 by Fairview New Homes Ltd and Demolition and Construction Management Plan Rev 002 dated December 2022 by Fairview New Homes Ltd. Prior to the commencement of development of any other phase, a site wide framework Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The framework CEMP shall include, but not be limited to, principles for the following aspects of construction to be taken forward within detailed Construction Method Statements for each phase as identified in Condition 6:
 1. Site wide construction programme.
 2. Contractors' access arrangements for vehicles, plant and personnel including the location of
 3. Construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers.
 4. Construction and demolition hours, which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
 5. Prior notice and agreement procedures for works outside agreed limits and hours.
 6. Delivery and collection times for construction purposes.
 7. Noise and Vibration (including piling) impact / prediction assessment, monitoring, recording protocols and consideration of mitigation measures in accordance with BS5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 - Vibration (or as superseded) including the use of best practical means to minimise noise and vibration disturbance from construction works.
 8. Confirmation on whether a concrete crusher will be used

9. Dust suppression management and wheel washing measures, including the deposition of all debris on the highway
10. Site lighting details.
11. Drainage control measures including the use of settling tanks, oil interceptors and bunds.
12. Screening and hoarding details.
13. Access and protection arrangements around the site for pedestrians, cyclists and other road users.
14. Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
15. External safety and information signing and notices.
16. Liaison, consultation and publicity arrangements including dedicated points of contact.
17. Membership of the Considerate Contractors Scheme.
18. Complaints procedures, including complaints response procedures.
19. Location of Contractors compound and method of moving materials, plant and equipment around the site.
20. Mitigation measures to maintain water quality.
21. Contractors compound and car parking arrangements;
22. Interim car parking management arrangements for the duration of the construction.
23. Community liaison contact for the duration of all works associated with the development.
24. Temporary pedestrian routes through the site.
25. Provision of a competent Banksman

Reason: To ensure the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan (2012) and policies SI1, SI7, SI13 and T7 of the London Plan (2021)

6. The development hereby permitted for Phase 2 will be carried out in accordance with the Method Statement and Risk Assessment / Site Waste Management Plan Rev 003 dated March 2022 by Fairview New Homes Ltd and Demolition and Construction Management Plan Rev 002 dated December 2022 by Fairview New Homes Ltd. Prior to the commencement of development of any other phase, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The CMS shall demonstrate how the construction of the approved phase accords with the principles established in the framework Construction Environmental Management Plan (CEMP).

Thereafter the development shall be undertaken in accordance with the agreed details.

Reason: To ensure the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan (2012) and policies SI1, SI7 and D14 of the London Plan (2021).

7. The development hereby permitted for Phase 2 will be carried out in accordance with the RA/MS Risk Assessment / Method Statement dated 07/10/2022 by G M Piling. No piling shall take place in connection with the works approved under this application for any other phase of the development until a Piling Method Statement detailing all types

of piling to be undertaken as part of implementation of the development and the methodology by which such piling will be carried out, including the measures to be used to prevent 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. Any piling carried out in connection with the works approved under this application must be undertaken in full accordance with the Piling Method Statement approved under this condition.

Reason: To protect underground sewerage utility infrastructure in close proximity to the application site from piling work associated with the development proposed and to comply with policy SI5 of the London Plan (2021)

8. Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) within any relevant phase of the development unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan (2012) and policies D1, D4, D5, D6, SI1 and G7 of the London Plan (2021).

9. Notwithstanding the details shown in the plans submitted and otherwise hereby Approved, none of the buildings hereby granted consent shall be occupied within any phase of the development unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012).

10. Notwithstanding the details shown in the plans submitted and otherwise hereby Approved, none of the buildings hereby granted consent shall be occupied in any phase of the development unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed buildings. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring

residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012).

11. Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied in any phase details of the:

- enclosures,
- screened facilities and/or
- internal areas of the proposed buildings to be used for the storage of recycling containers,
- wheeled refuse bins and any other refuse storage containers where applicable; satisfactory points of collection; and
- details of the refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan 2012.

12. The development hereby permitted for Phase 2 will be carried out in accordance with the Method Statement and Risk Assessment / Site Waste Management Plan Rev 003 dated March 2022 by Fairview New Homes Ltd and Demolition and Construction Management Plan Rev 002 dated December 2022 by Fairview New Homes Ltd. Notwithstanding the details submitted with the application and otherwise hereby approved the submission of an Operational Site Waste Management Plan (OWMP) for the relevant phase of development shall be submitted to and approved in writing by the local planning authority. The OWMP includes details of:

- a) Storage and collection of refuse within the site.
- b) the anticipated nature and volumes of waste.
- c) Measures to ensure the maximisation of the reuse of waste.
- d) measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
- e) the location and timing of provision of facilities pursuant to criteria b/c/d.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan 2012.

13. The development hereby permitted shall not commence (other than for Demolition, Groundwork's and Site Preparation Works) within any phase of the development unless and until a Drainage Strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage

works and Sustainable Urban Drainage System features identified in the approved Drainage Strategy have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan (2012) and policies SI5 and SI13 of the London Plan (2021).

14. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

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

15. Before the development hereby permitted is first occupied details of the water efficiency measures to be installed within the relevant phase of the development to ensure that it achieves a water usage standard of not more than 105 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient particulars to demonstrate how the water usage standard of not more than 105 litres per head per day shall be achieved. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

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

16. Notwithstanding the plans and supporting details approved in condition 2, Class A5 of the Use Classes Order 2013 is excluded from the range of uses and is not included as part of the application hereby approved.

Reason: To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan 2012.

17. Upon their first occupation the commercial units on the ground floor of the buildings hereby approved shall be occupied for uses in locations specified in the details approved under condition 2 and falling within Class A1, A2, A3, A4, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with policies DM12 and DM13 of the Barnet Local Plan 2012.

18. Notwithstanding the potential initial uses that are permitted to occupy the commercial units on the ground floor of the buildings hereby approved and as specified under condition 19 of this consent, following the first occupation and commencement of a use within each commercial unit, any subsequent change to an alternative use within those specified by this consent shall require the submission of a full planning application to the Local Planning Authority for express planning permission.

Reason: To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local

Plan 2012.

19. Prior to the commencement of the above grade works within the relevant phase of the development a full Delivery and Servicing Plan (DSP) for all commercial units within that phase shall be submitted to and agreed by the Local Planning Authority.

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.

20. Prior to the commencement of the above grade works of the relevant phase of the development hereby approved, details of the number, location and layout of car parking spaces within that phase shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved details prior to occupation 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 Barnet Local Plan 2012 Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. 21. All residential units (Use Class C3) in the development hereby permitted shall all be constructed to achieve all the relevant criteria of Part M4(2).

21. Prior to the occupation of each of the phases hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:
- i. Location and layout of car parking spaces,
 - ii. The allocation of car parking spaces;
 - iii. On site parking controls
 - iv. The enforcement of unauthorised parking; and
 - v. Disabled parking spaces
 - vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation. The Car Parking Management Plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

22. Prior to the commencement of the development above grade within the relevant phase of the development and notwithstanding the details approved, the applicant should submit a scheme showing details of the proposed internal road layout for approval, including layout and ramp gradient details for internal roads and access to car parks, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and that Heavy Goods Vehicles and Refuse Collection vehicles can turn around within the internal roads.

Reason: To ensure the safe form of access to the development to conform to 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.

23. Before the development hereby permitted commences above grade, details of the Electric Vehicle Charging Points with minimum 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with Policy T6 of the London Plan (2021).

24. Prior to the commencement of the relevant phase of the development above grade, details for the provision of cycle parking and storage facilities to serve the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and maintained for the life of the development.

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

25. Where remediation of contamination on the site is required, completion of the remediation shall be carried out in accordance with the Contaminated Land (Phase 1) Assessment dated September 2016 by Delta Simons and the Geoenvironmental Appraisal and Planning Status Report dated April 2020 by CGL, approved under reference 20/3972/CON 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 within 1 month following completion of the remediation..

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

26. Prior to the commencement of the development hereby permitted above grade within the relevant phase of the development, a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future occupiers shall have been submitted to the Local Planning Authority and approved in writing. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of each phase of the development.

Reason: To ensure that the amenities of future occupiers are protected in accordance with policy DM04 of the Barnet Local Plan (2012) and policy S11 of the London Plan (2021).

27. Prior to the first occupation of each phase of the development hereby permitted a scheme detailing the servicing and maintenance regime to be in place for the air pollution mitigation measures installed in the development (as part of condition 26) shall have been submitted to the Local Planning Authority and approved in writing. The

air quality mitigation measures in the development shall be serviced and maintained in full accordance with the approved details in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected in accordance with policy DM04 of the Barnet Local Plan 2012 and policy SI1 of the London Plan (2021).

28. Prior to the commencement of the development above grade within the relevant phase of the development a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic and any other relevant sources of noise on the occupiers of the development shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures submitted shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby approved shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am and the submission made shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan 2012 and D14 of the London Plan (2021).

29. Prior to the first occupation of each phase of the development hereby permitted, details of all acoustic walls, fencing and other barriers to be erected on the site shall have been submitted to the Local Planning Authority and approved in writing. Prior to the first occupation of each phase of the development the acoustic walls, fencing and other barriers shown in the approved details shall be erected and installed in their entirety and be maintained as such in perpetuity thereafter.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan 2012 and D14 of the London Plan (2021).

30. Before the development hereby permitted commences above grade within the relevant phase of the development, a report shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing which clearly sets out and assesses the likely noise impacts from all the ventilation and extraction plant to be installed as part of the development and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. The report submitted 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 contents and recommendations. The mitigation measures proposed to reduce the noise impacts arising from the ventilation and extraction plant set out in the report approved under this condition shall be implemented in their entirety before the development is occupied.

Reason: To ensure that the amenities of neighbouring properties are protected from noise from the development in accordance with policies DM04 of the Barnet Local Plan (2012) and D14 of the London Plan (2021).

31. Before the development hereby permitted commences above grade within the relevant phase of the development, on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full accordance with the details approved under this condition before the first occupation of each phase of the site.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Barnet Local Plan (2012) and D14 of the London Plan (2021)

32. The level of noise emitted from the plant installed as part of the development 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 Barnet Local Plan (2012) and D14 of the London Plan (2021)

33. Prior to the commencement of the development above grade within the relevant phase of the development, details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted to the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to bats and birds.

The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the relevant phase of the development.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan (2012) and policies G6 and G7 of the London Plan (2021).

34. No site works or other works associated with the relevant phase of the development shall be commenced before temporary tree protection measures to safeguard trees adjacent to the application site have been erected in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved shall remain in place until after the development works hereby consented are completed and no material or soil shall be stored within any of the protected areas during the works associated with this development.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan (2012) and policy G7 of the London Plan (2021).

35. The development hereby permitted for Phase 2 will be carried out in accordance with Arboricultural Method Statement dated August 2020 and Drawing no. 1399-KC-BH-YTREE-TTP01 Rev 0 by Keen Consultants. No site works or other works associated

with the other phases of the development shall be commenced before a method statement detailing the precautions to be taken to minimise damage to trees adjacent the site, in accordance with British Standard BS5837:2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan (2012) and policy G7 of the London Plan (2021).

36. The development hereby permitted for Phase 2 will be carried out in accordance with drawing FNH438-21-MEP010 Rev A. Prior to the commencement of the development hereby approved in any other phase (other than demolition, site clearance and ground works) details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and G7 of the London Plan (2021).

37. The development hereby permitted for Phase 2 will be carried out in accordance with Updated Ecological Appraisal dated June 2021 by Aspect Ecology. No site works or works in connection with any other phase of the development hereby approved shall be commenced until protective measures are undertaken in accordance with an Ecology Assessment Report, the report is to identify any works required to protect any wildlife species protected by law and the details of any mitigation measures including the timing of works and details of any special techniques, have been submitted to and agreed in writing by the council. The mitigation and techniques hereby permitted shall be implemented and maintained thereafter.

Reason: To ensure that any protected species present are not affected by the development.

38. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the relevant phase of development above grade, a detailed scheme of hard and soft landscaping and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping and means of enclosure submitted shall include but not be limited to the following:

- the position of any existing trees and hedges to be retained or removed;
- details of all tree, hedge, shrub and other planting proposed as part of the scheme;
- all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities reflecting a majority of Mosaic species;
- means of planting, staking and tying of trees, including tree guards, planter depths; detailed landscape maintenance schedule for regular pruning, watering and fertiliser use;

- existing site contours and any proposed alterations to these such as earth mounding;
- details of all proposed hard landscape, including proposed materials, samples;
- details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site; and
- Any ecological mitigation measures.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012) and policies G6 and G7 of the London Plan (2021).

