

Location **107 West Hendon Broadway London NW9 7BN**

Reference: **23/0429/S73** Received: 1st February 2023
Accepted: 1st February 2023

Ward: West Hendon Expiry: 3rd May 2023

Case Officer: **Dominic Duffin**

Applicant: Arish Contractors Limited

Proposal: Variation of Condition 1 (Approved Plans) of planning permission reference 21/0932/FUL dated 18/02/22 for 'Demolition of the existing building and construction of a part four, part five and part six storey building to provide a mixed-use development comprising 37 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class E), including access, car and cycle parking, refuse storage and amenity space.' Variation to include adjustment to unit numbers, elevation height adjustments, material colour changes, changes to windows, adjustments handrail heights, alterations to central building core, changes to general arrangement of apartments

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

3. That the applicant and any other person having a requisite interest be invited to enter by way of a Deed of Variation to the s106 agreement signed under application 21/0932/FUL into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. The Council's legal and professional costs of preparing the Deed of Variation and any other enabling agreements.

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

3. Affordable Housing

-Contribution of £216,069 towards Affordable Housing provision within the borough paid at the start of construction phase.

-An Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted

-A Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let

-An obligation to secure "Peppercorn Rents" as Ground Rent payment on the residential units.

4. Employment and Training

-The applicant would be required to enter into a Local Employment Agreement with the Council to secure non-financial contributions towards employment/learning/apprenticeships or a financial contribution of £130,122.90

-The obligation will also include a separate financial contribution towards the loss of employment floorspace of £283,287.00.

5. Carbon Offset Payment

Payment of the revised sum of £28,045.00 towards Carbon Offset to meet mayoral zero carbon target.

6. Contribution towards street tree provision

A contribution of £9,750.00 (15 trees) towards the new provision of street trees in the immediate area.

7. Amendment to the Traffic Management Order

-A contribution of £2,072.55 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

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

RECOMMENDATION II:

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

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

010 Rev 00 "Location Plan", 100 Rev 03 "Proposed Block Plan",
101 Rev C "Proposed Site Plan",
200 Rev C "Proposed Ground Floor",
201 Rev B "Proposed First Floor",
202 Rev B "Proposed Second Floor",
203 Rev B "Proposed Third Floor",
204 Rev B "Proposed Fourth Floor"
205 Rev C "Proposed Fifth Floor",
206 Rev B "Proposed Roof Plan",
300 Rev C "Proposed Front Elevation"
301 Rev C "Proposed Rear Elevation",
302 Rev C "Proposed South-east Elevation",
303 Rev D "Proposed North-west Elevation"
400 Rev B "Proposed Refuse Access"
Materials Schedule - 21-T0051 Rev B
2200- TW-1 Rev A "WATER MAIN LOCATION TO SUB STRUCTURE"

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

- 2 [DELETED]

- 3 The levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site shall be implemented in accordance with details and plans approved under application 22/5246/CON.

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

2012) and Policies D3,D4, D8 and G7 of the London Plan 2021.

- 4 The materials to be used for the external surfaces of the building and hard surfaced areas hereby approved shall be implemented in accordance with the materials schedule plan - 21-T0051 Rev B, as detailed within the approved plans.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 5 All works must be carried out in full in accordance with the Demolition and Construction Management Plan approved under 22/1873/CON.

Reason: In the interests 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.

- 6 Prior to occupation of the development, a parking layout plan showing details of 19 off street parking spaces including 4 disabled spaces and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (4 active and 15 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan.

- 8 No works on the public highway including creation or modification of a vehicular

access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works any and reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy DM17.

- 9 Prior to first occupation of the development details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 61 cycle parking spaces (57 long-stay for residential, 1 long stay and 3 short stay for commercial) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 10 Prior to the first occupation of the development, hereby approved, a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan, and all loading shall take place within the site.

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.

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

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

- 12 Before the development hereby approved is occupied, an updated air quality neutral assessment report shall be written in accordance with the relevant current

guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

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

- 13 The approved mitigation scheme as set out in the Air Assessment by Eight Associates dated 17th February 2021, approved under application 21/0932/FUL, shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

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

- 14 a) Prior to the commencement of the use/first occupation of the development a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D14 of the London Plan 2021.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and policy D.14 of the London Plan 2021.

- 16 DELETED

- 17 a) Discharged under 22/1954/CON

b) The extraction and ventilation equipment to be installed as part of the development shall be implemented in accordance with details approved under 22/1954/CON before first occupation or the use is commenced and retained as such thereafter.

