

Location **84 West Heath Road London NW3 7UJ**

Reference: **22/3958/FUL** Received: 1st August 2022
Accepted: 1st August 2022

Ward: Childs Hill Expiry: 31st October 2022

Case Officer: **Stephen Volley**

Applicant: c/o agent

Proposal: Demolition of existing building (Class C2) and erection of three storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space (AMENDED DESCRIPTION AND PLANS)

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

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

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

-Travel Plan, (Local Level) including monitoring fee of £5,000.00

- Carbon offset contribution of £290,700.00
- Local Employment Agreement seeking a 50/50 hybrid model of outcomes delivered, including a financial contribution of £171,365.50
- CPZ permit restrictions for staff/residents of the development
- A section 278/184 agreement

-Meeting the Council's costs of monitoring the planning obligation(s)

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:

2031 PL-0200 Rev P8 - Proposed Site Plan
 2031 PL-0209 Rev P5 - Proposed Lower Ground Plan
 2031 PL-0210 Rev P9 - Proposed Ground Floor Plan
 2031 PL-0211 Rev P7 - Proposed 1st Floor
 2031 PL-0212 Rev P6 - Proposed 2nd Floor
 2031 PL-213 Rev P2 - Proposed Roof Plan- No 3rd Floor
 2031 PL-230 Rev P1 - Proposed Elevations with Context
 2031 PL-235 Rev P1 - Proposed Section
 2031 PL-0300 Rev P6 - South East and South West Elevations
 2031 PL-0301 Rev P6 - North West and North East Elevation
 2031 PL-0710 Rev P4 - Area Plan GIA
 2031 PL-DAS Rev P3 - DAS Addendum

Planning statement dated March 2023
 Landscape Design Proposals - Top Floor at 2nd Floor dated 9th June 2023
 Air Quality Assessment dated March 2023
 Arboricultural Impact assessment dated 17th March 2023
 Basement impact Assessment dated March 2022
 Biodiversity Impact Calculation Version A Report dated July 2022
 BREEAM New Construction 2018 (UK) Pre-assessment Report dated March 2023
 Circular Economy Statement dated March 2023
 Daylight and sunlight report dated March 2023
 Draft Construction Management Plan dated March 2023
 Dusk Activity Survey Report Version A dated February 2022
 Energy Strategy Report dated March 2023
 Fire Statement for Planning Dated 17th March 2023
 Flood Risk Assessment & Drainage Strategy dated May 2022
 Framework Travel Plan dated March 2023
 Heritage Statement dated March 2023
 Lighting impact assessment dated March 2023
 Noise Impact Assessment dated March 2023
 Operator Statement dated March 2023
 Planning Needs Assessment dated March 2023

Preliminary Ecological Appraisal Report Version D dated July 2022
Updated Preliminary Roost Assessment with Dusk Activity Survey Report dated October 2022
Refuse & Waste Management Plan dated March 2023
Stage 2 Report dated March 2023
Transport Statement dated March 2023
Addendum Statement of community involvement dated May 2022
Archaeological desk based assessment dated February 2021

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

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

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

- 3 a) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) No development (other than demolition works) shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

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

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

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

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

development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

8 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

Reason: 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).

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

2022) and Preliminary Ecological Appraisal report (Syntegra Consulting, January 2022, Version C), and submitted landscape design plans.

2) In accordance with the Biodiversity Impact Calculation Report Syngerta Consulting (January 2022) the development shall achieve 13.3% biodiversity net gain.

Reason: To enhance biodiversity in accordance with section 197 of the Town and Country Planning Act 1990, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy G6 of the London Plan.

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

Reason: To enhance and protect biodiversity in accordance with section 197 of the Town and Country Planning Act 1990, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM16 of the Development Management Policies DPD (2012) and Policies G5, G6 and G7 of the London Plan.

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

Reason: To enhance and protect biodiversity in accordance with section 197 of the Town and Country Planning Act 1990, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM16 of the Development Management Policies DPD (2012) and Policies G5, G6 and G7 of the London Plan.

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

Reason: To enhance and protect biodiversity in accordance with section 197 of the Town and Country Planning Act 1990, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM16 of the Development Management Policies DPD (2012) and Policies G5, G6 and G7 of the London Plan.

- 14 Prior to first occupation of the development, a Car Parking Management Scheme

shall be submitted to and agreed in writing by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;

x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

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

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

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

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

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

19 The level of noise emitted from any installed ventilation / extraction plant hereby

approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

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

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

21 Development shall not begin until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

22 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

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

b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building.

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

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

24 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).

25 In strict accordance with the Use Class and Operator statement (dated March 2023), the property shall be used as a care home (Use Class C2) and for no other purpose (including any other purpose in Class C2 or C3 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.

26 No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reasons: Network reinforcement works may be required to accommodate the proposed development

27 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place 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

28 a) Prior to the first occupation of the hereby approved development, details of the proposed green walls and roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

29 a) The non-residential development is required to meet the BREEAM very good level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013)

30 The development shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the

minimum Target Emission Rate requirements of the 2010 Building Regulations as set out in the Energy Strategy Report dated March 2023

The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policy SI 2 of the London Plan (2021).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10th November 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):

The proposed development does not include a formal undertaking for submission of a Travel Plan, Section 184 Agreement or Local Employment Agreement or to meet the costs of monitoring the Travel Plan, contribution to carbon off-set fund or monitoring fee. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS13 of the Local Plan Core Strategy (adopted September 2012), policies DM04, DM14 and DM17 of the Development Management Policies (adopted September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014), the Sustainable Design and Construction SPD (adopted October 2016) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

for further details on exemption and relief.