39. All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of the relevant phase or completion of the construction of the development, whichever is sooner.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan (2012) and policy G6 and G7 of the London Plan (2021).

40. Any existing tree or hedge shown to be retained or trees, hedges 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 the relevant phase of the 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 and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan (2012) and policy G7 of the London Plan (2021).

41. The relevant phase of the development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long term design objectives, management responsibilities and maintenance schedules for all areas of the site, have been submitted to the Local Planning Authority and approved in writing. The management of the landscaping at the site shall be carried out in accordance with the details in the approved Landscape Management Plan.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan (2012) and policies G6 and G7 of the London Plan (2021).

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

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan (2012) and policy S4 of the London Plan (2021).

43. The development hereby permitted for Phase 2 will be carried out in accordance with Updated Ecological Appraisal dated June 2021 by Aspect Ecology. Prior to the commencement of any other phase of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds, common toads and reptiles shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason: To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan (2012) and policy G6 of the London Plan (2021).

44. Prior to occupation of the relevant phase of the development hereby approved, an External Lighting Assessment of lighting proposed within that Development Phase shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan (2012) and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

45. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the dwellings hereby granted consent in each phase of the development, details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to:
- The postal arrangements for communal entrances.
 - The measures to be used to prevent unauthorised access to the undercroft parking areas.
 - The means of enclosing the site.
 - The contribution that the landscaping of the site can make to security and crime prevention.
 - The development shall be implemented in full accordance with the approved details prior to the first occupation of the relevant phase of the development.

Reason: To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the

Barnet Local Plan (2012) and policy D11 of the London Plan (2021).

46. The commercial units within the scheme of development hereby permitted (Use Classes A1, A2, A3, A4, B1, D1 and D2) shall be constructed to achieve not less than BREEAM 'Very Good' within three months of first occupation of the building in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). A copy of the summary score sheet and BREEAM Post Construction Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved. The non-residential buildings shall not be occupied until formal certification has been issued confirming that not less than Very Good has been achieved and this certification has been submitted to the Local Planning Authority for agreement in writing.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012), and policies SI2 and SI3 of the London Plan (2021).

47. The development hereby permitted for Phase 2 will be carried out in accordance with the Method Statement and Risk Assessment / Site Waste Management Plan Rev 003 dated March 2022 by Fairview New Homes Ltd and Demolition and Construction Management Plan Rev 002 dated December 2022 by Fairview New Homes Ltd. Prior to commencement of the development of any other phase, a Site Waste Management Plan detailing how the development will minimise waste in the construction process and source materials sustainably where possible, shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan (2021) policy SI7.

48. Prior to the commencement of development above grade within the relevant phase of the development, details of the design and access controls for blocks A, J1, J2 and H shall be submitted for approval in writing by the local planning authority, the gates shall be installed prior to occupation of the relevant block and thereafter maintained in secure and good working order for the lifetime of the development.

Reason: To ensure the safety and security of users in accordance with policies CS5 and DM01

49. Access to National Grid land across the site will be maintained at all times unless otherwise agreed in writing by National Grid and/or its successors in title.

Reason: To ensure access is maintained in accordance with LB Barnet policies CS9 and DM17.

50. No works associated to the proposed connection between the development and Victoria Recreation Ground to take place until the detailed design of the access, connections and associated construction program, management and maintenance program are agreed in writing by the council. Thereafter, the works shall be undertaken in accordance with the details approved and retained as such.

Reason: To ensure there is no unacceptable impact to the council's asset and its

continued use as well as to ensure appropriate connections and measures to protect trees and habitat, in accordance with LB Barnet policies CS9 and DM17.

51. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the relevant phase of the development shall not be occupied until details are submitted to the Local Planning Authority and approved in writing, which specify the details of boundary treatment to the Victoria Recreation Ground Boundary along the length of site. These details shall include materials, type and location of the boundary treatment. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012).

52. Prior to the commencement of the development above grade within the relevant phase of the development, a detailed strategy setting out how and when the various blocks of development within that phase will be connected to the Energy Centre shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved and the development shall not be occupied until it has been demonstrated that the properties have been connected to the Energy Centre, as to be agreed in writing by the council.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan (2021) policies SI2 and SI3.

53. Notwithstanding the details approved in condition 2, prior to commencement of above grade works within the relevant phase of the development, details and location of bat and bird boxes shall be submitted for approval in writing by the council. Prior to occupation the bat and bird boxes hereby approved will be installed and all reasonable measures taken to minimise disturbance to these boxes for the lifetime of the development.

Reason: In the interests of protecting and enhancing biodiversity in accordance with policies CS7 and DM16 of the Barnet Local Plan (2012).

54. Prior to commencement of the development above grade within the relevant phase of the development, a scheme for the provision of communal/centralised satellite and television reception equipment to be installed on all blocks within that phase hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with policies CS5 and DM01 of the Barnet Local Plan (2012).

55. 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) the following operations shall not be undertaken without the receipt of prior

specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 of the Barnet Local Plan (2012).

56. Prior to works above slab level, within the relevant phase of the development, a fire statement shall be submitted to and agreed in writing by the Local Planning Authority. The fire statement shall contain:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The development shall be implemented and managed in perpetuity in accordance with the details approved.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's London Plan (2021).

Informatives:

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

- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.
- 5 The applicant is advised that due to location of the site deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.
- 6 An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."
- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via ww.thameswater.co.uk/wastewaterquality
- 8 The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813
- 9 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 10 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.

- 11 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.

22/5755/S73 – Recommended Conditions:

1. 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.

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

Architectural Drawings:

D4000 Block J S73 Site Location Plan
D4001 Block J S73 Existing Site Plan S73
D4010 Block J S73 Consented Ground Floor Plan
D4050 Block J S73 Proposed Masterplan
D4200 Block J S73 Ground Floor Plan
D4201 Block J S73 First Floor Plan
D4202 Block J S73 Second Floor Plan
D4203 Block J S73 Third Floor Plan
D4204 Block J S73 Fourth Floor Plan
D4220 Block J S73 Roof Floor
D4700 Block J S73 Blocks H and J Elevations
D4100 Block J S73 Tenure Plan - Ground Floor
D4101 Block J S73 Tenure Plan - First Floor
D4102 Block J S73 Tenure Plan - Second Floor
D4103 Block J S73 Tenure Plan - Third Floor
D4104 Block J S73 Tenure Plan - Fourth Floor
1961-EXA-BJ-00-DR-L-00110 GENERAL ARRANGEMENT PLAN DETAILED AREA
1961-EXA-BJ-00-DR-L-00100 GENERAL ARRANGEMENT PLAN SITEWIDE
1961-EXA-BJ-00-DR-L-00101 GENERAL ARRANGEMENT PLAN LEGEND
1961-EXA-BJ-00-DR-L-00200 PLANTING SCHEDULE & KEY
1961-EXA-BJ-00-DR-L-00201 PLANTING PLAN SHEET 1 OF 2
1961-EXA-BJ-00-DR-L-00202 PLANTING PLAN SHEET 2 OF 2
1961-EXA-BJ-00-DR-L-00211 TREES & SHRUBS PLAN SHEET 1 OF 2
1961-EXA-BJ-00-DR-L-00212 TREES & SHRUBS PLAN SHEET 2 OF 2
1961-EXA-00-00-DR-L-00810 URBAN GREENING FACTOR PLAN

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet

Local Plan (2012).

3. Notwithstanding the approved plans, details of two wheelchair friendly units shall be submitted and approved prior to occupation of Building J.

Reason: To ensure the development is compliant with policies governing access for all in accordance with Policy D7 of the London Plan (2021)

4. Notwithstanding the details shown on the plans, hereby approved, the development shall not commence above grade until details of samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas (including bricks, bonds, windows, balconies, external gates and external doors) submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies D1, D4 and D6 of the London Plan (2021).

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

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

6. Notwithstanding the details submitted and hereby approved, no development shall occur above grade until details pertaining to boundary treatment to be used are submitted in writing to the Local Planning Authority. These details shall include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with Polices DM01 and DM02 of the Development Management Policies (adopted) September 2012 and Policies S4 and G7 of the London Plan (2021).

7. Prior to occupation a Landscape Management Plan, including a tree planting scheme, green roof details, long-term design objectives, management responsibilities and maintenance schedules, including replanting, for all landscaped areas within the application site boundary, shall be submitted to and approved in writing by the local planning authority.

Reason: This condition is necessary to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with Policy DM16 of the Development Management Policies (adopted) September 2012.

8. Any trees, hedges 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 and protect the amenities of the area and neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies (adopted) September 2012 and Policy G7 of the London Plan (2021).

9. Prior to the first occupation of the development, 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. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. 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 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies D1, D4, D6 and SI2 of the London Plan (2021).

10. The flexible commercial units hereby approved shall only be used in connection with Use Classes A1-A4/B1/D1/D2 (sports and recreational use).

Reason: To ensure the unit is not employed for use that is harmful to the amenity of the area and enable the Local Planning Authority to retain control of any future use of the floor space in accordance with Policies DM01 and DM13 of the Barnet Development Management Policies (adopted) September 2012.

11. The approved A3 and A4 Use Classes shall not be used outside of the hours of Monday to Saturday 08:00-23:00 and Sunday and Bank Holidays 10:00-18:00.

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

12. The approved Classes A1, A2 and B1 shall not be used outside of the hours of Monday to Saturday 07:00-23:00 and Sunday and Bank Holidays 10:00- 18:00.

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

13. 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

14. Prior to the occupation of the site an External Lighting Assessment together with full details, specifications and plans of any proposed external lighting to be installed as part of the development shall be submitted and approved in writing to the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with Policy DM01 of the Barnet Development Management Policies (adopted) September 2012 and Policy D11 of the London Plan (2021).

15. Before the development commences above grade, details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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 carrying out above grade works of each building or part of any new 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.

Prior to the first occupation of the relevant part of the 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 September 2012.

17. The commercial unit hereby approved (Use Classes A1, A2, A3, A4, B1, D1 and D2) shall be constructed to achieve not less than BREEAM 'Very Good'. Prior to occupation a Post Construction BREEAM Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012), and Policies SI2 and SI3 of the London Plan (2021).

18. The residential buildings shall not be occupied until formal post construction BREEAM Certification demonstrating that the development has achieved BREEAM 'Very Good' has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan (2012), and policies SI2 and SI5 of the London Plan (2021).

19. The development hereby permitted shall be carried out in accordance with the Demolition and Construction Management Plan Rev 002 dated December 2022 by Fairview New Homes Ltd, approved under reference 22/5945/CON

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with Policies CS9, CS13 and CS14 of the Core Strategy (adopted) September 2012 and Policies DM01, DM04 and DM17 of the Development Management Policies (adopted) September 2012 and Policies SI1, SI7, SI13 and T7 of the London Plan (2021).

20. Where remediation of contamination on the site is required, completion of the remediation shall be carried out in accordance with the Contaminated Land (Phase 1) Assessment dated September 2016 by Delta Simons, and the Geoenvironmental Appraisal and Planning Status Report dated April 2020 by CGL, approved under reference 20/3973/CON. 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 within 1 month following completion of the remediation.

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

21. The development hereby permitted shall be carried out in accordance with the approved piling method statement, RA/MS Risk Assessment/ Method Statement (ref: E20GMP0270; dated: 07/10/2022) produced by G M Piling and Drawing No. FNH438/PL-001 Rev 2 by RSK.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

22. Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted) September 2012 and Policies D4, D5, D6, D7, D8 and G7 of the London Plan (2021).

23. The residential cycle parking provisions hereby approved shall be fully implemented in accordance with the approved plans prior to occupation of any residential unit hereby approved and shall be permanently retained thereafter.

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

24. Notwithstanding the plans submitted, 2 disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons resident to or visiting the property and their vehicles and for no other purpose. Details of any revised parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be completed to the Authority's satisfaction before the building is first occupied and shall thereafter be kept available/ maintained for such use.

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.

25. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in association with Building J shall be formally submitted and approved in writing by the Local Planning Authority. These details shall include the provision of 2 electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

26. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway 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.

27. Before the commercial unit hereby approved is occupied full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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.