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

- 18 a) Prior to the commencement of the use or first occupation of the development details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor Class E use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

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

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

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

- 20 Part 1
Discharged under the details submitted under application 22/3076/CON

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

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

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

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

Part 2

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

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

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

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

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

- 22 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 23 a) Approved under application 22/1885/CON

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under 22/1885/CON has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in

accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G.7 of the London Plan

- 24 a) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

- b) The lighting shall be installed in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G.6

- 25 Prior to occupation of the development hereby approved, a scheme of ecological enhancements to incorporate ecological net gain shall be submitted to the Local Planning Authority for approval. This could incorporate but not be limited to the following;

1. Creation of useful wildlife corridors within the site.
2. Any tree species for replanting should be native and typical of the local area and of UK provenance
3. Bat roosting provision should be incorporated into the fabric of the new structure. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes.
4. Inclusion of bird nesting provision in the form of bird boxes.
5. Using native plants in the landscaping design which can provide habitat for wildlife.

The enhancements shall be incorporated into the design, and managed after in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

- 26 a) Approved under 22/4121/CON

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policy SI.13 of the London Plan, 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).

27 Any piling at the site shall only proceed in accordance with the details approved under 22/3675/CON.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

28 No construction works associated with the sub-structure shall take place within 5m of the water main located to the front of the application site, and any piling works shall retain at least 5.0m to the water main, and proceed in accordance with the details approved under application 22/3632/CON.

Reason: The proposed works will be in close proximity to underground strategic water mains, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure and requires consideration in accordance with Policy SI 13 of the London Plan 2021.

29 The commercial unit on the ground floor may only be used for the sale of hot food and food preparation if it has first been demonstrated that any flues and ventilation equipment will be accommodated within the approved building.

"If kitchen extraction units are proposed, these may only be brought into use after a detailed assessment for any kitchen extraction unit serving any use of the commercial unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority."

The development shall be implemented in accordance with details approved under this condition before the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced from odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 30 The ground floor Class E use hereby permitted shall not be open to members of the public before 7 a.m. or after 11 p.m. on weekdays or before 8 a.m. or after 9 p.m. on Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 31 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development., and details of a screen on the balcony area of Unit 37, as detailed on the approved plans, to adequately screen the private amenity areas of adjoining properties in Stuart Avenue, from the development. The screens shall be permanently retained as such thereafter.

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

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

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

- 33 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 townscape and character of the area and to ensure the Local Planning Authority

can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

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

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

- 35 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieves an improvement of not less than 75% (domestic and commercial) in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), and Policy SI2 of the London Plan 2021.

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

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

- 37 The residential units shall be completed as shown in the hereby approved drawings and shall be used as self-contained units under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

39 Prior to occupation of the development hereby permitted, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details, prior to occupation of any of the residential units..

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 and Policies D3, D4, D5 and D6 of the London Plan 2021.

40 The proposed use of the ground floor unit shall only be for purposes within use Class E of the Use Classes Order, as amended in September 2020, and for no other purpose, unless agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control of the type of use and to safeguard a continued employment use in accordance with policy DM14 of the Development Management Policies DPD (adopted September 2012).

41 Before the building hereby permitted is first occupied the proposed window openings in the north west flank elevation, serving the kitchen/living rooms on the first to fourth floor levels, shall be as detailed on the approved plans (P303 Rev D)

and shall be glazed with obscure glass only and top hung.

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

RECOMMENDATION III:

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

- 2 That if the above agreement has not been completed or Section 106 agreement Deed of Variation has not been submitted by 31 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. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
 3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.
 4. The proposed development does not include a formal undertaking to provide a Local Employment Agreement (LEA) to deliver skills, employment and training opportunities, and a contribution towards loss of employment floorspace, to the detriment of the economy of the Borough and contrary to Policies CSNPPF, CS8 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM14 of the Local Plan: Development Management Policies DPD (2012) and the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)

5. The proposed development fails to provide a comprehensive scheme of landscaping, including a formal undertaking to deliver street trees along this part of West Hendon Broadway, to compensate for the impact of the building on visual amenity and improve air quality, to the detriment of the character and appearance of the street scene and surrounding area, contrary to Policy G.7 of the London Plan (2016), Policies CSNPPF, CS1, CS5 and CS15 of the Local Plan: Core Strategy DPD (2012) and Policy DM01 of the Local Plan: Development Management Policies DPD (2012)

Informative(s):

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

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to

whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 5 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This

would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most

relevant and up to date guidance and codes of practice if not already listed in the above list.

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

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

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

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and 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."

- 11 The applicant is advised that an application under the Highways Act (1980) will

need to be submitted for any works proposed on the public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

1. Site Description

The application site was occupied by a part single, part two-storey motor vehicle service centre (Use Class B2), which included a garage workshop, an area dedicated for valet services and an ancillary office space. The motor vehicle service centre has ceased operations, with the site now vacant, and the buildings have been cleared from the site. The site is now enclosed behind hoarding.

The stretch of West Hendon Broadway in which the application site resides has a mixed character in both its use and architectural form. Adjacent to the application site at no.105, is a two-storey predominantly glazed car showroom (an appeal has agreed its conversion to residential) and there is currently a pending application to redevelop with a five-storey residential building (21/0932/FUL). To the north at nos. 117-125 is a part three, four and five-storey residential apartment block with two tone brick and metal cladding (under construction). Opposite the application site are prominent two-storey pitched roofed dwellings, to the north is the West Hendon Broadway local shopping parade which is characterised by three-storey parades with Dutch gable detailing and to the west are two-storey residential dwellings along Esmar Crescent and Cool Oak Lane. Immediately to the south of the site along the A5, the area is predominantly characterised by a mix of commercial buildings varying in scale from two to six-storeys.