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

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

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

Further details and the application form can be downloaded from:

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

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall

be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 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 Licenses or email highwayscorrespondence@barnet.gov.uk
- 8 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 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 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 11 No works on 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 with the Highways Authority under Section 278/184 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development
- 12 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

OFFICER'S ASSESSMENT

1. Site Description

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

2.0 Site History

- 2.1 The following planning history is relevant to the consideration of the application.
- 2.2 On 6 March 1974, full planning permission was granted for the erection of a staff room under application reference C04794. It is understood that, at this time, the site was in active use as a care home for the elderly.
- 2.3 On 24 April 1974, full planning permission was granted for the erection of a fire escape under application reference C04794A. As above, the site was in active use as a care home at this time.
- 2.4 On 10 November 1995, full planning permission was granted for alterations to the building elevations, front entrance ramp, fire escape staircases and general refurbishment works under application reference C04794B. The application confirmed that the site remained in active care home use at this time.
- 2.5 On 3 July 1996, a full planning application for alterations to the home, including the erection of a two-storey rear extension, was refused by the Local Planning Authority under application reference C04794C.
- 2.6 On 17th January 2017, a Planning Enforcement Notice was issued on the basis that a change of use of the property to a day school (Use class D1) had taken place without permission. The following reasons were given for the serving of the notice:
 1. The introduction into a previously quiet residential area of the incongruous patterns of activity associated with the school and, in particular, the increased comings and goings at either end of the school day has resulted in detriment to that character, contrary to policy CS5 of the adopted Barnet Core Strategy DPD (2012) and to policies DM01 and DM13 of the Development Management Policies DPD (2012).
 2. Traffic generated by the day school, over and above that which might

reasonably be associated with any fall-back position, likely reduces the free flow of traffic on local roads. Any increase in journey generation, whether resulting from a change in travel behaviour or an increase in the size of the school, will exacerbate the situation. Furthermore, any increase will also likely lead to an unacceptable risk to local highway safety, contrary to policy CS9 of the adopted Barnet Core Strategy DPD (2012) and policies DM17 and DM13 of the Development Management Policies DPD (2012)

3. By virtue of the noise and disturbance associated with access and egress the use of the site as a day school has a detrimental effect upon neighbours' standard of life and there exists the potential for an increase the level of general disturbance, contrary to policies DM04 and DM13 of the adopted Development Management Policies development plan document (DPD) (2012).

- 2.7 On 27 January 2017, a lawful development certificate application for the proposed internal conversion of the property and its use as a boarding school was granted by the Local Planning Authority under application reference 16/5298/192.
- 2.8 A current planning application (20/4748/FUL), for the full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage, is under consideration.
- 2.9 On 14 March 2023, a planning application was refused by planning committee under application reference 22/0228/FUL for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space.

The application was refused for the following reasons:

1. The proposed development, by reason of its excessive size, height, scale and massing, would be visually discordant and detrimental to the character and appearance of the streetscene and wider locality, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012), Policy D3 of the London Plan 2021, and the Adopted Residential Design Guidance SPD (2016).
2. The proposed development does not include a formal undertaking for submission of a Travel Plan, Section 184 Agreement or Local Employment Agreement or to meet the costs of monitoring the Travel Plan, contribution to carbon off-set fund or agreement monitoring fee. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS13 of the Local Plan Core Strategy (adopted September 2012), policies DM04, DM14 and DM17 of the Development Management Policies (adopted September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014), the Sustainable Design and Construction SPD (adopted October 2016) and the Planning Obligations SPD (adopted April 2013).

3.0 Proposal

- 3.1 Planning permission is sought for the demolition of existing building (Class C2) and erection of three storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space within one building (Amended description and Plans)
- 3.2 The proposal, as amended from five stories above ground level to three, provides a total of 62 bedrooms (being a reduction of 18 bedrooms from the original submission). The footprint of the building has been refined but not increased from the previously refused scheme. The projecting element supported by two columns on the south east elevation has been reduced in depth thus providing greater separation with immediate neighbours. In addition to minor fenestration changes, balconies have been removed on all floors. The following ancillary communal areas at lower ground and ground floor level remain largely unchanged although greater circulation space is now proposed.
- Concierge / Lobby
 - Great Room
 - Cinema
 - Assisted Bathroom
 - Communal Toilets
 - Communal Dining Room
 - Quiet Rooms
 - Seating Areas
 - Hair Salon
 - Bar
 - Therapy Rooms
 - Kitchen
 - Landscaped Garden
- 3.4 As with the previous scheme the proposed building will be centrally located within the site and has been designed to encourage views out over the existing tree canopies and away from neighbouring properties (following residents concerns for loss of privacy). Access to the proposal is made through the existing vehicular gates from West Heath Road. Visitor and accessible parking have been introduced at ground floor level, adjacent to the main entrance to the building. This provides a total of 9 parking spaces (inc. 2 blue badge space) as well as an ambulance bay (previously 11, inc. 2 blue badge and 1 ambulance).
- 3.5 Existing hard and soft landscaping in and around the application site is to be maintained and enhanced with additional screening proposed to neighbouring properties. Communal gardens are provided for future residents.
- 3.6 Refuse and recycling is stored within an identified location at basement and ground level. The bins will be brought up to ground floor via the lift for collection.
- 3.7 The existing green boundaries of the site will be maintained and further planted to provide additional screening to neighbouring properties. A green wall system is also proposed to encourage both biodiversity net gains and significant visual/amenity improvements.