28. The level of noise emitted from the plant machinery 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).

29. No development shall take place above grade until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the objectives, targets and measures to promote and facilitate public transport use, walking, cycling and practices/facilities to reduce the need to travel and to reduce car use. It shall also provide details of its management, monitoring and review mechanisms, travel plan coordination, and the provision of travel information and marketing. The initiatives contained within the approved plan shall be implemented and shall be in place prior to the first occupation of the development unless otherwise agreed in writing by the Local planning Authority.

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).

30. The development hereby approved shall not commence (other than demolition, site clearance and ground works) until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SuDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of Core Strategy (Adopted) September 2012, Policies SI5 and SI13 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non statutory Technical Standards for Sustainable Drainage Systems).

31. Prior to occupation, evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development shall be submitted. The Adopting Authority must demonstrate that sufficient funds have been set aside and/or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

Reason: To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and

maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

32. The development shall discharge surface water runoff as high up the discharge hierarchy as possible. Prior to occupation and where it is not possible to achieve the first hierarchy, details shall be submitted in writing to the Local Planning Authority to show discharge through the ground. Applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

Reason: To ensure that the development discharges surface water from the site in a manner that takes into consideration the statutory duties, legislation and regulatory requirements of authority(ies) receiving surface water and ensures that downstream flood risk is mitigated in accordance with Policy CS13 of Core Strategy (Adopted) September 2012, Policies SI5 and SI13 of the London Plan (2021), Approved Document Part H of the Building Regulations 2010) and Paragraph 80 of Planning Practice Guidance.

33. The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non statutory Technical Standards for Sustainable Drainage Systems.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of Core Strategy (Adopted) September 2012, Policies SI5 and SI13 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753.)

34. Prior to works above slab level, within the relevant phase of the development, a fire statement shall be submitted to and agreed in writing by the Local Planning Authority. The fire statement shall contain:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building

6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The development shall be implemented and managed in perpetuity in accordance with the details approved.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's London Plan (2021).

Informatives:

- 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. 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.
- 5 The applicant is advised that due to location of the site deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.
- 6 An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted

straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease.

This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 8 The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813
- 9 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 10 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.

- 11 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.

RECOMMENDATION III:

That if the above agreement has not been completed by 31st July 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, highways mitigation, improvements to parks, open spaces, and street scene, employment and training opportunities. 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, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

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 (2012). These statutory development plans 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.

Revised 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 20 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 Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised 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 to 2041. 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 development in London achieves growth that is socially and economically inclusive and

environmentally sustainable.

The following Policies are relevant:

GG2 (Making Best Use of Land),
SD1 (Opportunity Areas),
G5 (Urban Greening),
G6 (Biodiversity and access to nature),
G7 (Tree and woodlands),
D1 (London's form, character and capacity for growth),
D2 Infrastructure requirements for sustainable densities,
D3 (Optimising site capacity through the design-led approach),
D5 (Inclusive design),
D6 (Housing quality standards),
D7 (Accessible housing),
D8 (Public realm),
D11 (Safety, security & resilience to emergency)
D12 (Fire safety)
D14 (Noise),
H1 (Increasing housing supply),
H4 (Delivering affordable housing),
H5 (Threshold approach to applications),
H6 (Monitoring affordable housing),
H10 (Housing size mix),
S4 (Play and informal recreation),
T5 (Cycling),
T6.1 (Residential Parking),
SI1 (Improving air quality),
SI2 (Minimising greenhouse gas emission),
SI5 (Water infrastructure),
SI12 (Flood risk management),
SI13 (Sustainable drainage),
DF1 (Delivery of the plan and Planning Obligations).

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 (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
CS3 (Distribution of growth in meeting housing aspirations)
CS4 (Providing quality homes and housing choice in Barnet)
CS5 (Protecting and enhancing Barnet's character to create high quality places)
CS7 (Enhancing and protecting Barnet's open spaces)
CS9 (Providing safe, effective and efficient travel)
CS11 (Improving health and wellbeing in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan is currently undergoing Examination in Public. The Examination hearing sessions commenced on Tuesday 20 September 2022 in Hendon Town Hall, and closed on Friday 11 November 2022. Following the closure of the hearings and at the Inspectors' request, the Council continue to prepare a number of documents set out within the Action Lists from each week of hearing sessions. After this, all of the Examination documents provided during and after the hearing sessions will be subject to an Inspector-led consultation in due course.

The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

Supplementary Planning Documents

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

2. PLANNING ASSESSMENT

2.1 Background / Procedural considerations

2.1.1 In the interest of simplicity Members are advised that the assessment of both

applications (22/5754/S73 and 22/5755/S73) has been combined, given that they are intrinsically linked (particularly through the delivery of Block J), and will not commence in isolation of each other. There will be a Deed of Variation to the legal agreements associated with both parent applications (17/5522/FUL & 16/7601/FUL) to tie the financial and non-financial obligations together, as per the original consents.

- 2.1.2 It should also be noted that both applications are supported by a further two applications submitted pursuant to Section 96a (otherwise referred to a “Non-Material Amendment” application) of the Town and Country Planning Act 1990 (as amended) to amend the descriptions of development and vary condition 2 of both planning permissions. The amendments within the Section 96a application update the number of residential units referred to within the description of development. These amendments are required to facilitate the Section 73 applications submitted herewith in light of the judgement handed down by the Court of Appeal in *Finney V Welsh Ministers*, which concluded that Section 73 of the Act may not be used to obtain a varied permission when the change sought would require a variation to the terms of the operative part of that permission. Should a resolution to grant the two current Section 73 applications be agreed, then the Local Planning Authority will issue delegated approval of the Section 96a applications. Alternatively, should the committee resolve to refuse the application, then S96a applications will be refused.
- 2.1.3 Members are advised that the application referenced 16/7601/FUL was reported to the Strategic Planning Committee meeting on 26th July 2017, where Members unanimously voted for the development. The plan numbers referenced in the Committee Report and subsequently the final decision were different from the plans that were shown to the Members on the Officer presentation. The Officer presentation displayed the latest amended proposals, which show a 45-degree angled road between Blocks A and J, whereas the plans referenced on the committee report and decision notice illustrate a 90-degree bend with a horizontal east-west / west-east section of road. Notwithstanding these differences, in principle these proposals remain similar, and Members having seen the revised plans presented on the Officer presentation, were clear on what they were making their decision on. The 45 degree road layout was further presented and agreed by Members at the 14th December 2017 Strategic Planning Committee Meeting, where application 17/5522/FUL, was unanimously voted for approval. The proposals within these current Section 73 applications present an opportunity for the differences to be regularised, and therefore the plans numbers referenced in the plans conditions above have addressed this and will correspond with the plans shown at the Strategic Planning Committee meeting.

2.2 Site Description

- 2.2.1 The application site is located to the north of Victoria Road comprising of land that was formerly part of the British Gas Works site. The site is currently vacant with the former buildings, structures and hard surfacing removed. The site has also been decontaminated and the basement car park dug out in accordance with the extant Planning Permission ref: B/04834/14, which is one of three permissions granted for the site.
- 2.2.2 The site is located on the edge of New Barnet town centre which is to the immediate south along East Barnet Road. Adjoining the site to the east is Victoria Park (aka Victoria Recreation Ground) with the New Barnet Leisure Centre located on the eastern side of the park. The Albert Road Gas Works is located to the north with a right of access provided from Albert Road running through the site. The wooded

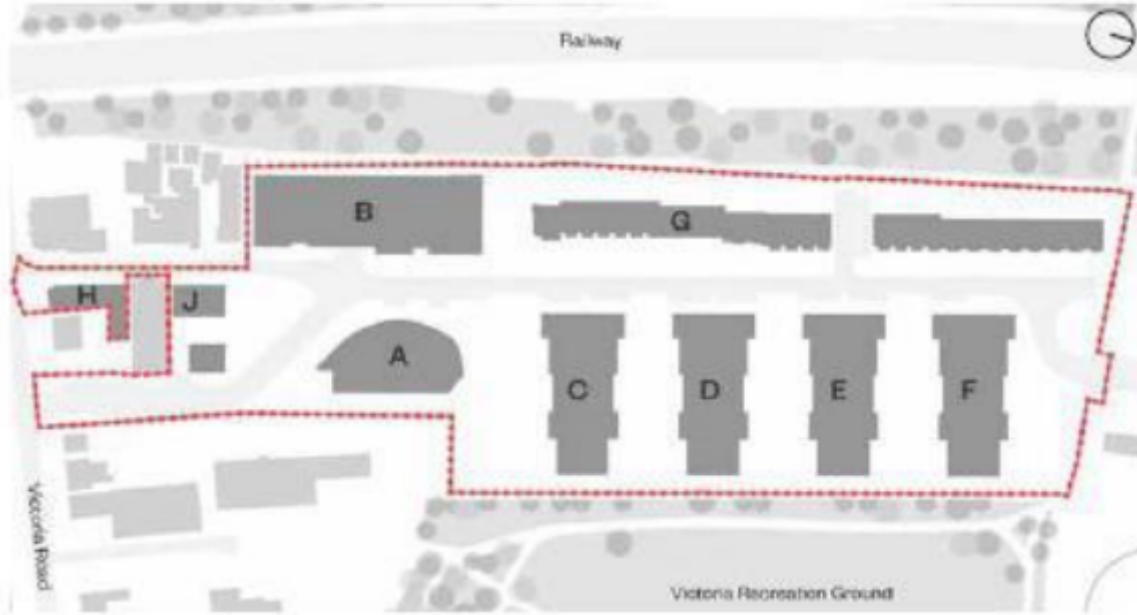
embankment to the railway line runs along much of the western boundary, with the railway line raised 10m above the site. In the south west corner are a number of two storey buildings including the Buildings Arms and The Railway Bell PH. A range of two and occasionally three storey semi-detached and terrace houses are located to the south east of the site.

- 2.2.3 Between the cleared application site and the Gas Works site to the north is an elevated, caged pedestrian walkway (approx 3-4m above ground level) which crosses the site from east to west and provides a pedestrian route via a tunnel beneath the network rail track between Victoria Park (to the east) and Cromer Road (to the west). This is a public right of way.
- 2.2.4 The site is accessed via Albert Road which in turn is accessed off East Barnet Road/Victoria Road. The present access arrangements require that vehicles entering the site use the eastern arm of Albert Road whilst those exiting may use either arm.
- 2.2.5 The site is located approximately 200m to the north east of New Barnet Station with Great Northern and Thameslink providing regular services to Kings Cross and Luton Airport. There are a range of bus services from nearby bus stops located on East Barnet Road with services to various transport hubs. Further and circa 1.6km to the east is Cockfosters Station on the Piccadilly Line and 1.4km to the west is High Barnet on the Northern Line. The majority of the site has a Public Transport Accessibility Level (PTAL) score of 3 however this drops to 1b for a section at the northern end of the site.
- 2.2.6 Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys with the exception being the Sainsbury's store. Beyond the railway embankment is a mixture of office, retail and residential buildings varying in height from 2 to 8 storeys around the district centre. To the west of the railway bridge on Station Road the height and massing increases with a number of large blocks extending up to 11/12 storeys in height.
- 2.2.7 The site is not within a conservation area and there are no statutory or locally listed buildings on site. The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding).