The application site is not located within a conservation area and contains no buildings which are statutory or locally listed.

There are no trees subject to a Tree Preservation Order within the curtilage of the application site, although there is a row of mature trees spanning the rear boundary line.

The application site resides within Flood Zone 1. The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility.

2. Relevant Site History

Reference: 22/4899/NMA

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Approved

Decision Date: 20.10.2022

Description: Non-material amendments to planning permission reference 21/0932/FUL dated 18/02/22 for 'Demolition of the existing building and construction of a part four, part

five and part six storey building to provide a mixed-use development comprising 37 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class E), including access, car and cycle parking, refuse storage and amenity space.' Amendments include 560mm increase in height of building to facilitate increase in height of refuse vehicle access.

Reference: 21/0932/FUL

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Approved subject to s106 Agreement

Decision Date: 18.02.2022

Description: Demolition of the existing building and construction of a part four, part five and part six storey building to provide a mixed-use development comprising 37 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class E), including access, car and cycle parking, refuse storage and amenity space

The following conditions relating to application 21/0932/FUL have also been approved;

Condition 3 (Levels)

Condition 4 (Materials)

Condition 5 (Demolition and Construction Management and Logistics Plan)

Condition 17 (Noise Impact Assessment)

Condition 20 (Part 1 - Desktop Study Contaminated Land)

Condition 23 (Tree Protection Plan)

Condition 26 (Drainage Strategy)

Condition 27 (Piling Method Statement)

Condition 28 (plan to prevent potential for damage to subsurface potable water infrastructure)

Reference: 20/1067/FUL

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Refuse Permission

Decision Date: 23 October 2020

Description: Demolition of the existing building and construction of a part four, part five and part six storey building to provide a mixed-use development comprising 38 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class B1), including access, car and cycle parking, refuse storage and amenity space

Reference: H/01375/10

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Approved subject to conditions

Decision Date: 19 May 2010

Description: Ground floor extension to existing garage workshop.

Reference: W01154AM/07

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Approved subject to conditions

Decision Date: 18 September 2008

Description: Change of use of first floor from B1 use to D1.

Reference: W00346Z/06

Reference: W00346V/05

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Lawful

Decision Date: 28 December 2005

Description: Use of premises as a motor vehicle service centre (Class B2).

Reference: W00346U/05

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Withdrawn

Decision Date: 27 October 2005

Description: Change of use from Class B2 to electrical wholesale cash & carry (Class B8) with ancillary showroom (sui generis).

Adjacent sites:

Upper Welsh Harp

Reference: 15/00750/FUL

Address: Upper Welsh Harp, 117-125 West Hendon Broadway, London, NW9 7BP

Decision: Approved subject to conditions

Decision Date: 11 January 2016

Description: Construction of a new building up to 5-storeys high comprising of 43 no. self-contained flats (Class C3) and 437sqm of (Class A1) retail space at ground floor level with basement parking. Associated landscaping, refuse stores, cycle stores and amenity space.

105 West Hendon Broadway

Reference: 21/4352/FUL

Address: 105 West Hendon Broadway, London, NW9 7BN

Decision: Pending

Decision Date: N/A

Description: Demolition of the existing building and construction of a 5-storey building plus rooftop plant rooms comprising of 35no. residential units (Class C3) with basement level car and cycle parking. Associated hard and soft landscaping, amenity space and refuse.

Reference: 19/5651/PNO

Address: 105 West Hendon Broadway, London, NW9 7BN

Decision: Prior Approval Required and Refused

Decision Date: 12 December 2019

Description: Change of use from Use Class B1a (office) to Use Class C3 (residential) to provide 24 Units

Appeal: Appeal Dismissed (APP/N5090/W/19/3243616) - Quashed following Judicial Review

Redetermined Appeal: Allowed with conditions (21 December 2020)

Reference: 17/4293/FUL

Address: 105 West Hendon Broadway, London, NW9 7BN

Decision: Refused. Appeal Dismissed

Decision Date: 13 February 2018

Description: Demolition of existing car showroom and offices and redevelopment to provide a five-storey building comprising of 49no. self-contained flats plus basement parking for 25 cars and 70 cycles. Associated hard and soft landscaping, amenity space and refuse and recycling storage.

3. Proposal

Consent is sought to vary condition 1 of approved application 21/0932/FUL which granted consent for a part four, part five and part six storey building to provide a mixed-use development comprising 37 self-contained residential units with a Class E use on the ground floor.

This application proposes a raft of amendments and follows the granting of a non-material amendment in 2022.