4.0 Public Consultation

- 4.1 As part of the original consultation exercise for the five storey proposal, 161 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press. A total of 45 letters of objection were received.
- 4.2 Summary of Neighbour Objections
- 4.3 The material planning considerations contained within the representations received from neighbouring residents can be summarised as follows:
- Overdevelopment and overbearing
 - Over intensification of use
 - Excessive height and scale
 - Development out of context with surroundings
 - Loss of heritage asset (Victorian building)
 - Large scale development already approved nearby
 - Impact on Ecology -bat surveys
 - Operator/Use Class - the credibility of the proposed operator in terms of constitution and funding capabilities
 - Lack of Affordable Housing
 - Tree/Landscape Impact
 - Flood Impact
 - Risk to road and pedestrian safety due to location close to a bend in the road
 - Roof gardens not appropriate for elderly residents
 - Parking impact
 - Intensity of use not appropriate for residential setting
 - Disruption during the construction of the development
 - Basement will impact on environment (water table)
- 4.4 In addition to the above objections a further letter of objection has been received from Cllr. G. Innocenti raising the following issues:
- No in principle objection
 - Absence of 'affordable rooms' for local residents
 - 5 storey development will be visible above tree line in West Heath Road
 - Out of character
 - Development must maintain level of aesthetic within the locality
- 4.5 Responses from external Consultees
- 4.6 The following responses were received from external consultees:
- The Victorian Society - Objection received
 - Westover Hill Residents Association - Objection received
 - Historic England - No archaeological requirement
 - TFL - no objections subject to conditions
 - Historic England – decided not to add 84 West Heath Road to the list of buildings of special architectural or historic interest.
- 4.7 Responses from Internal Consultees

4.8 The following responses were received from internal consultees:

- Steet Scene - No objections
- Environmental Health - No objection subject to conditions
- Traffic and Development - No objection subject to conditions and S106 obligations
- Travel Plans - No objection subject to S106 obligation
- Trees and Landscape - Tree protection measures requested by condition
- Ecology – sufficient survey data to discharge the LPA’s statutory requirement under Sec40 Natural Environment and Rural Communities Act 2006

4.9 Re-consultation

4.10 Following receipt of the amended plans and description of development, a re-consultation letter was sent to neighbours on 20th April 2023. A total of 28 letters of objection were received.

Summary of Neighbour Objections:

- Residents’ concerns ignored
- Revised scheme would have benefited from being completely rethought
- Building is still some 240% larger (4,341m²) than the existing (1,812m²) in terms of gross internal floor area
- Building footprint (1,139m²) would extend over 28% of the site area accentuating the still excessive size of the proposed development relative to the much smaller plots on the immediate site boundaries.
- The resultant development density would be 152 units/hectare, which is 60% above the upper Density Matrix range
- Other schemes affording significant weight to the London Plan Density Matrix
- Monolithic proposition totally out of keeping with the neighbouring buildings - unnecessarily large and imposing not in keeping with the local area
- The proposed development is still far too large for the site and is an eyesore
- Visually discordant and detrimental to the character and appearance of the streetscene and wider locality
- Revised scheme simply lowers the height of the building to 3 storeys (above ground)
- Aggressive footprint projections and coverage of the building
- Negative impact on the local community, changing the aesthetic of the neighbourhood
- Increased density
- Loss of heritage asset (Victorian building)
- Overlook and overshadow neighbouring properties.
- Only 7 parking spaces on site which will be likely used by employees and emergency vehicles.
- Significant traffic congestion creating difficulties for local residents, businesses, and emergency services
- Inadequate parking arrangements
- On street parking and deliveries resulting in additional pressure
- Highway safety implications
- The entrance / exit on a blind bend will increase the risks of accidents
- Increased air pollution and greenhouse gas emissions.
- Noise and disturbance

- Increased demand for sewage and refuse unacceptable
- Destroys greenery and trees - mature trees along the border will be destroyed or damaged
- Ongoing effect of managing and administering a care home
- Whether this is a legitimate care home use
- Credibility and experience of the proposed operator questioned.
- The Basement area is too large and could cause flooding to the local area.
- Lack of affordable housing contribution
- Significant flood risk, including basement
- Flood risk assessment and drainage strategy (Syntegra – March 2023) casts doubt over the efficacy of the proposed surface water drainage strategy
- Basement will impact on environment (water table)
- Impact on the value of surrounding homes
- Allows for unacceptable conversion to flats
- Appropriate bat surveys required to inform planning assessment - survey work carried out during a sub-optimal survey season
- Flawed examination of the likely extent of the development encroachment into the root protection area of the single 'veteran' (Category A) oak tree on the site
- Zero Carbon offset needs to be secured by S106

4.11 The material planning objections are addressed within the main body of this report.

5.0 Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published January 2021) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).

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

5.3 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.

5.4 The Mayor's London Plan 2021:

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

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. 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.

5.6 Barnet's Local Plan (2012):

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM09, DM10, DM15, DM16, DM17.

5.8 Policy DM09 relates to the provision of specialist housing in the Borough, Policy DM07 seeks to protect existing housing in Barnet.