2.3 Relevant Planning History

- 2.3.1 The majority of the planning history comprises of historic applications relating to the use of the site by National Grid, which are of little relevance to this current application. However, there a number of planning applications which have been granted which are relevant to the Section 73 proposals. These are detailed below:
- B/04834/14: Residential-led, mixed-use development of the Former Albert Road Gas Works comprising the erection of 305 residential units (Use Class C3), 116 sqm of Retail floorspace (Use Class A1/A2/A3/A4) and 558 sqm of flexible Commercial floorspace (Use Class A3/D1/D2); the creation of new public open space; alterations and additions to existing highways arrangements; the removal of an existing elevated footbridge and the creation of new pedestrian routes; together with associated works including landscaping, provision of basement and surface car parking, servicing and plant area. Relocation of an existing sub-station. - Approved following legal agreement: 01.05.2015

The site boundary for this application is provided below:



The permission has been formally implemented and the following conditions relating to the site clearance, demolition and remediation discharged:

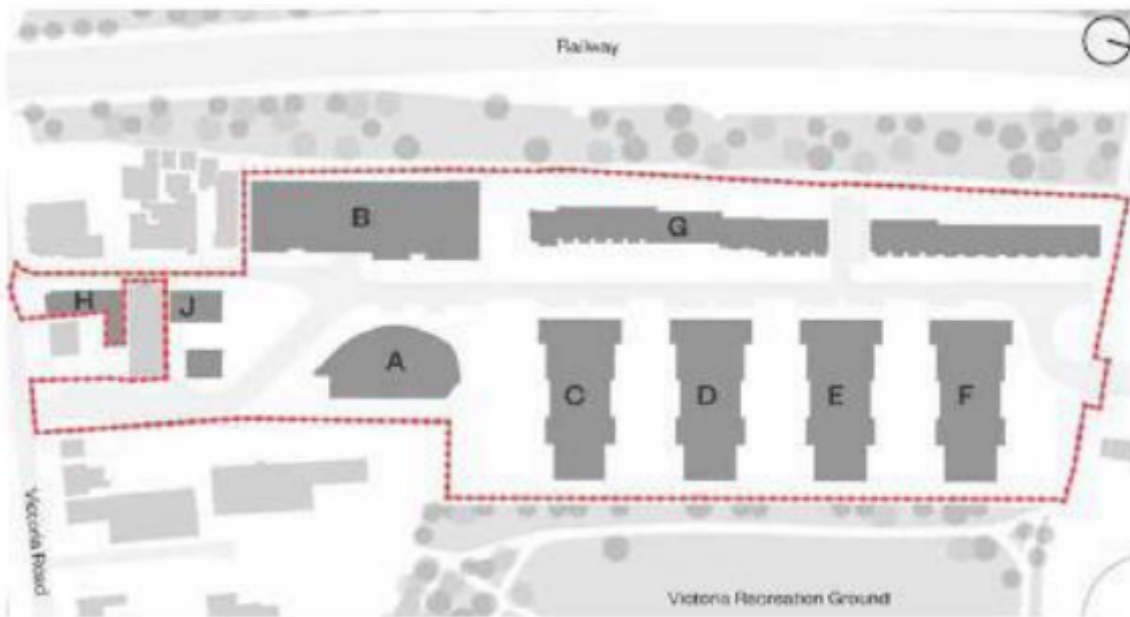
- Condition 4 – Water Course (17/1476/CON)
- Condition 5 – Hazardous Substance Revocation (16/2195/CON)
- Condition 7 – Construction and Management (17/7160/CON)
- Condition 27 – Site Waste Management plan (16/4311/CON)
- Condition 38 – Drainage (16/3626/CON & 17/3583/CON)
- Condition 40 – Demolition & Construction Method Statement (16/4336/CON)
- Condition 41 – Remediation and Verification Strategy (16/2785/CON, 17/1476/CON & 18/3278/CON)
- Condition 57 – Air Quality Assessment (16/4887/CON) Condition 59 – Tree Protection (16/3459/CON & 17/2053/CON)
- Condition 60 – Tree Method Statement (16/3459/CON)
- Condition 61 – Tree Excavations (16/3459/CON, 17/2053/CON & 17/7160/CON)
- Condition 62 – Ecology Mitigation Measures (16/2193/CON)
- Condition 63 – Site Clearance Works (16/2193/CON)
- Condition 69 – Bat Boxes (16/3565/CON)
- Condition 74 – Excavations and Earthworks (16/3894/CON)

Associated works including demolition, site remediation, sewer diversion, drainage and excavation of the basement areas for the proposed car park having commenced.

- 16/7601/FUL: Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 15 to 23 Victoria Road and 1A, 2 and 2A Albert Road) and construction of 104 residential units (Use Class C3) within Buildings A, H, J1 and J2 (an increase of 52 residential units across the Victoria Quarter Redevelopment Area), 623sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2) within Building A and Building J1, the creation of new publically accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. Relocation of an existing sub-station.

(SUBJECT TO S106 LEGAL AGREEMENT DATED 15 JULY 2020) – Approved:
16.07.2020

The site boundary for this application is provided below:



The permission has been formally implemented and the following conditions relating to the site clearance, demolition and remediation discharged:

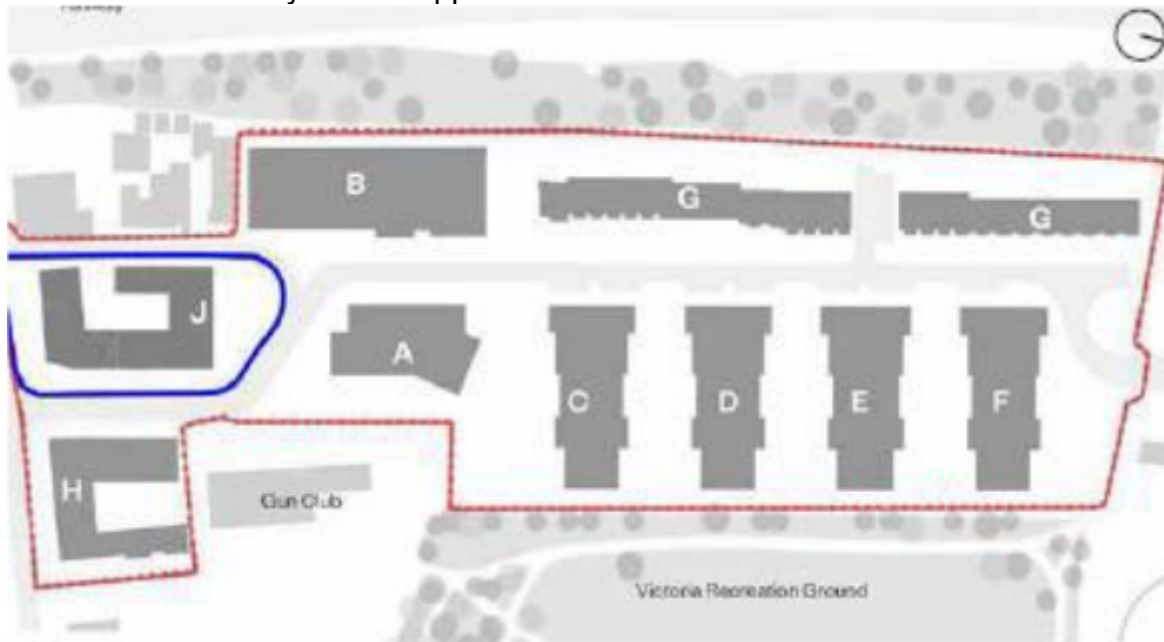
- Condition 4 – Water Course (17/1476/CON)
- Condition 5 – Hazardous Substance Revocation (16/2195/CON)
- Condition 7 – Construction and Management (17/7160/CON)
- Condition 27 – Site Waste Management plan (16/4311/CON)
- Condition 38 – Drainage (16/3626/CON & 17/3583/CON)
- Condition 40 – Demolition & Construction Method Statement (16/4336/CON)
- Condition 41 – Remediation and Verification Strategy (16/2785/CON, 17/1476/CON & 18/3278/CON)
- Condition 57 – Air Quality Assessment (16/4887/CON)
- Condition 59 – Tree Protection (16/3459/CON & 17/2053/CON)
- Condition 60 – Tree Method Statement (16/3459/CON)
- Condition 61 – Tree Excavations (16/3459/CON, 17/2053/CON & 17/7160/CON)
- Condition 62 – Ecology Mitigation Measures (16/2193/CON)
- Condition 63 – Site Clearance Works (16/2193/CON)
- Condition 69 – Bat Boxes (16/3565/CON)
- Condition 74 – Excavations and Earthworks (16/3894/CON)

Associated works including demolition, site remediation, sewer diversion, drainage and excavation of the basement areas for the proposed car park having commenced.

- 17/5522/FUL - Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 1A, 2 and 2A Albert Road and the Salvation Army Building, Albert Road) and construction of Building J to include 39 residential units (incl 2x townhouses) (Use Class C3) and 265sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. (SUBJECT TO S106 LEGAL AGREEMENT DATED 15

JULY 2020) – Approved: 16.07.2020

The site boundary for this application is shown in blue below:



The extant planning permissions above result in a combined scheme which provides a total of 371 units; 18% affordable by habitable rooms; 618m² of mix use commercial 39 floorspace; and 396 car parking spaces along with the other improvements to the surrounding area secured via legal agreement.

- 20/1719/FUL: Redevelopment of the site to provide 652 residential units (Use Class C3) within 14 buildings ranging from 1 to 10 storeys and a single storey Plaza Kiosk building, with 327.6sqm of retail/commercial space and 111.3sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 392 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development – Refused: 16.12.2020
- 21/3676/FUL: Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development (Amended Plans and Amended Description) – Refused: Non-determination; Appeal dismissed: 19.08.2022

Other Applications

- 16/7602/FUL: The provision of a resident's car park comprising 83 spaces for a temporary period of 3 years in relation to application 16/7601/FUL – Approved: 24.07.2017

- 17/5894/NMA: Non-material amendments to planning permission reference 16/7602/FUL dated 24/07/17 for 'The provision of a resident's car park comprising 83 spaces for a temporary period of 3 years in relation to application 16/7601/FUL.' Amendments include pre-construction design amendments to the layout of the car park – Approved: 29.09.2017
- 22/5928/FUL: The provision of a residents car park comprising 108 spaces for a temporary period of 3 years – Pending consideration.
- 22/5739/NMA: Non-material amendments to planning permission reference 17/5522/FUL dated 16/07/20 for 'Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 1A, 2 and 2A Albert Road and the Salvation Army Building, Albert Road) and construction of Building J to include 39 residential units (incl 2x townhouses) (Use Class C3) and 265sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping.' Amendments include changes to the wording of the description by removing reference to the number of residential units proposed and commercial quantum – Pending committee resolution of current Section 73 applications
- 22/5741/NMA: Non-material amendments to planning permission reference 16/7601/FUL dated 16/07/20 for 'Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 15 to 23 Victoria Road and 1A, 2 and 2A Albert Road) and construction of 104 residential units (Use Class C3) within Buildings A, H, J1 and J2 (an increase of 52 residential units across the Victoria Quarter Redevelopment Area), 623sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2) within Building A and Building J1, the creation of new publically accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. Relocation of an existing sub-station.' Amendments include changes to the wording of the description by removing reference to the number of residential units proposed and commercial quantum – Pending committee resolution of current Section 73 applications.

2.4 Proposed Development

- 2.4.1 Application reference: 22/5755/S73 seeks to make the following proposed changes:
- Reduction of residential units within Block J from 39 to 37, and changes to residential unit mix.
 - A phased approach to the delivery of the site, with Blocks H and J as the initial phase. The buildings require standalone power and plant together with parking strategy to support early delivery of these blocks.
 - Review of the location of the shared ownership units in Block J
 - Road alignment and parking relocation.
 - Change to architectural detailing and stacking, to improve buildability.
- 2.4.2 In tandem, application reference: 22/5754/S73 seeks to make the following proposed changes:
- Increase of 2 residential units within Block H from 27 to 29, and changes to residential unit mix.
 - A phased approach to the delivery of the site, with Blocks H and J as the initial

phase. The buildings require standalone power and plant together with parking strategy to support early delivery of these blocks.

- Road alignment and parking relocation.
- Change to architectural detailing and stacking, to improve buildability.

2.4.3 To clarify the above, unit numbers lost from Block J, will be incorporated into Block H, together with adjustments to the housing mix, discussed later in this report. Consequently, there are architectural changes to the design on and around these buildings, however, in principle the development remains the same.

2.5 Public Consultation

2.5.1 Consultation letters were sent to 1091 (22/5755/S73) and 1131 (22/5754/S73) neighbouring properties. The applications were also advertised by Site Notices displayed 8th December 2022; and by press notice, printed 6th December 2022.

2.5.2 Cumulatively, 47 responses have been received, comprising 26 letters of objection, 10 letters of representation and 1 letter of support.

The objections/representations received can be summarised as follows:

- Don't want to oppose amendments but request appropriate conditions are attached to any approval safeguarding, quantum 4 beds and affordable housing, provision of houses and maisonettes, landscape improvements and park access, car parking provision and access to underground car park.
- Clarifications sought on extent of road widening and location of energy centre.
- Officers need to carefully check proposed amendments;
- Concern that proposal is a stealth attempt to implement the refused 2021 scheme on a block by block basis.
- Submitted plans show changes to the roof plan of Block G incorporating heat pumps although not in the application boundary.
- Unclear how energy will be provided to Blocks H & J
- No Social Housing in Blocks H & J
- Modifications for Blocks H & J appear acceptable but no guarantee remainder of 2017 permission will be built out.
- Concerns about potential reduction in amenity space and width of pathway to park
- Note increase in 3 bed units but also decrease in 2 and 4 bed units.
- Proposal should ensure high quality bricks and materials
- Electric charging should be provided for the car parking.
- More family sized units should be provided.
- Query timing of submission given ongoing judicial review (at time of submitted comment)
- Should be considered in conjunction with development of rest of wider application site.
- Insufficient time for consultation (over Christmas)
- Applicant should build out 2017 permission and it is time that work is started.
- The public footpath that runs from Cromer Road, under the railway line and into Victoria park is incredibly dangerous. There have been incidents of muggings there and during the recent snowfall, it was ungritted and dangerous to walk across. Works should commence on this.