As below, a significant number of the changes are relatively superficial and uncontentious. The main material changes can be summarised as;

- Unit numbers have been adjusted as reflected on the individual floor plans.
- Apartment General Arrangements updated.
- The overall height of the building would increase by 560mm, to accommodate a raised ground floor undercroft access to the rear of the building for emergency vehicles.
- Inclusion of external Plant Room to rear of building as approved via condition.
- Addition of pedestrian/cycle access along eastern flank.
- Clarification of Commercial Interior layout & revised Bin store arrangement.
- External Door & Window added to North Western Elevation to service Commercial Unit.
- Door to Balcony from Bedroom and Living Rooms switched to windows throughout building.
- At roof level, Lift Overrun and roof access positions reflected to suit building regulations, PV layout adjusted but remains subject to specialist design.
- Front elevation - Ground Floor - Signage panels added above entry doors as reflected on elevation.
- Hedging to balcony areas now reflected to suit plans.

The entire changes proposed to the scheme are as below, as listed in a submitted "Proposed Amendments" documents;

General Amendments

- o Unit numbers have been adjusted as reflected on the individual floor plans.
- o The elevation height adjustments are as application reference 22/4899/NMA.
- o Material colour changes are as application reference 22/4254/CON.
- o Some window transom heights have been adjusted to provide opening windows for natural ventilation.
- o Localised handrail height adjustments are reflected to suit building regulations.
- o Some window cill heights have been raised so as to allow for skirting boards / trunking.
- o Central Building Core adjusted to suit building regulations requirements.
- o Apartment General Arrangements updated to comply with Building Regulations.

Proposed Site Plan (P101 rev C)

- o Position of passive and active charging spaces adjusted.
- o Inclusion of external Plant Room to rear of building as approved via condition.
- o Reflection of stepped approach to front of site.
- o Updated proposal roof plan to reflect proposed planters.
- o Added Boundary Treatment Clarification to drawing.

Proposed Ground Floor Plan (P200 rev C)

- o Position of passive and active charging spaces adjusted.

- o Inclusion of external Plant Room to rear of building as approved via condition (inc. steps).
- o Levels adjusted as approved under recent planning applications.
- o Cycle Access route added to South Eastern Boundary.
- o Clarification of Commercial Interior layout & revised Binstore arrangement.
- o Some window and door position adjusted to suit internal structural positions.
- o Rear Plant Room (was too small) now utilized as Commercial binstore.
- o External Door(s) changed to windows adjacent to Terrace.
- o External Door & Window added to North Western Elevation to service Commercial Unit.
- o Central Brick Panel changed to window on Front Elevation (Commercial Unit).
- o Clarification of Dry Riser Position shown.
- o Structural Support Positions adjusted to suit Structural Engineers Layout.

Proposed First Floor Plan (P201 rev B)

- o Plant Roof Outline position reflected.
- o Flat 3 - Double Door amended to single door with sidelight serving balcony.
- o Flat 6 - Door to Balcony from Bedroom switched to window.
- o Flat 6 - Corner window arrangement adjusted to suit structural positions.
- o Flat 7, 8, 10 & 11 - Door to Balconies from Living Areas switched to window(s).
- o Flat 9 - Double Door amended to single door with sidelight serving balcony.

Proposed Second Floor Plan (P202 rev B)

- o Plans similar in amendments to floor below (P201 rev B) other than Flat numbering.

Proposed Third Floor Plan (P203 rev B)

- o Plans similar in amendments to floor below (P201 rev B) other than Flat numbering.

Proposed Fourth Floor Plan (P204 rev B)

- o Flat 30 - Door to Balcony from Bedroom switched to window.
- o Flat 30 - Corner window arrangement adjusted to suit structural positions.
- o Flat 31, 32 & 33 - Door to Balconies from bedrooms switched to window(s).
- o Flat 27 - Double Door amended to single door with sidelight serving balcony.
- o Flat 32 - Rear corner removed from terrace area.

Proposed Fifth Floor Plan (P205 rev C)

- o Flat 35 - Sliding Doors now opening inward doors.
- o Raised Terrace with steps exist to South Eastern end serving Flats 36 & 37.
- o Window positions adjusted to suit structural positions on South Eastern elevation.
- o Flat 37 (Bed 2) Door with sidelight amended to pair of windows.
- o Further window added to living area of Flat 37.
- o Flat 34 (Living Area) Door with sidelight amended to pair of windows.
- o Flat 34 - Double Door amended to single door with sidelight serving balcony.

Proposed Roof Plan (P206 rev B)

- o Roof Plan adjusted to reflect Plant Room below.
- o Planters shown within terraces for clarity.
- o Lift Overrun and roof access positions reflected to suit building regulations.
- o PV layout adjusted but remains subject to specialist design.

Proposed Front Elevation (P300 rev C)

- o Material Colours updated to reflects recent condition approvals.
- o Plant Room reflected on elevation (as extract) to clarify design intent.
- o Ground Floor - position of Dry Riser clarified.