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

5.10 Barnet's Local Plan (Reg 22) 2021:

5.11 Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Relevant policy - HOU 04

5.12 Supplementary Planning Documents

- Residential Design Guidance (2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)
- Planning Obligations (2013)

6.0 Main issues for consideration

6.1 The main issues for consideration in this case are:

- Land Use / Principle of Development
- Character and Appearance
- Amenity Impact
- Quality of Accommodation
- Sustainability
- Transport / Highways Impact
- Potential for flooding (surface water) / Basement impact
- Crime Prevention / Fire Safety
- Ecological Impact
- Arboricultural Impact
- Affordable Housing
- Part M compliance – Access and circulation
- Waste and recycling
- S106 agreement
- Conclusion and Planning Balance

7.0 Planning Considerations

7.1 Land Use / Principle of Development

- 7.2 The existing site is currently occupied by a building formerly used as a care home (Use Class C2) and the proposed development seeks the retention of this use with re-development to provide a single building comprising up to 62 care beds (Use Class C2) – as amended.
- 7.3 Policy CS4 of the Barnet Core Strategy states that Barnet will seek to create successful communities by creating a variety of housing related support options that maximise independence for residents including older people and people with disabilities. Policy CS 11 of the Core Strategy states that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet or its successor bodies and the council's Adult Social Services. A similar approach, of requiring need to be demonstrated, is set out in policy DM09 of the Barnet Development Management Policies and policy HOU 04 of the Barnet Draft Local Plan 2021.
- 7.4 The London Plan states that care home accommodation (C2) is an important element of the suite of accommodation options for older Londoners and this should be recognised by boroughs and applicants. To meet the predicted increase in demand for care home beds to 2029, London needs to provide an average of 867 new care home beds a year. The provision of Care Quality Commission rated Good or Outstanding care home beds is growing at around 3,525 bed-spaces a year in London.
- 7.5 The building was previously in the ownership of the London Borough of Camden as a Care Home (Use Class C2) known as St Margarets. The building was disposed by LB Camden and was acquired by Heathside Preparatory School. The school initially had received a Certificate of Lawful Use (LDC) for "Internal conversion and use of the existing property to provide education and boarding accommodation."

- 7.6 The LDC (ref: 16/5298/192) was submitted on 11th August 2016 for use of the property as a boarding school (use class C2). The application was supported by a Counsel opinion (from James Strachan KC) to determine what level of boarding (as a component of the wider school use) would allow it to operate under the extant C2 planning permission and was granted on 27th January 2017, which confirmed that the use of the former care home as a boarding school fell within the same C2 Use Class and therefore did not require planning permission.
- 7.7 The LDC confirmed that a boarding school can be lawfully operated from the former St. Margret's care home but advised (by informative) that a 50:50 ratio should be maintained between attending day pupils and boarders. It was envisaged that the school would operate with approximately 128 pupils, based on 64 day pupils and 64 boarders.
- 7.8 It is officers understanding that this required ratio was unable to be achieved by the school operators and the school operated functionally as a day school.
- 7.9 Enforcement action was therefore taken against the school for 'Without planning permission, the change of use of the property to a day school (Use Class D1).' From the evidence gathered as part of the enforcement action, it was confirmed that the site was used by Heathside Preparatory School as a D1 day school (now Class F1). Any elements of boarding accommodation were not sufficient in scale, or accordant with the requisite 50/50 ratio to change the nature of the use to a boarding school. Therefore, as the day school use of the site was unlawful, the last lawful use of the property was as a care home within class C2.
- 7.10 Community or education uses are covered by Barnet policy DM13. Paragraph 14.1.2 of this policy defines community and education uses as "health centres, dentists, schools and further education, spaces for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worships and some policing facilities." Given that the site was unlawfully used as a day school, the proposal cannot be considered to involve the loss of an education use. The loss of a boarding school is not considered relevant either as the building was not sufficiently used for the purposes of C2 use. From the above summary, the application therefore does not involve the loss of an education use.
- 7.11 Having regard to the need assessment, which was submitted with the application, it is considered that the application will accord with the aims and objectives of local plan Policy CS4 and with the London Plan. It should also be borne in mind that this application is for a new care home to replace the previous building whose former lawful use was as a care home, so this is not a proposal to introduce a new care home use on land not previously used for that purpose.
- 7.12 The previous application (22/0228/FUL) was refused by planning committee due its excessive size, height, scale and massing, and in the absence of a S106 agreement to meet the needs arising from the development. The principle of development was not disputed and is therefore considered acceptable in this subsequent application.

7.13 Character and Appearance

- 7.14 The existing building has been extended and altered over time with a side wing extension which mimics the design of the existing building and a more recent two-storey rear element which projects a significant distance rearward into the site. It has also been fitted with various modern window types across the building.
- 7.15 Given the considerable and insensitive alterations to the existing building it is not considered that officers could object to the demolition of the existing building. It is neither designated as a statutory or locally listed building nor located within a conservation area. English Heritage has deemed the building unsuitable for listing. Furthermore, contrary to the views of the Victorian Society it is not considered that the existing building should be accounted as a non-designated heritage asset, and even if it were, a balanced judgement would indicate that the benefits of the proposal outweigh the loss of the building. Moreover, and perhaps most importantly, such matters were not raised as a reason for refusing the previous application.
- 7.16 Policy DM01 of the Local Plan states that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- 7.17 To overcome the objections raised in the previously refused scheme (excessive size, height, scale and massing) and to align with both officer and consultee comments received during the course of this application the following key amendments / refinements are now proposed.
- The building has been reduced from five stories above ground floor level to three.
 - The projecting element supported by two columns on the south east elevation has been reduced in depth thus providing greater separation with immediate neighbours.
 - internal rearrangement of the uppermost floors resulting in a reduction in the number of rooms from 80 to 62.
 - The footprint (and therefore the land take) is refined but not increased
 - Fenestration is limited on the boundary facing elevations. In these areas, more decorative infill panels have been proposed to limit views within these areas.
 - Removal of balconies on all floors
 - The axis of the circulation core and associated apartments has been rotated to open up the floor plan. This subsequently provides vistas through the building into the external landscape areas.
- 7.18 Layout:
- 7.19 A detailed plot analysis was carried out for the previously refused scheme, which calculates the existing building as occupying 20% of the site, with an average plot ratio of 30% amongst those within the surrounding immediate area, including those immediately adjoining the site. The comparison plan submitted in support of this application confirms that the footprint remains as previously submitted.
- 7.20 In line with the previous application the layout of this current proposal seeks to marginally increase the site coverage of the existing built form to a level broadly commensurate with the surrounding plots. With the loss of the upper two floors and

a reduction in the depth of the overhang, the overall net reduction in the above ground square area of built form is 23%.