The letter of support can be summarised as follows:

- The developer should commence works on the development as the site has been in a semi-developed state for over 10 years.
- Full support for any development on this site, at present it is an eye-sore and very miserable to walk past.

Officer comment

All of the above representations have been taken into account in the relevant sections of the assessment below.

2.5.3 Elected Representatives

Cllr Simon Radford

Regarding the three planning proposals listed in the email below for 22/5754/S73, I would like to support the residents' concerns and formally request that officers impose a series of conditions on the developer to ensure that the principles of 2017 scheme are retained. These include the following:

- o The proportion of 4 bed and social ownership homes are maintained or enhanced when amended proposals for the rest of the site are brought forward;
- o Proposals to enhance the landscaping to the south of Block A must be delivered and cannot be subsequently reduced when a revised application for Block A is submitted;
- o That the proposed landscaping changes in front of Block A do not reduce the width of the access route through to the park;
- o That the temporary car park of 108 spaces cannot be removed until the underground car park is completed at the quantum specified in the 2017 consented scheme;
- o That access to the underground car park is retained under Block A in any subsequent application amendments;
- o That the maisonettes and mews houses removed from this amendment are reinstated elsewhere on the site when amended proposals for the rest of the site are brought forward;
- o That the applicant clarifies by how much they are widening Albert Road East and West; and
- o That the applicant clarifies where the energy centre will be located.

2.5.4 Neighbouring/Residents Associations & Local Amenity Groups

The Barnet Society

The Barnet Society is neutral about this application, but shares the concerns of Save New Barnet & New Barnet Community Association and of local residents. We ask for the following conditions to be applied to any planning permission to ensure that the proposals granted permission in 2017 are carried out:

- The proportion of 4 bed and social ownership homes is to be maintained or enhanced when amended proposals for the rest of the site are brought forward.
- Proposals to enhance the landscaping to the south of Block A must be delivered and cannot be subsequently reduced when a revised application for Block A is submitted.
- The proposed landscaping changes in front of Block A must not reduce the width of the access route through to the park.
- The temporary car park of 108 spaces must not be removed until the underground

car park is completed at the quantum specified in the 2017 consented scheme.

- Access to the underground car park must be retained under Block A in any subsequent application amendments.
- The maisonettes and mews houses removed from this amendment must be reinstated elsewhere on the site when amended proposals for the rest of the site are brought forward.
- The applicant must clarify by how much they are widening Albert Road East and West.
- The applicant must clarify where the energy centre will be located.

New Barnet Community Association & Save New Barnet Campaign

On Behalf of New Barnet Community Association & Save New Barnet Response

We have deep concerns and find it most strange that the developer has had 5 years to start the construction of Blocks H and J, yet the application is due to be determined 5 days before the renewal hearing of their appeal against the judicial review decision to uphold the refusal by the Planning Inspectorate of their 2021 application. We cannot understand why the developers would not await the outcome of that renewal hearing and then bring forward a revised proposal for the entire gasworks site. However, if they insist in pressing forward then we feel most strongly that there should be in place relevant conditions to ensure that what they have proposed or have permission for, is actually built.

While the modifications for block H & J, on their own, appear acceptable, the concern is that they are not linked to the overall site development and, at this stage, there is no guarantee that the rest of the 2017 application will be built. Indeed, the developer has repeatedly stated that "they will NOT build the 2017 scheme."

The Design and Access Statement (DAS) set out the proposed improvements of the revised application on page 18. However, some of these so called 'improvements' do not appear to be deliverable or are non-existent, as follows:

- "Widened Albert Road West with pedestrian paths to either side" - road appears to be the same width on the consented and proposed scheme with no evidence of widening.
- "Widened Albert Road East to maintain servicing of the gasworks to the north of the site" - road appears to be the same width on the consented and proposed scheme with no evidence of widening.
- "Realignment of Albert Road East to improve visibility splays and minimise congestion at the access to the underground parking of building A" - given that the Fairview have stated that they will not be building Block A at this time, that their construction management plan shows a different Block A design and layout with no access to the underground car parking, then this seems entirely spurious and misleading. Indeed, the construction management plan appears to show the real reason for the realignment of the road is to allow the construction of Block A from the refused scheme.
- "Realigned Albert Road East to increase and improve south facing amenity setting" (of Block A) - the scheme removes amenity space immediately adjacent to Block J and moves it to in front of Block A yet there is no commitment to build block A at this time, so how can we have confidence that this landscaping will take place and there will be no net loss of amenity space? There is also a very real concern that the width of the access route through to

the park will be reduced, an issue which the GLA criticised in the refused 2021 scheme.

- "More 3 bed family units" - while this is true (plus 7 units), there is a greater loss of 2 and 4 bed units (minus 13 units) with an overall net increase in the number of one bedroom units (plus 6 units), failing to deliver the family housing needed.
- "Adjustment of the duplex provisions" - in the consented scheme there were two mews houses in Block J with roof terrace gardens and in Block H, there were 3 maisonettes and three mews houses, the latter 3 bed 5P units with roof terraces. There are now only 3 duplexes (2B, 4P) with standard balconies in Block H and the mews houses in both blocks have been removed.

There are also a number of anomalies within this application as follows:

- The temporary car park allocates 104 spaces to accommodate the parking requirements of Blocks H, J and A, yet the developer is clear that there is no plan to build Block A at this stage. The temporary car park is also remote for the properties it is serving when it could have been located adjacent to Blocks H & J on the site of Block B from the consented scheme.
- The two Blocks, H and J, have no social housing (just shared ownership), and no 4 bed properties. While that might be acceptable when taken as part of the wider 371 homes consented scheme, the risk is that the rest of the development may also be amended, block by block, and in so doing fail to meet the specific planning conditions of parking, housing mix and social housing of the consented scheme.
- The energy system to supply heating and hot water to Blocks H and J is gas powered, but the energy report appended to the application at section 9, page 22 makes reference to the Air Source Heat Pump (ASHP) system included in the refused scheme and is supported by the roof layout plan of Block G from the refused scheme. In the 2017 scheme, the energy centre was located in South East corner of the basement car park. As such, it remains a serious concern that this amended application is simply a way of reapplying for the 2021 refused scheme by stealth, one modified application at a time.
- Rather than oppose the proposed amendments to Blocks H and J and to ensure construction starts, we would ask that officers impose a series of conditions on the developer to ensure that the principles of 2017 scheme are retained. These include the following:
 - The proportion of 4 bed and social ownership homes are maintained or enhanced when amended proposals for the rest of the site are brought forward;
 - Proposals to enhance the landscaping to the south of Block A must be delivered and cannot be subsequently reduced when a revised application for Block A is submitted;
 - That the proposed landscaping changes in front of Block A do not reduce the width of the access route through to the park;
 - That the temporary car park of 108 spaces cannot be removed until the underground car park is completed at the quantum specified in the 2017 consented scheme;
 - That access to the underground car park is retained under Block A in any subsequent application amendments;
 - That the maisonettes and mews houses removed from this amendment are reinstated elsewhere on the site when amended proposals for the rest of the site are brought forward;

- That the applicant clarifies by how much they are widening Albert Road East and West; and
- That the applicant clarifies where the energy centre will be located.

2.5.5 **Responses from Internal/External Consultees**

Greater London Authority (GLA)

22/5754/S73 & 22/5755/S73: I have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA.

Environment Agency

22/5754/S73: Based on a review of the submitted information, we have no objection to the proposed development.

22/5755/S73: No comments received.

Historic England

22/5754/S73 & 22/5755/S73: Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Cadent and National Grid Plant

22/5754/S73 & 22/5755/S73: No specific comments received, although automated response advises that any contractors operating with in the vicinity of Cadent and National Grid apparatus should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Network Rail

22/5754/S73 & 22/5755/S73: Network Rail have no further comments to make and no objection to the variation of this condition.

Highways England

22/5754/S73 & 22/5755/S73: We have undertaken a review of the documents accompanying the outline planning application and note that the variation to the Condition 2 includes an increase in number of residential units from 27 to 29, including a number of other minor internal site changes.

Given that the changes to the proposals are limited in nature, and the SRN is positioned 6km from the site, we are satisfied that the proposals would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Metropolitan Police – Design Out Crime

22/5754/S73 & 22/5755/S73: I do not have an objection to this S73 application, I would respectfully request that condition 45 (22/5754/S73) / condition 16 (22/5755/S73) remains as a formal condition of planning, with safety and security measures essential for the size and location of this project and needed to ultimately help to prevent and deter local and national crime trends and statistics.

Natural England

22/5754/S73 & 22/5755/S73: No comments – standard generic advice note offered.

Thames Water

22/5754/S73 & 22/5755/S73: Having reviewed the details, we have no comments to make at this time.

TFL

22/5754/S73 & 22/5755/S73:

TfL offers the following comments:

1. Electric vehicle charging provision at the temporary car park to conform London Plan standards for Active EVCP provision.
2. All transport and highway planning obligations and conditions secured in the original consent will be re-secured in the s73 consent.
3. The Car Parking Design and Management Plan shall update to reflect the proposed changes
4. TfL would continue to support proposal to convert the existing Hail and Ride section of bus route into a fixed stop arrangement as per mentioned earlier application 21/3676/FUL which funding commitment (£120,000) to upgrade “the hail and ride section” of the bus network near the site to include up to three bus stops along the stretch from Victoria Road up to Lawton Road near the north end of the site. The contribution would cover all costs including feasibility, design, materials, consultation, carriageway alteration and footway alteration to install high-quality stops and shelters with real-time passenger information (Countdown). This will help create a better waiting environment for bus users and pedestrians in accord with policy T1 supporting mode shift, T2 Healthy Streets and T4 making sure public transport meets the needs of the development. TfL requests this is confirmed in the s106 agreement to be carried forward to the new consent, which also includes related planning application ref 22/5755/S73

London Fire & Rescue Service

22/5754/S73 & 22/5755/S73: No comments.

2.5.6 Responses from Internal Consultees

Environmental Health

22/5754/S73 & 22/5755/S73: No objection, subject to conditions from original application being applied.

Drainage / Lead Local Flood Authority

22/5754/S73 & 22/5755/S73: Details of drainage required.

Traffic and Development

22/5754/S73 & 22/5755/S73: No objections.

Waste & Recycling

22/5754/S73 & 22/5755/S73: No objections.

Arboricultural Officer

22/5754/S73 & 22/5755/S73: No comment.

Ecology

22/5754/S73 & 22/5755/S73: No comment

Street Lighting

22/5754/S73 & 22/5755/S73: Details of street lighting strategy requested

3 OFFICER ASSESSMENT

3.1 Principle of development

- 3.1.1 The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that that accords with an up-to-date Local Plan should be approved.
- 3.1.2 Policy D3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan (2012) 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.
- 3.1.3 The principle of the development including the land use and overall quantum of development were agreed and established by the extant parent applications (16/7601/FUL & 17/5522/FUL) to which these two applications seek to make amendments.
- 3.1.4 The two Section 73 applications, by virtue of their proposed changes are not considered to alter the in-principle considerations of the previously consented schemes. Cumulatively, the residential density will remain unchanged. Blocks H, J and A, both as consented and as now proposed will continue to deliver the same density (118 residential units), albeit there will be changes to the number of units housed in both Block H and J together with their unit mix. There are no changes to Block A - it remains as originally consented.

3.1.5 It is for the decision maker to consider what impact such changes will have on other planning policy and material considerations, such as character, appearance, housing quality, residential amenity, highways impacts, energy and sustainability etc. These will be covered in the following sections of this recommendation report.

3.2 Housing Quality

3.2.1 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 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, Residential Design Guidance SPD.

3.2.2 As noted above, the application proposes a reconfiguration of the unit numbers between Blocks H and J. Application 22/5755/S73 seeks to remove two residential units from Block J, whilst in tandem application 22/5754/S73 seeks to increase the number of residential units in Block H by two. Accordingly, there will be no loss of overall unit numbers, with the provision between Blocks J, H and A remaining at 118 units (as consented).