- o Ground Floor - Signage panels added above entry doors as reflected on elevation.
- o Ground Floor - Window transoms added to allow for opening lights.
- o Ground Floor - Brick Panel with 107 removed in lieu of a full height window (commercial).
- o Vertical Brick panels between windows to projecting built form (with adjusted transoms) changed in favour of ppc panels. Flats 4, 5, 12, 13, 20, 21, 28, 29.
- o Full Height Windows and Doors either side of projecting brick form noted above now amended to have opening window lights to outer windows. Flats 4, 5, 12, 13, 20, 21, 28, 29.
- o Handrail heights adjusted to suit building regulation requirements throughout.
- o Vertical Brickwork detail lost at upper levels but minimal projection retained.
- o Lift overrun now reflected on Elevations to suit requirements.
- o Hedging to balcony areas now reflected to suit plans.
- o Full Height Windows and Doors on 5th floor level now amended to have opening window lights to outer windows (as shown).
- o Zone between Oriel Windows (RH side) have been infilled to mitigate use by nesting birds.
- o Refer to key on elevation for further amendment clarifications.

Proposed Rear Elevation (P301 rev C)

- o Material Colours updated to reflects recent condition approvals.
- o Plant Room reflected on elevation (as extract) to clarify design intent.
- o Handrail heights adjusted to suit building regulation requirements throughout.
- o Vertical Brickwork detail lost at upper levels but minimal projection retained.
- o Lift overrun now reflected on Elevations to suit requirements.
- o Hedging to balcony areas now reflected to suit plans.
- o Full Height Windows and Doors on 5th floor level now amended to have opening window lights to outer windows (as shown).
- o Recessed Brickwork changed to contrasting brickwork to feature windows. Flats 9, 17 & 25.
- o Full Height Windows and Doors on LH side now amended to have opening window lights to outer windows (as shown). Flats 3, 11, 19 & 27.
- o Window & Door arrangements to corner balconies adjusted on flats 3, 7, 8, 10 and similarly to units on 2nd floor, 3rd floor and 4th floors.
- o Zone between Oriel Windows (LH side) have been infilled to mitigate use by nesting birds.
- o Refer to key on elevation for further amendment clarifications.

Proposed South East Elevation (P302 rev C)

- o Material Colours updated to reflects recent condition approvals.
- o Plant Room reflected on elevation (as extract) to clarify design intent.
- o Handrail heights adjusted to suit building regulation requirements throughout.
- o Vertical Brickwork detail lost at upper levels but minimal projection retained.
- o Lift overrun now reflected on Elevations to suit requirements.
- o Hedging to balcony areas now reflected to suit plans.
- o Handrail extent to balconies (RH side) serving Flats 6, 14, 22 & 30. These corner windows also now proposed with panel to obscure structure behind.
- o Window & Door arrangements to corner inset balconies adjusted on Flats numbered 7, 8, 15, 16, 23 & 24.
- o Window positions to rear of building serving Flats 8, 9, 16, 17, 24 & 25 also relocated to suit internal structural positions.

- o Full Height Windows and Doors on 5th floor level now amended to have opening window lights to outer windows (as shown) and positions altered to miss internal structural elements.
- o Vertical Brick panels between windows changed in favour of ppc panels. Flats 6, 7, 14, 15, 22, 23, 30 & 31.
- o Refer to key on elevation for further amendment clarifications.

Proposed North West Elevation (P303 rev C)

- o Material Colours updated to reflect recent condition approvals.
- o Plant Room reflected on elevation (as extract) to clarify design intent.
- o Handrail heights adjusted to suit building regulation requirements throughout.
- o Vertical Brickwork detail lost at upper levels but minimal projection retained.
- o Lift overrun now reflected on Elevations to suit requirements.
- o Hedging to balcony areas now reflected to suit plans.
- o Zone between Oriel Windows has been infilled to mitigate use by nesting birds and brickwork features adjusted.
- o External Door & Window added to Commercial Unit (see GF Left Hand Side).
- o Window & Door arrangements to corner inset balconies adjusted on Flats numbered 1, 3, 10, 11, 18, 19, 26, 27 & 33.
- o Window cills brought up on windows serving bathroom on Flats 9, 17 & 25.
- o Full Height Windows and Doors on 5th floor level now amended to have opening window lights (as shown) and positions altered to miss internal structural elements.
- o Refer to key on elevation for further amendment clarifications

4. Public Consultation

Consultation letters were sent to 255 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Strongly object to the height and scale of the building, and not in keeping with the local houses in the area.
- Parking is already an issue in our area due to the flats opposite, having this new high rise building will only exacerbate the issue.
- Concern about privacy as gardens back on to the back of this property, having a high rise building will allow potential residents to see directly into our garden
- The amount of sunlight we get into our property on a day to day basis
- Due to other works there are constant sewage network issues and we do not need this getting worse.
- A change to residential usage this will cause increased noise especially at evenings andWeekends.
- Welsh Harp Reservoir which is a SSSI is nearby and so more development and cars would increase pollution in this area potentially endangering wildlife.
- West Hendon has been experiencing heavy traffic for years and the Council has still not sorted out traffic flow.
- Concern about construction noise and dirt.