- 7.21 Overall, the proposed layout and footprint continues to be supported by officers and with the reduction in the number of rooms from 80 to 62 now being proposed the level of activity associated with this proposal is much reduced. High quality hard-surfaced and landscaping details, involving maintenance and management would be secured by condition along with details of tree protection measures. The amendments also seeks to respond to existing Tree Root Protection Areas (RPAs) whilst maintaining a 9m clear separation to the existing site boundaries.
- 7.22 Scale, Massing and Height:
- 7.23 The scale and height of the previously refused scheme varied across the proposed development, with a significantly stepped back top floor. The proposal sought to concentrate massing and height towards the front / middle of the site with a maximum height of six storeys with the upper level being significantly recessed. The proposal in its amended form provides a more subtle design approach with a continuous flat roof proposed (save for plant and lift overruns). Moreover, and most importantly, a significant reduction in height is also proposed from five stories above ground floor level to three. In the Officers view these important design amendments will assist in assimilating the building into its surroundings without appearing visually discordant and detrimental to the character and appearance of the streetscene and wider locality.
- 7.24 Whilst Officers accept that the footprint of the building remains similar to the previously refused application, the significant reduction in height and subtle roof form now being proposed reduces the scale of the building; being more sympathetic to the height and pattern of surrounding buildings and the prevailing characteristics of the area.
- 7.25 In terms of massing, the proposed building is broken up by a number of recessed and projecting sections. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposal.
- 7.26 The Barnet Characterisation Study 2010 sets out inter alia that "this character area is substantially residential.... adjacent to the West Heath, streets begin to meander in line with the topography and yet remain well-connected. Residential building plot sizes are consistent across Golders Green with standard semidetached houses. They vary elsewhere, although are generally of a standard semi-detached size except alongside West Heath where they become quite large."
- 7.27 The study goes on to state that "...in areas adjacent to the West Heath, there is a greater abundance of detached housing on large plots, becoming semirural in character".
- 7.28 Further guidance can be drawn from appeal decision APP/N5090/A/04/1149384 at 63/67 West Heath Road. In the decision notice for that appeal, the inspector, in establishing the existing character of the area, noted inter alia that "... there are various large residential properties, often set behind mature trees" (paragraph 5). In going on to assess the impact of development, the inspector goes on to state that "along this part of West Heath Road, the buildings, although of a substantial size,

are extremely varied in their appearance. They range from detached houses to sizeable blocks of apartments and include both old and new properties. It is evident that no particular architectural style predominates" (Paragraph 7).

- 7.29 In concluding on the issue of impact on character and appearance, the inspector noted that "... the scale, massing and height of the proposed blocks broadly reflect that of adjoining buildings. Although the blocks would have four or five floor roof heights when viewed from the road would be similar to that of neighbouring properties" (Paragraph 8).
- 7.30 In terms of other neighbouring development, it is noted that a similar scale and design of building was approved and currently under construction at The Oren, 114-120 West Heath Road. This scheme is located to the north-east of the site and was approved under reference 16/5993/FUL. The scheme comprises six storeys (20.5 metres), with a recessed top level and similar projecting and recessed bays. Further to the above example, on the opposite side of the road, there are two sites of Oak Lodge and Oracle Apartments which comprise five storeys.

For comparison (see design and access statement – addendum):

- The Oren, 114-120 West Heath Road
Height above ground 20.5 metres (6 storeys above ground level)
- Oracle Apartments, 63 West Heath Road
Height above ground 18 metres (5 storeys above ground)
- Oak Lodge, 67 West Heath Road
Height above ground 16.9 metres (5/6 storeys above ground)

- 7.31 In the context of these precedents, officers consider that the scheme would not be incongruous within the established context of its surroundings. Officers consider that the proposed development would sit well within its large plot which as outlined is an established feature of the locality. The site is heavily screened by mature trees which are to be retained which would also provide a good degree of screening and maintain the semi-character outlined in the Barnet Characterisation Study and at paragraph 6.10. As noted by the inspector in the decision for appeal ref APP/N5090/A/04/1149384 there is little uniformity in the properties in the surrounding context and it is clear to officers that the established character is of large properties set within large plots of varying scales and styles. As has been set out with the existing precedent, the scale of some of those existing properties are substantial and broadly similar to the scale of the proposed development as would be perceived from the street. As such, officers consider that the scale and height of the development would not have a detrimental impact on the established character of the area.

- 7.32 Elevations / Fenestration:

- 7.33 Urban design officers welcome the contemporary design approach, particularly in relation to the fenestration detailing, decorative infill panels and subtle roof form now being proposed. It is noted that the upper level has been designed in a different aesthetic to offer a contrast to the lower floors. The stepped nature of the building also offers the opportunity to articulate the massing. Such measures will enhance the building's aesthetic thereby promoting the contemporary design. The

refinement of the elevations including window rotation and loss of balconies does not compromise the overall contemporary appearance of the building. The subtle roof form now being proposed will help soften the appearance of the building and is considered to be a significant improvement on the previous design that sought varied roofscape.

- 7.34 Overall, in terms of layout, scale, massing and design, the proposed development (as amended) is considered by Officers to be a significant improvement from the previously refused scheme and in compliance with policy objectives for achieving inclusive design.

7.35 Amenity Impact

- 7.36 One of the key objectives of the NPPF (2021) is to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para 130 (f)).