3.2.3 Though the overall unit numbers between the two blocks concerned are not changing, there are a number of proposed reconfigurations to the unit mix across both Blocks H and J. These are set out in the following unit mix schedules, adapted from schedules on page 19 of the submitted supporting Design & Access Statements:

	Unchanged	Consented	Proposed	Consented	Proposed		
	Block A	Block H	Block H	Block J	Block J		
Unit mix	Private	Private	Private	Private	S/O	Private	S/O
1 Bed	23	5	7	0	7	4	7
2 Bed	28	20	22	16	13	3	13
3 Bed	1	0	0	1	2	8	2
4 Bed	0	2	0	0	0	0	0
Total	52	27	29	17	22	15	22

Figure 1: Consented and proposed Unit mix changes between Block H and Block J

Gateway Area Total - Consented					Gateway Area Total Proposed					Unit Type Change	
Unit Mix	Private	S/O	Total	%	Unit Mix	Private	S/O	Total	%	Change	Total +/-
1 Bed	28	7	35	30	1 Bed	34	7	41	35	Change	Total +/-
2 Bed	64	13	77	65	2 Bed	53	13	66	56	1 Bed	+6
3 Bed	2	2	4	3	3 Bed	9	2	11	9	2 Bed	-11
4 Bed	2	0	2	2	4 Bed	0	0	0	0	3 Bed	+7
TOTAL	96	22	118		TOTAL	96	22	118		4 Bed	-2

Figure 2: Overall consented and proposed Unit mix changes

3.2.4 The above figures identify that there will be no loss / change in the amount and unit mix of the consented affordable housing provision (i.e. shared ownership, referred to as 'S/O' in the above figures). Affordable housing is to remain in Block J, as originally consented (22 units; comprising two x 1b2p; six x 2b3p; seven x 2b4p and two x 3b5p), although the location of these units within the building will be modified to accommodate the unit mix changes and the result change to the form and design of the block. Officers are therefore satisfied that the scheme will not materially impact the affordable housing provision of the original schemes, and therefore deliver

provision in accordance with the previously consented amount.

- 3.2.5 The above figures also identify that the reconfiguration of unit types across Blocks H and J will equate to an increase of 1 bed (+6) and 3 bed (+7) units, and a reduction of 2 bed (-11) and 4 bed (-2) units. The loss of two 4 bed 6 person units from Block H is not considered to be significant in the context of the overall scheme. Generally, larger homes such as 4 bed units are better suited to domestic dwellinghouse typologies, compared to flats. There remains a good level 2 bedroom units within the scheme, comprising 56% of the provision and an improved number of 3 bed units which are most sought after – comprising almost 10%, up from 3% of the overall provision. The number of one bed units increase by 6 which means that one beds account for just over a third of the units provided (a marginal 5% increase) overall. Officers consider the revised unit mix to be acceptable, ensuring that the schemes comply with the objectives of Policy DM08 of the Barnet Local Plan (2012). The GLA were invited to comment on the changes, as were Council Housing Officers and no objections were raised.
- 3.2.6 Officers have considered the layout and amenity quality of the revised unit mix across Blocks H and J and are satisfied that they provide a good standard of accommodation that is similar to the consented schemes, with respect to unit sizes, ceiling heights, access to outlook, privacy, daylight and sunlight - according with the objectives of Policy D6 (Housing quality and standards) of the London Plan (2021). The applicant has provided Daylight/Sunlight reports prepared by GIA Surveyors which demonstrates a satisfactory level of compliance. Also comparable, the revised unit mix of both schemes remain compliant with the wheelchair accessibility requirements of the Building Regulations and London Plan (2021) Policy D7 (Accessible housing).
- 3.2.7 In terms of amenity space provision the schemes remain compliant like the previously consented provision i.e. adequate space through balconies, terraces and open space – both private and public. The Mayor’s London Plan requirements for this scheme are as follows:

Mayors SPD Policy Requirement				
Blocks A, H and J balconies and terraces		*5	Plus 1sqm per person	TOTAL
1 bed	41	205	0	205
2 bed	66	330	132	462
3 bed	11	55	33	88
TOTAL	118			755

- 3.2.8 As noted from the above table the Blocks A, H and J would generate a requirement for 755m² of amenity space. The proposed development in its private amenity space on balconies alone would provide 952m² – thereby exceeding the amount required by almost 200m².
- 3.2.9 Comparatively, Barnet's Sustainable Design and Construction SPD sets the minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to be provided with 5sqm of usable outdoor communal or private

amenity space per habitable room proposed. There are 413 habitable rooms for Blocks A, H and J. This equates to a 2,065m² amenity space requirement for these blocks.

- 3.2.10 The proposed courtyard areas provide 375m², and there is also public amenity space of circa 2,652m². As such, the overall cumulative area of private, communal and public amenity provision on the gateway and salvation army scheme is calculated as follows: 952m² (private) + 375m² (courtyards) + 2,652m² (public) = 3,979m². This exceeds the 2065m² requirement of Barnet's Sustainable Design and Construction SPD.
- 3.2.11 As a consequence of the road alignment change, as detailed on pg. 20 of the Design and Access Statement, it is clear that there are modifications, by way of area (m²) reduction, to the external amenity space/landscaping to the north of Block J and increase of external amenity/landscaping by way of area (m²) to the front (south) of Block A. This has been raised a concern in the public response to the application. Officers can confirm that the re-provision is comparable, and provides better useable space, with childrens play equipment in front of Block A. The reduced amenity space /landscaping adjacent to Block J provides improved outlook and natural light access for the north facing openings on the lower levels of this building.
- 3.2.12 In respect of childrens playspace provision, the schemes provide adequate space for childrens play equipment. As per the parent applications, it is recommended that in the event of a Committee resolution to grant permission, the details of specific play equipment are reserved by planning condition. Accordingly, Officers have copied the conditions from the parent applications across to this recommendation.
- 3.2.13 Matters in respect of noise, air quality and secured by design remain unchanged from the parent schemes. Accordingly, the relevant planning conditions in respect of these matters would remain on the list of recommended conditions.

3.3 Design

- 3.3.1 The National Planning Policy Framework (2021) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.
- 3.3.2 The London Plan (2021)1 policy D1B (London's form, character and capacity for growth) requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.
- 3.3.3 Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and

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

- 3.3.4 In conjunction with the changes to the layout and change in unit mix the applicant has conducted a review and subsequent revisions to the scheme's design to make some minor changes to the architectural design and form of the development, to improve its quality, appearance and functionality.

22/5755/S73 (17/5522/FUL) – Building J:

- 3.3.5 In respect of Building J's site plans, floor plans and elevation details the applicant proposes:

- Removal of car parking from the courtyard in lieu of soft landscaping.
- Removal of the duplex units facing Albert Road West, in lieu of plant and services to enable this phase to be constructed first
- Variation of building size and location on site, benefiting a slightly widened Albert Road West, with paths on both side of the road.
- Change to architectural detailing and stacking, improving buildability.
- Changes to fenestration and material

- 3.3.6 The above proposed changes are detailed and discussed elevation by elevation on pages 36-39 of the submitted Design and Access document (re: Building J – ref: 17/5522/FUL). It confirms:

East Elevation:

- The east elevation retains the same scale and massing as consented.
- A centralised symmetrical element has been introduced on the east elevation to improve legibility of the elevation and entrances; and, to reduce the visual impact of projecting balconies.
- Relocation of balconies from the northern end of the east elevation, and replacement with additional windows and further rustification, to balance the elevation.

West Elevation:

- With regard to the west elevations, the proposed design intention is to open up the courtyard and replace the consented hardstanding carparking with soft landscaped amenity – to create a better environment for residents.
- To provide a more open courtyard two duplex dwellings have been removed with the benefit of increased access to natural light for dwellings to lower floors fronting the courtyard. Removal of built form on this elevation accommodates the proposed widening of Albert Road West and improved the relationship with the dwellings opposite.

- To enable the phasing of the scheme a substation is required. This single storey structure is set back from the pavement and assists the widening of Albert Road West.
- Changes to the fenestration have been made to compliment the plan and match the other proposed building J elevations.
- Corduroy brickwork defines the ground floor base together with accents and added visual interest to the design of the upper floors.
- The proposed West elevation to building J has retained the general scale and massing as the consented.

South Elevation:

- The proposed southern elevation has retained the same scale and general massing as the consented.
- The proposal maintains the consented Streetside design principles with recessed balconies and feature corner. Removal of some areas of brickwork has provided improved access to natural light into the living rooms and bedrooms.
- This approach has been applied consistently to both buildings H and J.
- Feature soldier courses and textured brick work add rustification to the building plinth and accent key elements of the building façade

North Elevation:

- The proposed north elevation to building J has retained the same scale and massing as the consented.
- Elevational composition has been improved with building J rationalised with a symmetrical design. The elevation is articulated by projecting balconies facing the landscape maintaining the consented design principles.
- The consented balconies oversailing the public footpath on Albert Road East have been relocated onto the northern elevation to resolve this undesirable relationship. The relocation of the balconies has improved the outlook towards the landscaped amenity for these family dwellings.

3.3.7 There are discernible differences between the appearance of the consented development and the proposed modifications, however the modifications do not change the principle of what has previously been approved. Block J has been reduced in width by 1m to facilitate the Albert Road West widening. It has also moved north by 2m so it is in line with Block H and to allow additional space for public realm along Victoria Road. Accordingly, Officers are satisfied that the proposed changes lead to a number of well-rationalised aesthetic and functional improvements to the development, without compromising on the quality of the originally approved schemes. As such, the above alterations to Block J (17/5522/FUL) are considered acceptable changes to the design and layout of the scheme, and it is considered that they have no demonstrably adverse material impact on the merits of either of the parent applications.

22/5754/S73 (16/7601/FUL) - Building H & Wider Site:

3.3.8 In respect of Building H's site plans, floor plans and elevation details the applicant proposes:

- Reduction in courtyard parking in lieu of soft landscaping.
- Removal of the sub-station and simplified access arrangements improving

amenity area.

- Adjustment of the duplex provision. Removal 2x 4Bed dwellings and replaced with 3x 2Bed dwellings.
- Change to unit stacking to improve buildability

3.3.9 The above proposed changes are detailed and discussed elevation by elevation on pages 36-39 of the submitted Design and Access document (re: Building H – ref: 16/7601/FUL). It confirms:

North Elevation:

- The proposed north elevation to building H has retained the same scale and massing as the consented.
- Building H north elevation has been improved by providing space to the boundary together with the addition of windows to the blank facades.

West Elevation:

- The proposed west elevation to building H has retained the same scale and general massing as the consented. The western elevation has been shortened to facilitate the introduction of windows to the northern facade.
- The proposal maintains the consented Streetside design principles with recessed balconies and feature corner.
- Removal of some areas of brickwork has provided improved access to natural light into the living rooms and bedrooms. This approach has been applied consistently to both buildings H and J.
- The elevations have been broken down into a series of smaller elements that reflect a more domestic scale and add articulation to the facade. Feature soldier courses and textured brick work add rustification and accent key elements of the facade.

South Elevation:

- The proposed southern elevation has retained the same scale and general massing as the consented.
- The proposal maintains the consented Streetside design principles with recessed balconies and feature corner.
- Removal of some areas of brickwork has provided improved access to natural light into the living rooms and bedrooms. This approach has been applied consistently to both buildings H and J.
- The elevations have been broken down into a series of smaller elements that reflect a more domestic scale and add articulation to the facade.
- Feature soldier courses and textured brickwork add rustification and accent key elements of the façade.

East Elevation:

- The eastern elevation adopts the same architectural language as the southern and eastern elevations. Maintaining the general scale and massing and architectural principles applied to the consented scheme.
- The removal of the 2x 4 bed and the inclusion of 3x 2bed duplexes generates a more legible architectural language which fits with the rest of the building. The introduction of the 3x duplexes improved the proportions of the design and their relationship with neighbouring properties.
- Feature soldier courses and textured brickwork add rustification and define key forms of the facade.