Internal Consultations

Energy & Sustainability Officer

Agree measures have been put in place and the carbon offset figure can be reduced accordingly

Traffic and Development:

No objection as the proposed changes is unlikely to have a highways impact

Environmental Health Officer:

The changes included in this application would already be included in conditions set already around noise and air, therefore, EH has no additional comments.

Trees and Landscaping Officer:

Any of these changes will not have an impact on trees and landscape.

Ecology Officer:

It is recommended that the S73 application be approved on ecological grounds subject to the extant ecology related soft landscape and ecology conditions which have yet to be discharged as part of planning permission 21/0932/FUL dated 18/02/22 being agreed.#

External Consultations

TfL:

Having reviewed the submitted details, TfL has NO objection. to the proposed variation of Condition 1.

Metropolitan Police Service:

I am grateful to the LPA for the inclusion of planning condition 21 (Secured by Design) of prior permission reference 21/0932/FUL for this site, and would respectfully request that this condition remains valid for any new planning decision please.

Thames Water

Having reviewed the details, we have no comments to make at this time.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework

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

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

more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS11, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM09, DM17

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's

residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

- *Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)*

- *Barnet Trees Policy (October 2013)*

- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History/Principle of Development;

- Impact on the character and appearance of the application site, the street scene and the wider locality;

- Impact of the proposal on the amenity of neighbouring residents;

- Impact of the proposal on the amenity of future occupants of the development;

- Highway and Pedestrian Safety;

- Refuse and Recycling;

- Ecology and Biodiversity;

- S106, Affordable Housing, Sustainability.

Planning History/Principle of Development

The amendments do not impact negatively on the general principle of the proposed development. A mixed-use re-development of this brownfield site has previously been agreed as acceptable and this would remain the case. A continued employment presence at the site would also be secured. The previous application agreed a flexible Class E use for the ground floor unit and this could be ensured again with a similar condition to that used under application 21/0932/FUL. The same unit mix, 15% of which are medium priority 3-bedroom units, is once again acceptable.

Impact of the proposal on character and appearance of the application site, the street scene and the wider locality.

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states

that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Under application 21/0932/FUL, officers had secured a reduction in the bulk on the south-east elevation, with the upper floor set back from the floors below, in order to reduce the massing of this elevation, when viewed approaching along the A5, and to create a smoother transition to the lower set development at No.105 West Hendon Broadway. This aspect has been retained, and coupled with the now reduced to 5 storey from the proposed 6 development proposed under application 21/4352/FUL, would create a suitable scale of development when entering into the West Hendon Local Centre and this run of taller buildings which includes the Upper Welsh Harp development. .

The height of the building would increase by 560mm. The overall height of the approved building was 18.2m. An increase of 560mm results in a 3% increase in the height of the building, which is relatively negligible and was agreed as a non-material amendment (see history above). Whilst there are a significant number of alterations to the exterior of the building, none are of such significance to seriously alter the original design concept, and none which would alter the aesthetic appearance, to the building's detriment. The majority of changes, largely respond to the new owner's preferences, window shapes and pane arrangements differ, single door as opposed to double doors are used to access balconies, and taller ground floor glazing is used, a by-product of the need for greater clearance to the undercroft, to accommodate emergency vehicles. The revisions to the materials, and the materials palette generally, have been agreed under application 22/4254/CON. These details can be ensured under a revised materials condition to agree the development is constructed in accordance with the agreed details. The overall finish does not differ significantly from the approved building and raises no design concerns.

Trees and Soft Landscaping

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

There are several significant high and mature trees that are sited on the rear boundary which provide screening. These trees are all proposed to be retained as part of the scheme which reduces the visual impact on the neighbouring properties. The trees are coniferous and will provide screening year-round. The protection of these trees has been confirmed within the discharge of Condition 23 (Tree Protection Plan) - 22/1885/CON on 16th May 2022.

The proposed site plan provides greater detail on the landscape around the building. This can be worked out in greater detail however, through the discharge of condition 22 which seeks the agreement of hard and soft landscaping details.

The site was considered very confined and the space to provide meaningful tree planting limited. In this part of West Hendon Broadway there are no street trees to assist in improving the air quality and visual aesthetics of the area and reduce the sense of scale the proposed building will have. Therefore 15 street trees were agreed to be provided along this part of West Hendon Broadway at a cost of £650/tree £9,750.00, to be secured by way of a Section 106 agreement. This vegetative mitigation can once again be secured under this application, with a Deed of Variation to the agreement executed under 21/0932/FUL. The tree protection condition, agreed under 23, has already been discharged, and hard and soft landscaping details can again be agreed by condition.