Privacy, Overlooking and Outlook:

- 7.37 The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.
- 7.38 The site is surrounded by residential properties within Eden Close to the north and north-east, of which the site shares a boundary with No.8, whilst the road of Eden Close separates the site from Nos. 1 &2 and No.88 West Heath Road. To the south-east and south, the site shares boundaries with Nos 6 - 12 Westover Hills, as well as No.74 West Heath Road.
- 7.39 The separation distances are measured to each street as follows:
- Eden Close - the scheme achieves an approx. 11-12m distance from the rear elevation to the north-eastern boundary treatment with No.8. A 20.5m window to window separation is maintained and there are significant mature and tall trees along this boundary which will prevent direct overlooking. This distance increases as the building form steps back. Nos 1 and 2 Eden Close are sited between 25-35m away from the proposed built form. Due to the siting and orientation of these properties, views towards these properties would be obscure and are again screened by mature trees. The loss of the third and fourth floors will greatly assist in mitigating overlooking as will the removal of balconies that were previously proposed on all floors.
 - Westover Hill - measured from the south-eastern elevation, there would be in excess of 25m to the rear elevations of nos. 6 - 12. This exceeds the SPD guidance and therefore it is not considered that overlooking concerns arise. Again, there is considerable screening along this boundary. Notwithstanding compliance with SPD guidelines and following local residents' concerns, the south east elevation has been refined and windows rotated to prevent direct overlooking of these neighbouring properties. The loss of the third and fourth floors will greatly assist as will the removal of balconies that were previously proposed on all floors. Obscured glass is to be inserted into stairwell and bathroom windows. Green wall planting will

further contribute to the general planting scheme.

- West Heath Road - there is 25m separation from the proposed to both the north (no.88) and south (no.74).

4.40 Daylight and Sunlight:

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

- 1 Eden Close (north)
- 88 West Heath Road (north west)
- 8 Eden Close (north east)
- 6 -12 Westover Hill (south east)
- 74 West Heath Road / 4 Westover Hill (south)
- 71 - 79 West Heath Road (west)

1 Eden Close

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

88 West Heath Road

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

8 Eden Close

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

6 -12 Westover Hill

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

74 West Heath Road / 4 Westover Hill

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

71 - 79 West Heath Road

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

Sunlight:

- 7.48 The results for the neighbouring residential properties that face within 90 degrees of south demonstrates that BRE's criteria for both annual and winter sunlight would be satisfied to all windows.
- 7.49 Overall, Officers accept the findings that the proposed development will not give rise to a significant impact upon the daylight or sunlight amenity received to these properties.
- 7.50 Noise and General Disturbance:
- 7.51 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The proposed development will make the most efficient use of the site; a use that is consistent with its historical use class and the overriding residential character of the surroundings.
- 7.52 The number of bedrooms would likely result in an increased number of movements to and from the site on a daily basis, however it is not considered that this increase would be so significantly above the current baseline as to result in a significantly greater impact than already exists. The reduction in bedroom numbers for this amended proposal from 80 to 62 is welcomed in this respect.

Conclusion:

- 7.53 The safeguarding of neighbouring amenity was not considered contentious in refusing the previous application, with scale, height and massing being the only reason for refusing the application (save for the absence a S106 agreement to be explored in later sections). Due to the reduction in the height of the building from five stories above ground floor level to three stories, the loss of balconies on the principal elevations and the rotation of windows including obscured glazing to stairwell and bathrooms, Officers take the view that this current application will further safeguard neighbouring amenity in terms of outlook and loss of privacy.

7.54 Quality of Accommodation

- 7.55 Policy DM02 of the Local Plan seeks to ensure development provides accommodation of a suitable standard of living taking into account size of the unit, daylight, sunlight, outlook, privacy and noise and vibration.
- 7.56 The bedrooms are designed to provide spacious and flexible accommodation with each bedroom providing en-suite shower facilities, ample storage, a reading area and fitted media units. Window placement has been carefully considered to maximise the natural daylight penetration and ventilation to the bedrooms whilst maintaining privacy to the surrounding properties. Communal areas, shared leisure

facilities and generous amenity spaces would also be provided which, it is considered, would combine to ensure a high-quality living environment for the future occupants.

7.57 Sustainability

- 7.58 The 2021 London Plan, requires within Policy SI2 that major development be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand.
- 7.59 Policy SI2 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.
- 7.60 The Energy Statement by Syntegra dated March 2023 and subsequent calculations submitted to the Council for assessment have been reviewed by our Energy Officer. Emissions reduction over Part L of just over 15% for the Be Lean stage, and just over 35% overall, have been demonstrated thus meeting the Mayor's targets. A carbon shortfall, to reach net zero emissions has been calculated at 102 tonnes CO₂/year. To offset this shortfall a carbon offset payment of £290,700 has been agreed and is to be secured by S106 agreement. A Planning condition has also been imposed to achieve the improvement of not less than 35% in carbon dioxide emissions as per the Energy Strategy report (March 2023).
- 7.61 In accordance with national and local planning policy the proposed development will be expected to meet a minimum BREEAM 'Very Good' rating demonstrating the way that the project is designed and built to minimise greenhouse gas emissions across their lifetime and incorporate sustainable design and construction measures. The measures identified in the submitted pre assessment report for meeting this level are to be secured by planning condition, which requires certification of the selected generic environmental standard prior to first occupation.