- 3.3.10 As with the proposed changes to Block J above, there are discernible differences between the appearance of the consented development and the proposed modifications, however the modifications do not change the principle of what has previously been approved. Officers are satisfied that the proposed changes lead to a number of well-rationalised aesthetic and functional improvements to the development, without compromising on the quality of the originally approved schemes. As such, the above alterations to Block H (16/7601/FUL) are considered acceptable changes to the design and layout of the scheme, and it is considered that they have no demonstrably adverse material impact on the merits of either of the parent applications.
- 3.3.11 Overall, Officers are satisfied that the modifications in both Section 73 applications do not compromise the design of the schemes within either parent application, and remain confident that the proposals therefore satisfy the design requirements of Section 12 (Achieving well-designed places) of the NPPF (2021); Policies D1, D2 and D3 of the London Plan 2021; Policies DM01, DM02, DM03, and CS5 of Barnet's Local Plan Development Management Policies and Core Strategy (2012) documents.

3.4 Amenity Impact on Neighbouring Properties

- 3.4.1 Part of the 'Achieving well designed places' (Section 12) objective of the NPPF 2021 is pursuing improvements to amenity through the design of the built environment (Paragraph 130). Amenity is a consideration of London Plan Policy D6 (Housing quality and standards). In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.
- 3.4.2 The layout, site and form of the blocks is not materially different from the parent applications, and thus, the relationships between future and existing residential units, with regards to amenity impacts (i.e. privacy/overlooking and outlook; daylight and sunlight; noise and disturbance; and, air quality within the development) remain relatively unchanged.
- 3.4.3 Accordingly, Officers have no concerns with regards to potential loss of residential amenities for existing or future residents and are therefore satisfied both schemes remain compliant with the objectives of the aforementioned NPPF (2021), London Plan (2021) and Barnet Local Plan (2012) policies and guidance.

3.5 Transport / Highways

- 3.5.1 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.

Residential Car Parking & Phasing

- 3.5.2 The consented schemes facilitated 118 parking spaces for blocks J, H and A, with 31 no. street level carparking spaces within the site area for the blocks, and a further 87 spaces provided in later phases, within the basement. The Design & Access Statements (pages 42 and 43) for both applications propose 14no. surface level car parking spaces (including 4no. car club spaces) and rely on the provision of the temporary 108 space surface level carpark (under application ref: 22/5928/FUL) that is currently pending a Planning Committee resolution. This is only a temporary measure whilst the scheme is building out in phases. The original consented carparking (except for the stated surface level car parking) for Blocks H, J and A are incorporated within the basement carpark below building's A-F which will be completed in later phases.
- 3.5.3 Assuming the Temporary Car Park application (22/5928/FUL), which is also being presented to the Committee, receives a resolution to grant approval, then cumulatively there will be sufficient residential parking within the amended schemes.
- 3.5.4 The Council's Highway Officer has considered the proposals, and in respect of car parking they have raised no objections. Their comments in respect of the temporary carpark, have been submitted on that application (22/5928/FUL) and have only requested that active electric vehicle charging points be provided in accordance with London Plan standards.

Access & Road Widening

- 3.5.5 There are minor changes proposed to the road alignment within the schemes. These are detailed on page 20 of both Design & Access documents. It shows that Albert Road West will be widened, which is as a consequence of changes to the building design. The applicant has clarified that during the refused application in 2020, the Highways Consultants (Vectos) worked closely with the Council's Highway's Officers in relation to Albert Road West, given its constrained nature. The aim was to improve the west side pathway and to increase the width of the road sufficiently to allow a vehicle to pass any stationary vehicle serving the pub. The applicant's have clarified in a later dated 9th March 2023 re: *Planning applications ref: response to queries raised within public comments*) that the proposed amendments in these current applications are similar to the solution designed for the 2020 scheme, in that they achieve 4.8m roadway and 1.8m footpath on both sides. The limited scale of the road widening makes it very difficult to discern from the planning drawings, however, the consented scheme have a roadway of circa. 4m, with pathways of circa 1.2-1.5m on the west side, and 2.2-2.5m on the eastern side of the road. Consequently there is a clear improvement to the benefit of motorist and pedestrian safety as a result of these modifications.
- 3.5.6 Albert Road East is proposed to be realigned and widened marginally to maintain servicing of the gasworks to the north of the site. The applicant has clarified in the abovementioned letter that the roadway in the consented scheme did not account for the requirements of the right of way to the gasworks. Again, the differences in widening are marginal and not clearly discernible from the application drawings, however, it has been increased from 5.5m to the legally required 6m width. There are clear road safety benefits to this proposed change.

3.5.7 Realignment of Albert Road East is proposed to improve visibility splays and minimise congestion at the access to the underground parking of Block A. These changes are proposed in the interest of improving safety for motorist and pedestrian circulation around the site. There are of course consequent implications for the balance of amenity space on both sides of the road for Blocks J and A, however, as noted earlier in above section of this report, there remains adequate amenity space for the development and there are other benefits (outlook/light access) to the north facing units in Block J as a consequence.

Construction Management/ Logistics Plans and Delivery & Servicing

3.5.8 Construction management / logistic plans and delivery and servicing considerations will continue to be addressed through the conditions that were applied to the parent applications. There are no significant impacts on these matters as a consequence of the proposed changes within these applications.

Refuse & Recycling

3.5.9 Pages 29 and 30 of the Design and Access Statement set out the revised refuse storage provision for the amended schemes. It details that that the both blocks will have sufficient capacity for refuse and recycling storage, in accordance with Barnet’s “Information for developers, architects and managing agents - Provision of Household Recycling and Waste Service” guidance (June 2021).

3.5.10 In addition, the Council's Waste Management Department were consulted on the amended schemes, and is satisfied that adequate refuse and recycling provisions have been provided in accordance with their guidelines.

Cycle Parking

3.5.11 Policy T5 (Cycling) of the London Plan (2021) establishes the cycle parking requirements for residential development. The proposed plans illustrate that there are changes to the configuration and location of the cycle storage provisions within Blocks H & J. Notwithstanding, both blocks will provide cycle storage in excess of the London Plan (2021) requirements – Block H will provide 57 space (55 required) and Block J, 74 spaces (68.5 spaces required):

Cycle Parking									
Block J					Block H				
Unit type	Cycles by Unit Type	No. Units	Spaces required	Spaces provided	Unit type	Cycles by Unit Type	No. Units	Spaces required	Spaces provided
1b2p	1	0	0		1b2p	1	0	0	
1b2p	1.5	11	16.5		1b2p	1.5	7	10.5	
2b3p	2	7	14		2b3p	2	12	24	
2b4p	2	9	18		2b4p	2	10	20	
3b5p	2	10	20		3b5p	2	0	0	
Total:		37	68.5	74	Total:		37	68.5	57

Figure 3: London Plan Cycle space requirements by unit type / proposed provision.

3.5.12 Officers are therefore satisfied that the proposed amendments will still ensure that the developments will promote sustainable travel by satisfying the cycle parking

requirements of the Policy T5 of the London Plan 2021. Notwithstanding the above, specific details for the provision of cycle parking and storage facilities will still be required by planning condition as per the parent applications.

3.6 Energy & Sustainability

- 3.6.1 London Plan Policy SI 2 Minimising greenhouse gas emissions requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: - Be lean: use less energy - Be clean: supply energy efficiently - Be green: use renewable energy London Plan Policy SI2 'Minimising Greenhouse Gas' requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations¹⁵² is required for major development. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund.
- 3.6.2 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.
- 3.6.3 In support of the applications, the applicant has provided a revised Energy Statement (Doc ref: PA-ES-FNH-GW-22-02; dated: March 2023, produced by Abbey Consultants) as an addendum to the Energy Statement, dated August 2017 by WSP for The Gateway, Albert Road, East Barnet. This document has been revised since the original submission for these applications – the latest version omits the erroneous reference to Block G of the previously refused scheme. This was raised in a public comment/objection to the applications, however, this latest document should address these concerns.
- 3.6.4 The gas power to Blocks H and J, as currently proposed, is not considered acceptable in the current policy and legislative framework. Accordingly, it is proposed that the original gas communal heating system will be replaced with a communal heating system that incorporates rooftop Air Source Heat Pumps (ASHPs) and a central boiler plant, that will achieve an efficiency of 290%. The proposed plant and ASHP system on Block J and H will deliver a self-sufficient energy strategy for the two blocks. The energy strategy for Block A and the rest of the scheme will remain as previously consented.
- 3.6.5 The proposed changes to the energy strategy, as per the details in the revised document, will result in demonstrable improvements over the previously consented proposals, and will not adversely impact the energy strategy for the wider site. Accordingly, the proposed changes will accord with the objectives of London Plan (2021) policy SI2 and Policies DM01 and DM04 of Barnet's Local Plan Development Management Policies (2012).
- 3.6.6 Further, it should be noted that the GLA were consulted on both applications and did not raise any objections in regards to the revised energy strategy.

- 3.6.7 In regards to sustainability, the planning conditions applied to the original consents in respect of BREEAM standards, will be transferred on to the list of recommended conditions, should a resolution to grant permission be achieved.

Flood Risk / SUDs

- 3.6.8 Policies SI12 (Flood risk management) and SI13 (Sustainable drainage) of the London Plan (2021) require development proposals to take account of flood risk – minimising and mitigating this along with any residual risk. Further, the policies require development proposals to aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible – opting for sustainable green drainage features over grey features, ensuring that they are designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.
- 3.6.9 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".
- 3.6.10 With regards to flood risk and sustainable urban drainage there are no significant changes to the scheme that would result in the need to fully re-evaluate the drainage strategies for the site. These were addressed through planning condition in the parent applications, and given that these proposals remain the same in principle, it is considered both reasonable and appropriate that the drainage for the various phases of the development continues to be a matter reserved by planning condition.

3.7 Landscaping, Trees and Biodiversity

- 3.7.1 Paragraph 131 of the National Planning Policy Framework (2021), Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012) all recognise the importance of green infrastructure in the enhancement of biodiversity, sustainable urban drainage, responding to climate change, and enhancing both character and amenity of places, collectively delivering sustainable development. Policy G6 (Biodiversity and access to nature) of the Mayor's London Plan (2021) requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain.
- 3.7.2 London Plan (2021) Policy D8 (Public Realm) states that development proposals should explore opportunities to create new public realm where appropriate. Proposals should also ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable.
- 3.7.3 Policies CS4, CS5, CS7, DM01, DM02 and DM15 of the Barnet Local Plan 'Core

Strategy' and 'Development Management Policies' (2012) align with the principles of the above London Plan policy – i.e. recognising that high quality, open and attractive outdoor public and communal spaces provide many leisure, recreational and health benefits thereby being essential to healthy, sustainable places and communities. The benefits are further reinforced the Council's Green Infrastructure SPD (2017).

- 3.7.4 Owing to the proposed reduction in courtyard parking and the realignment of the Albert Road East, there is a reconfiguration and additional provision of soft landscaping within the scheme. In support of the applications, the revised landscape drawings have been provided which detail the changes. There is a greater quantum of landscaping to the southern aspect of Building A, which Officers consider enhances the setting of the building and creates a more generous sense of space along the route. It is considered that the provision of additional landscaping in this location creates a greater attraction to lead to the recreational ground. Although this results in a reduced landscape area to the north of Block J, there is still meaningful landscaping proposed in this location, and the reduced provision improves other amenity considerations (as discussed above) for the future residents of the block.
- 3.7.5 It is noted that concerns have been raised through the public comments received in response to the application about the width of the pathway leading to Victoria Recreation Ground. Whilst the area of enhanced landscaping and playspace in front of Block A, will have some impact on the width of the pathway, it is considered that the landscaping significantly improves the quality of the pathway, providing a greener, softer aesthetic which is more attractive. The pathway along the eastern boarded of the site adjacent to Block A remains wide enough for safe pedestrian manoeuvre (ranging between circa 2.5m and 4.5m) and fairly consistent with the approved scheme (which ranged between circa 2.5m and 4.5m in width). As such, the changes proposed to the pathway leading to the Recreation ground would not warrant an appropriate reason for refusal.
- 3.7.6 It is considered that the landscaping revisions, although different, are satisfactorily comparable with the consented parent schemes, and that there would be no significant loss of landscape quality caused by the proposed changes.
- 3.7.7 Ecology and biodiversity considerations remain similar to the parent applications, and thus there will be no demonstrable adverse impacts as a consequence of the proposed amendments.
- 3.7.8 For consistency with the approach to landscaping, trees and biodiversity, Officers have recommended the planning conditions that were attached to the original permissions be included, should a Committee resolution to grant permission occur.

3.8 Fire Safety

- 3.8.1 Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development,

before it has obtained planning permission and thereby before any building control application is made.