Impact of the proposal on the amenities of neighbours

The report to committee under application 21/0932/FUL recorded the following under the section on the amenity of neighbouring occupiers;

Concern has been raised from a number of neighbouring properties with regards to potential impacts on the amenity of neighbouring properties. There are several semi-detached houses to the rear of the site on Esmar Crescent and Stuart Avenue. The Esmar Crescent properties are located at a considerable distance from the rear elevation of the proposed scheme, reducing the visual impact. Gardens are relatively deep, and even accounting for extensions which have been added to the rear elevation of dwellings, the proposed building also retains a reasonable gap to the common boundary. The rear return element would retain a gap of more than 10.5m to the common boundary, and the building then steps further back to its main component, which fronts the road. Window to window distance would be in excess of the 21.0m guidance. It is not considered the revised scheme would impact detrimentally on the amenity of neighbours.

With regards to Stuart Avenue, the western side of the building would be close to the common boundary of adjacent properties (9.5m) and includes openings and balcony areas, but given the angled relationship and depth of gardens, to rear elevations on houses at Stuart Avenue (25m) it is not considered that there would be significant impact. Even accounting for single storey extensions, window to window distances would be in excess of 35.0m

The inclusion of roof terraces as a way of augmenting private amenity space for future occupants is accepted. The terrace serving unit No.36 would face towards the angled rear boundary serving dwellings on Stuart Avenue. To ensure this elevated terrace area is not perceived by neighbouring occupiers to give rise to direct overlooking, planning conditions will be used so that screening of the roof terrace directly facing Stuart Avenue can be agreed. This would ensure that the site activity would not detrimentally impact the quality of existing amenity, but a usable terrace area of benefit to future occupiers could still be provided.

The proposed scheme has been designed to step away from the boundary at the rear of the site, to provide a suitable distance from window to window to the adjacent scheme at 117-125 West Hendon Broadway. The flank of 117-125 retains a gap of 5.0m to the common boundary with the application site and it is not considered this scheme would appear overbearing. The proposed flank wall windows in the main section of the building to the front, are predominantly secondary, but do include bedroom windows, which it would not be appropriate to obscure glaze. However, the proposal remains consistent with the previous scheme (20/1067/FUL), which was not refused on these grounds. An amendment to the plan to an oriel style window, to direct any glazing away from the adjoining windows

would address this concern.

As detailed above, there are several significant high and mature trees that are sited on the rear boundary which provide excellent screening and these trees are all proposed to be retained as part of the scheme, which would be secured by planning conditions.

As such, it is considered that the proposal would not adversely impact on neighbouring amenity.

The overall building footprint does not change, and the above distances would once again be retained. The previous measures of oriel windows, and a screen to the terrace area serving No.36 (now No.37) could once again be secured by condition. There are therefore no concerns with the amenity of neighbouring occupants and the original analysis above does not change. As such, it is considered that the proposal would not adversely impact on neighbouring amenity.

Impact on amenity of future occupiers

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

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. It is evident that with the reconfiguration some of the units would be served by double bedrooms below the 11.5 sq. m stipulation. This is largely to improve the proposed bathroom serving the respective units, including to achieve Approved Document M4(2) compliance. Overall unit floor areas are in some cases generous, but approximately seven bedrooms have a floor area between 10.0m - 11.0m. It is not considered this infraction on standards seriously compromises the overall quality of accommodation, the units will benefit from a larger bathroom area which will bring its own benefits, units are generally well laid out and served by individual amenity areas, not always the case on flatted schemes. The proposed layout of units is accepted.

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

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

Once again, flats would have their own private amenity space via either a balcony, or a ground floor garden, with large terraces serving some of the units at fourth and fifth floor level. Further to this, given the quality and quantum of space at the West Hendon Playing Fields, Woodfield Recreational Park and Welsh Harp Open Space and their proximity to the application site, Officers were previously satisfied in determining that this would provide a viable and appropriate source of additional external amenity space for future residents. It is considered this arrangement is still acceptable, and a good level of amenity space would be provided.

The two-ground floor 3-bedroom units are designated as wheelchair accessible units and

will fully meet the requirements of Part M4(3) of the Building Regulations. All other units in the proposed development will meet the requirements of Part M4(2) of the Building regulations and this can be agreed by condition.

The proposed internal floor plan and placement of habitable rooms and windows protects the privacy of future occupier amenity and mitigates against harmful noise transference. This is particularly pertinent for units which are located adjacent to onsite car parking or communal roof terraces. The Council's Environmental Health Department have confirmed continued satisfaction with the proposal and the details submitted. The Air Quality Assessment and the Noise Assessment both confirm that there will be no adverse impacts of either air pollution or noise pollution affecting the proposed residential development. This can once again be further controlled by way of noise insulation secured by planning conditions.

Overall, the scheme will comprise high quality and useable space and will adequately serve the needs of future occupiers in accordance with current policies and guidance.