7.62 Transport / Highways Impact

- 7.63 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Parking:

- 7.64 The site has a public transport accessibility level (PTAL) rating of 3 (average). This is on a scale of 1 to 6 where, 1 represents poor accessibility to public transport and 6 represents excellent access to public transport. Six bus routes (460, 82, 13, 245, 328, 260) can be accessed from stops within 6 minutes walking distance of the site. Golders Green tube station is 11 minutes walking distance from the site. The site is in a CPZ which operates Mon-Fri, 11am-12noon and there are yellow lines in the vicinity.
- 7.65 The application as amended reduces the number of beds from 80 to 62. A total of 9 parking spaces are proposed at surface level along the site frontage (inc 2 blue badge space) as well as an ambulance bay provided at ground floor level (previously 11, inc. 2 blue badge and 1 ambulance).
- 7.66 Given the PTAL rating of the site is 3, and residents will not be driving, the spaces are primarily for staff and visitors. As with the previous application 40% of staff are expected to travel by car and with 15 members of staff on each shift, this would equate to 6 spaces. The remaining 5 spaces will be allocated to visitors. This is considered to be reasonable subject to a s106 CPZ permit restriction for staff/residents of the development.
- 7.67 Electric vehicle charging points are to be provided at 20% active and an additional 80% passive infrastructure for future provision. Such measures to be secured by a planning condition.
- 7.68 Based on London Plan standards, a minimum of 1 space per 20 bedrooms is required for short stay and 1 space per 5 FTE staff. Ample cycle parking is provided in secure storage at lower ground level to meet these standards, details of which would be secured by condition.
- 7.69 Given that no parking restrictions are proposed on site, the issue of obstructive and non-residents' parking needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces is therefore required by condition.

Layout, Access and Servicing:

- 7.70 The existing access to the site on West Heath Road is to be retained. This connects onto a drive which provides access to parking spaces and the turning head for deliveries and servicing vehicles. The internal driveway is wide enough to accommodate two-way traffic.
- 7.71 Swept path drawings of a large car and a refuse vehicle have been provided and these show that both can enter and exit the site in forward gear. Further details have also shown that a fire engine and a standard Barnet sized refuse truck could also safely access in accordance with a request made by the Council's Transport officers (drawing TR001 Rev B).
- 7.72 A servicing bay is provided adjacent to the main entrance into the building for use by refuse lorries and delivery vans on the site. A total of approximately 8 deliveries are expected per day and this can be accommodated within the proposed servicing

bay assuming an average dwell time of approximately 10 minutes.

Road Safety:

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

Trip Generation:

- 7.75 An analysis of the potential trip generation from the site has been carried out using industry standard database called TRICS. The results show that the proposal as amended to 62 bedrooms will generate 35 two-way vehicle movements during the AM peak (8-9am) and 24 two-way vehicle movements during PM peak (5-6pm).
- 7.76 The impact of this level of trip generation on the surrounding highway network has been assessed by Transport Officers and considered unlikely to have a significant impact on traffic movement and highway / pedestrian safety.
- 7.77 In conclusion, it is considered that the development would be acceptable from a transport and highways perspective subject to planning conditions and a travel plan including incentives and monitoring fees and permit restrictions for staff/residents of the development. Such measures to be secured through the S106 process along with a S278 for necessary highway works.

7.78 Potential for flooding (surface water) / Basement impact

- 7.79 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".
- 7.80 The application is accompanied by a Flood Risk Assessment which sets out that the site is located within Environment Agency Flood Zone 1 and indicating a low risk of surface water flooding. Nevertheless, a requirement would be included within the landscaping condition to ensure that SUDS measures are incorporated into the landscaping scheme. As the site is previously developed the increase in impermeable areas is limited. Also, an attenuation tank proposed will also limit discharge. Although it is suggested by the applicant that Thames water do not seek agreement regarding discharge for sites which have an existing connection the authority has requested a pre-commencement condition to ensure surface water capacity exists off site to serve the development and that all surface water network upgrades required to accommodate the additional flows from the development have

been completed. Such measures are to be secured through a development and infrastructure phasing plan.

- 7.81 The application is also accompanied by a Basement impact Assessment dated March 2022, which concludes from the thirteen potential impacts identified as a result of the screening exercise that all potential impacts can be mitigated by appropriate design and standard construction practice. Formation level for the proposed basement is likely to be within the 'Claygate Member' and it may extend below the water table, although the report states that this needs to be confirmed through a ground investigation and groundwater monitoring programme post decision. The surface water and flooding screening has not identified the requirement for a flood risk assessment to be undertaken.

7.82 Crime Prevention / Fire Safety

- 7.83 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. To this end, the Metropolitan Police were consulted on the application and no objections were received. Secure entry points will be provided to the front entrances of the proposal and these points will be controlled to prevent any unauthorised access. Access points towards the front of the proposal will also be provided for residents to access the external areas safely and securely. Should planning permission be granted, a compliance condition would be attached to ensure that the development complies fully with Secured by Design standards.
- 7.84 A Fire statement has been provided with the strategy exceeding level of safety expected by the life safety requirements with respect to fire under the Building Regulations 2010 (including amendments). The access routes for the fire appliances will meet values recommended in London Fire Brigade Guidance Note GN29 [34] as summarised in Table 11 of the report for a pump appliance, with a turning area to be provided at the end of the building driveway. The building will utilise a progressive horizontal evacuation strategy, supported by a comprehensive fire detection and alarm system. Such measures to be approved via building control regulations.

7.85 Ecological Impact

- 7.86 A Preliminary Ecological Appraisal supports the application, with the conclusion being that the nature of the proposed development, with additional surveys, mitigation, and precautionary measures in place, will ensure that the proposal will have no adverse impacts upon surrounding habitats, protected species, and wildlife in general.
- 7.87 In addition, and at the request of the Ecology Officer, an updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) has been subsequently undertaken and submitted for further review. The report concludes that no evidence of roosting bats were recorded within the buildings and this is the accepted position with Officers. The timing of the survey work undertaken during September 2022, has been brought into question for being 'outside of the optimal bat survey season (may to August inclusive)', however in the Officers opinion the survey was designed and implemented in a manner proportional to the likely risk of encountering a roosting bat within the building with low suitability as per the Ecological Good Practice Guidelines.