- 3.8.2 A fire statement has been submitted with the application taking account of the proposed changes in design and materials. The document demonstrates that the proposed development takes into account the relevant provisions of the Building Regulations (Part B). It confirms that the development is designed to achieve high standards of fire safety in accordance Approved Document B, Volume 1, 2019 (as amended May 2020).
- 3.8.3 The proposals do not concern a GatewayOne development and so a HSE GatewayOne consultation was not required. London Fire and Rescue service were consulted, however no comments have been received.
- 3.8.4 Officers acknowledge that the details provided have been produced by a suitably competent and qualified body, giving sufficient regard for the schemes' design in respect of fire safety. However, in the interest of certainty and in conjunction with other matters being reserved by condition, Officers recommend a fire statement condition is attached to the recommendation to ensure both schemes fully satisfy the objectives of Policy D12 of the London Plan (2021).

4 Response to Public Consultation

- 4.1.1 Several objections and comments were received in response to the application's publicity via letter and site notice, and these have been considered and addressed, where relevant, through the main body of the Officer's assessment of the schemes above. The applicant has also submitted a letter response addressing some of the comments (dated: 9th March 2023; re: *Planning applications ref: response to queries raised within public comments*; from Fairview NEW Homes Ltd), which Officers have referred to above for clarifications. Matters that have not been addressed by Officers or that require further clarification are responded to below.
- 4.1.2 The Local Planning Authority cannot recommend conditions that prevent further amendments in future (e.g. such as changing of unit numbers, mix, landscape and design). Such conditions would not meet the six tests set out in Paragraph 55 of the NPPF, which requires that conditions be: 1. necessary; 2. relevant to planning; 3. relevant to the development to be permitted; 4. enforceable; 5. precise; and 6. reasonable in all other respects. The NPPG is clear that specific circumstances where conditions should not be used include: conditions which unreasonably impact on the deliverability of a development and/or conditions requiring the development to be carried out in its entirety. These could be judged as unnecessary or unreasonable, particularly where an element of a scheme may become unviable to deliver. Notwithstanding, should any further material amendment applications come forward then the Local Planning Authority will assess the relevant planning merits, to determine whether it adversely impacts the principle and quality of the parent schemes in a way that prejudices the planning/public gain that lead to the parent schemes approval in the first instance. If it is found that the harms of the scheme do not outweigh the benefit then it is unlikely to be supported.
- 4.1.3 The matters concerning the extent of road widening, reduced amenity space, park pathway width, unit mix changes, affordable housing provision, and the energy centre details have been addressed within the main body of the report above.

- 4.1.4 Section 73 applications facilitate material amendments to schemes that already have approval. The proposed changes must be assessed on their own merits, in context with the original scheme and the relevant policy and material considerations. The proposed amendment of a scheme to the extent that it wholly reflects a previously refused proposal would not be supported. However, this does not prevent the applicant from applying for modest changes that are similar to some parts of a previously refused scheme, so long as they are deemed to be acceptable against relevant planning policies and material considerations, and taken as a whole with the rest of the development.
- 4.1.5 As noted in the Housing Quality section above, the Affordable Housing provision remains as proposed, albeit re-provided in a revised layout of Block J.
- 4.1.6 The Local Planning Authority cannot enforce that the scheme is built out in its entirety within a set timeframe, as this would be considered unreasonable.
- 4.1.7 The quality and type of materials are to be agreed by planning conditions, as per the parent applications. Through these conditions The Local Planning Authority will seek to ensure that a high quality development is delivered.
- 4.1.8 Electric vehicle charging points are to be provided in accordance with the London Plan Standards and will be required by condition as per the original consents.
- 4.1.9 Both S73 applications are major planning applications, and thus, a period of 42 day consultation period was given between 2nd December 2022 and 13th January 2023, to consult the public and consultees on the proposed amendments. A sufficient period of time for consultation was therefore given, in line with statutory requirements and standard practice.
- 4.1.10 The judicial review of the previously refused application did not materially impact the Local Planning Authority's consideration of these applications. The assessment has been based on the appropriate planning merits and relevant policies. Further the assessment of the changes have taken into account the Victoria Quarter scheme as a whole, for which they have been assessed as not having a materially adverse impact on the final development.
- 4.1.11 The public footpath that runs from Cromer Road, under the railway line and into Victoria park remains a part of the scheme. The comments about its existing condition and safety (during inclement weather; and, in respect of antisocial / criminal behaviour) are noted, however these are not matters that are consequent of the applications being considered.

5 Equality and Diversity Issues

- 5.1.1 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."

- 5.1.2 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.
- 5.1.3 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 these proposed amendments will comply with the Council's statutory duty under this important legislation.
- 5.1.4 The sites are accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.
- 5.1.5 A minimum of 10% of units will be wheelchair adaptable across the development.
- 5.1.6 As per the parent applications, the proposals continue to include 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.
- 5.1.7 The proposals are therefore considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.
- 5.1.8 Overall, it is considered that the proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

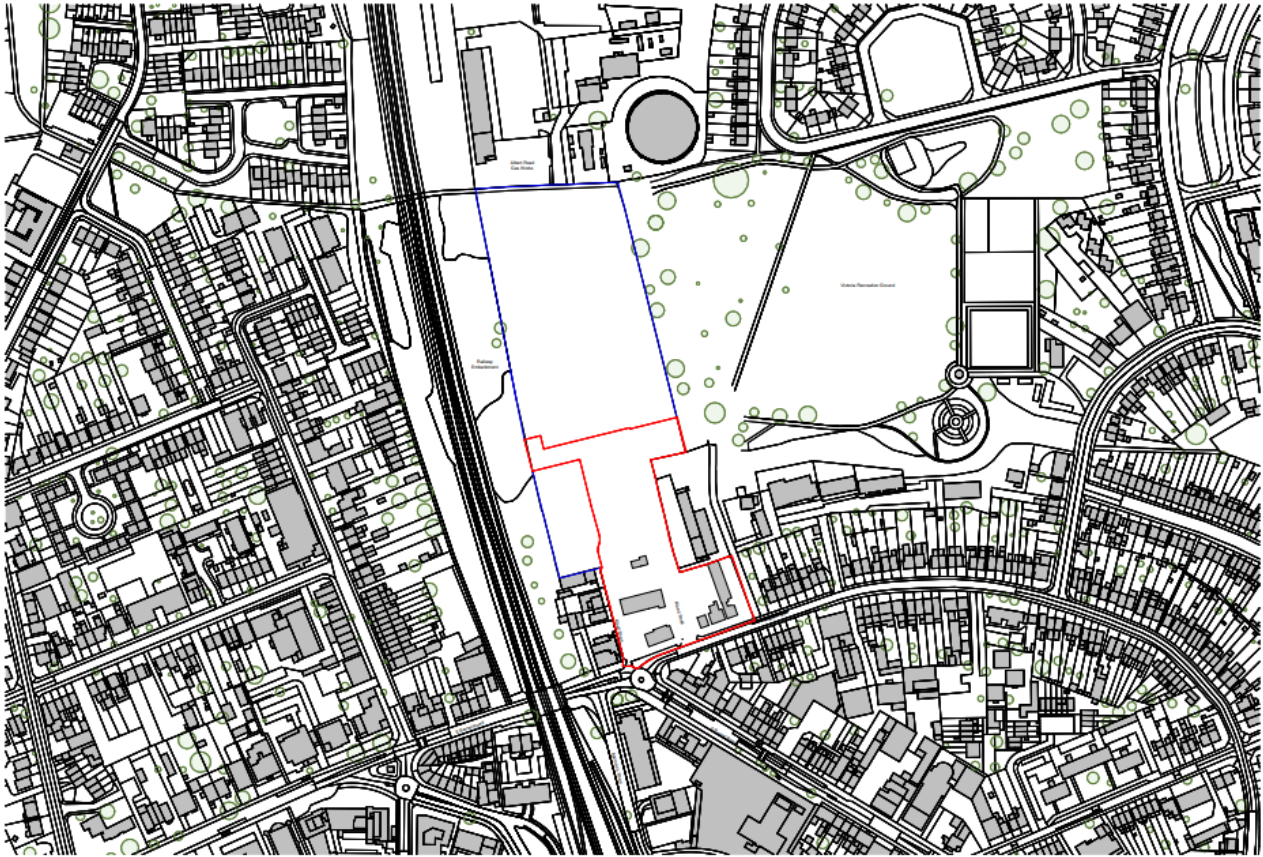
6 Conclusion

- 6.1.1 Officers have assessed the proposed amendments across the applications referenced 22/5754/S73 and 22/5755/S73 and are satisfied that they do not adversely impact the original developments in principle, and have an acceptable impact on character, appearance, housing quality, amenity, affordable housing provision, highway function and safety, energy and sustainability considerations.
- 6.1.2 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 generally and taken 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.

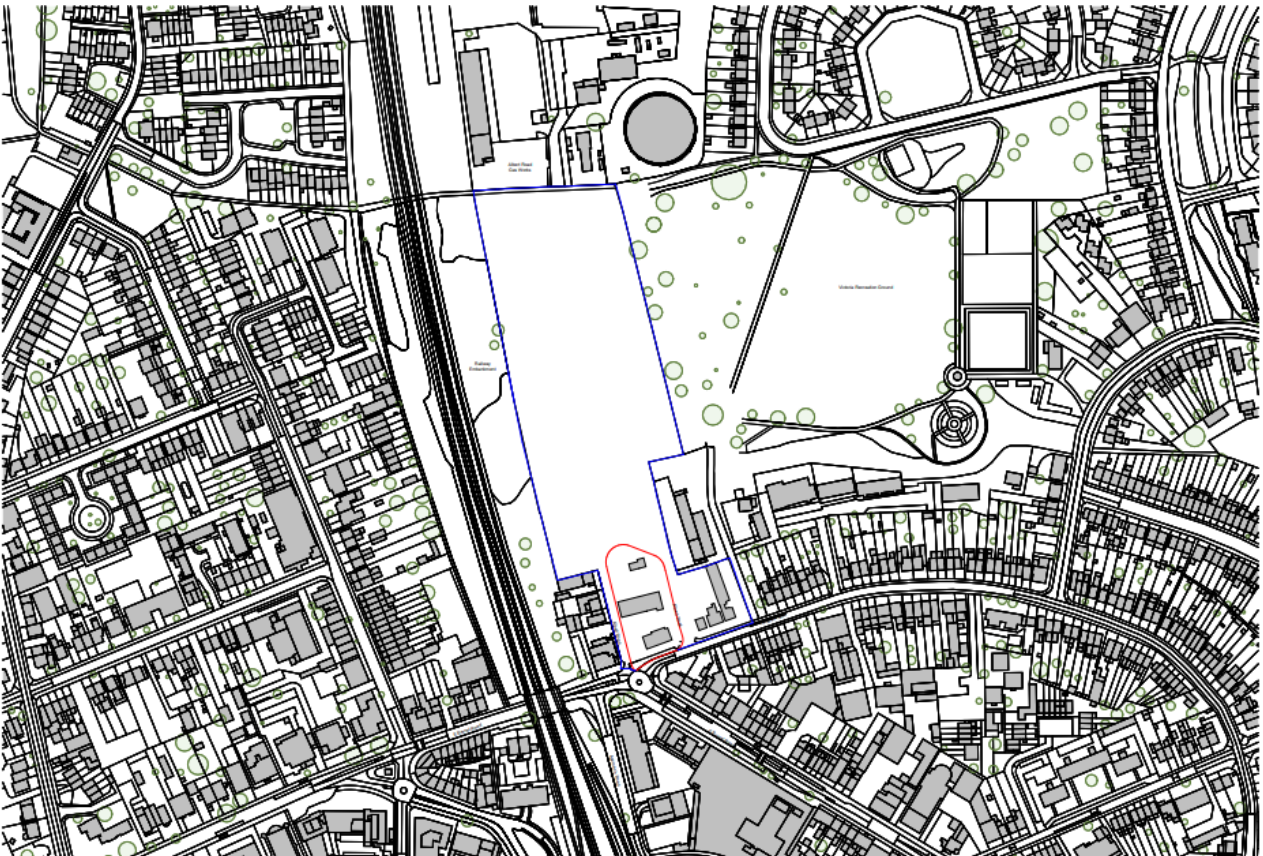
Site Location Plan(s):

22/5754/S73:



Block J S73 Existing Site Location Plan

22/5755/S73:



Block J S73 Existing Site Location Plan