Highway and Pedestrian Safety

The highways Officer has assessed the revised submission and raises no objection subject to the same highways/parking conditions being imposed and the following secured by legal agreement;

Amendment to the Traffic Management Order

-A contribution of £2,072.55 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

This measure can once again be agreed under a revised legal agreement.

Ecology and Biodiversity

The applicants submitted a Preliminary Bat Roost Assessment (Babec Ecological Consultants August 2020). The report states that *'No bats or evidence of bats were recorded during the PRA and the existing building and all trees within the proposed development site were assessed as having negligible potential to support roosting bats.'* Therefore, further bat presence/absence surveys on the buildings are not required. The council's ecologist has reviewed the submission and is content with the findings.

Ecological enhancements could be made to improve its ecological value post development, and this could be secured by way of a planning condition.

The council's ecologist has reviewed the submission and is content with the proposal subject to the same ecological conditions being imposed again.

Flood Risk and Drainage

National standards for SUDs require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

Although the site has not been identified as being located in an area with a high probability of flooding (Flood zone 1), the development must be designed to provide suitable Sustainable Urban Drainage solutions, in accordance with the Sustainable Design and Construction SPD.

The LLFA had assessed the submitted information and had no concerns from a flood risk/drainage perspective, subject to an appropriate condition agreeing further details of the SUDS scheme. This was secured by condition and duly discharged under application 22/4121/CON. The agreed details can be secured by condition under this application.

ul MET Police

The Crime Prevention Officer has reviewed the submission and recommended that the same planning condition as before (condition 21) be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval can again be conditioned accordingly.

Thames Water

The proposed development is located within 15 metres of a strategic sewer. Thames Water had requested the following condition to be added to any planning permission. *"No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."*

Condition 27 (Piling Method Statement) under application 21/0932/FUL has been discharged (22/3675/CON) and the methodology proposed can be secured once again.

The proposed development is located close to a strategic water main. Thames Water do not permit the building over or construction within 5m, of strategic water mains. Thames Water request that a condition be added to any planning permission confirming that no construction shall take place within 5m of the water main. This aspect was agreed under condition 28 discharged with application 22/3632/CON.

S106, Affordable Housing, Sustainability

Under the previous consent, the following obligations were secure under the executed s106;

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

-Contribution of £216,069 towards Affordable Housing provision within the borough paid at the start of construction phase.

- An Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted
- A Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let
- An obligation to secure "Peppercorn Rents" as Ground Rent payment on the residential units.

4. Employment and Training

-The applicant would be required to enter into a Local Employment Agreement with the Council to secure non-financial contributions towards employment/learning/apprenticeships or a financial contribution of £130,122.90

-The obligation will also include a separate financial contribution towards the loss of employment floorspace of £283,287.00.

5. Carbon Offset Payment

Payment of £89,735 towards Carbon Offset to meet mayoral zero carbon target.

6. Contribution towards street tree provision

A contribution of £9,750.00 (15 trees) towards the new provision of street trees in the immediate area.

7. Amendment to the Traffic Management Order

-A contribution of £2,072.55 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

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

The above measures, scheme characteristics and mitigation, including Affordable Housing obligations, can be secured again with a Deed of Variation to the original Legal Agreement.

The applicant has provided a revised Energy Statement which incorporates much improved sustainable construction measures, including the use of Air Source Heat Pumps. This significantly revised down the carbon offset payment to £28,045.00. This has been checked and confirmed by the council's Energy/Sustainability Officer, and the Deed of Variation can also agree the provision of a carbon offset obligation to secure this lower figure. The Energy Statement advises that carbon dioxide emission savings of 755 can now be made, and these savings can be secured through a condition.

5.4 Response to Public Consultation

The majority of comments received are considered to have been addressed above in the assessment section of the report. Further comments received are addressed below.

-Welsh Harp Reservoir which is a SSSI is nearby and so more development and cars would increase pollution in this area potentially endangering wildlife.

It is not considered that the redevelopment of a previously developed site would impact the open space, ecological enhancements on site can be agreed by condition.

-The amount of sunlight we get into our property on a day-to-day basis

The proposal would not result in serious loss of daylight/sunlight to adjoining premises.

-Due to other works there are constant sewage network issues and we do not need this getting worse.

Thames Water have been consulted and raise no issues. There is no substantive evidence that the sewage system could not cope with the proposed scheme.

-A change to residential usage this will cause increased noise especially at evenings and Weekends.

It is not considered that any noise levels associated with a residential scheme, which, if excessive, could be controlled by separate legislation, would justify a refusal of this application.

-West Hendon has been experiencing heavy traffic for years and the Council has still not sorted out traffic flow.

-Concern about construction noise and dirt.

A Construction Management Plan, which has already been agreed by condition, could reduce issues with noise, dust and disturbance during construction. The area is continually changing and the proposed mix of residential with a commercial ground floor is considered appropriate.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the revisions to this approved scheme are considered appropriate. In light of the above it is therefore recommended consent is granted subject to conditions and an amended legal agreement to tie obligation to any new consent.