7.88 According to the most recent landscape masterplan (drg 0525-11-01 Rev J) prepared by Wolff architects the proposal has ensured minimal tree loss with additional planting of boundary shrubs and trees. The landscape plan includes enhancements to the 'woodland' sections of the site with additional understorey planting that will provide good insect biomass for local foraging bats." It is understood that trees T37 (oak tree - moderate suitability), T12 (false acacia - low suitability, climbing inspection) and T15 (maple - low suitability - climbing inspection) will be retained and thus no further bat survey or inspections would be required.

7.89 Biodiversity Net Gain:

7.90 The Biodiversity Impact Calculation Report Syngerta Consulting (January 2022) has been assessed by the Ecology Officer. The results show that the proposed scheme habitat creation will result in a net gain of 13.31%, thereby meeting the 10% increase in habitat value for wildlife as required by Local plan policy DM16.

7.91 In light of the above and subject to a suite of planning conditions to be imposed to ensure full compliance, the proposed development is considered to align with the NPPF and the development plan aim of enhancing the natural environment.

7.92 Arboricultural Impact

7.93 There are 48 trees on the site/ immediately adjacent to it. The trees are primarily located towards the periphery of the site and mostly are judged to be of moderate to low quality specimens. There are TPO designations to the north-east, south-east and west.

7.94 The Arboricultural Impact Assessment submitted with the application concludes that there would be, at most, a low impact on the resource: a small portion of the trees will be removed or pruned to facilitate construction. This Assessment responded to comments from the Council's Arboricultural officer in relation to the previously submitted scheme(s).

7.95 The trees located towards the edges of the site would be largely retained and as such the screening they provide would not be appreciably diminished which is considered acceptable in line with previous direction from the Council's Arboricultural officer. The potential for casting shade to habitable rooms was not raised as an issue in the previous application with only bedrooms 9 and 10 being subject to only minor levels of shade from the veteran oak T37 tree. The lower ground floor plan is designed to sit within the development zone so that the lower floors do not have a negative impact on the root protection zones (RPZs)

7.96 A planning condition is attached to secure the additional planting proposed and tree protection measures.

7.97 Affordable Housing

7.98 The application is for care home purposes, within the C2 Use Class of The Town and Country Planning Use Classes Order.

7.99 Policy H13 of the London Plan states that specialist older persons housing should

deliver affordable housing. However, it is confirmed in the supporting text that this does not apply to accommodation that is considered to be care home provision, specifically where personal care and accommodation are provided together as a package with no clear separation between the two. As this application proposes 'care home' accommodation, the London Plan requirement for affordable housing is not engaged, and provision of affordable housing for a care home is not required by other planning policies.

7.1.1 Part M compliance – Access and circulation

7.1.2 Following consultation responses and comments from neighbouring residents the internal layout and access strategy has been refined in regards to vertical circulation within rooms and core areas at ground and lower ground levels. This will ensure that full access is provided to all areas of the proposal in compliance with building regulations. All access arrangements are also designed to meet the relevant standards.

7.1.3 Waste and recycling

7.1.4 Currently, site waste is collected in front of the existing building on West Heath Road. Waste is taken to the roadside ahead of collection with refuse vehicles not accessing the site directly. As noted on plan, a dedicated secure bin storage compound is located on the lower ground floor with the expectation being weekly collections including recyclable dry waste. The drag distance (including service lift) and collection point follows our standards and no objection has been received from our engineers. A Refuse and Recycling Collection Strategy including refuse storage/collection arrangements to include the type of storage, elevations and dimensions of the bin stores is secured by planning condition.

7.1.5 S106 agreement

7.1.6 In refusing the previous application, refusal reason 2 was imposed as it did not include a formal undertaking for submission of a Travel Plan, Section 184 Agreement, Local Employment Agreement, Carbon off-set fund and restrictions to CPZ permits for future occupiers and staff. Following detailed discussions with the applicant the following undertakings and financial contributions are agreed to be secured by S106 agreement. Such measures will meet the needs arising from this development in compliance with Policies CS5, CS9 and CS13 of the Local Plan Core Strategy (adopted September 2012), policies DM04, DM14 and DM17 of the Development Management Policies (adopted September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014), the Sustainable Design and Construction SPD (adopted October 2016) and the Planning Obligations SPD (adopted April 2013).

-Travel Plan, (Local Level) including monitoring fee of £5,000.00

- Carbon offset contribution of £290,700.00

- Local Employment Agreement seeking a 50/50 hybrid model of outcomes delivered, including a financial contribution of £171,365.50

- CPZ permit restrictions for staff/residents of the development

- A section 278/184 agreement

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

8.0 Comments on Objections

8.1 Local residents (including Cllr comments) have expressed a wide range of concerns, which have been fully considered in the main body of this report. Objections relating to visual harm and overdevelopment are not supported by Officers as the proposal in its amended form provides a significant reduction in height from five stories above ground floor level to three, including a subtle roof form in favour of the varied roofscape previously sought. This will greatly assist in assimilating the building into its surroundings. Such measures also mitigate against the impact on neighbouring residents in terms of loss of outlook, overlooking concerns and noise and disturbance (with the level of activity on the site greatly reduced). Refinement of the principle elevations, the removal of balconies and the use of obscure glazing at the upper levels will further assist in this regard. It is accepted that the footprint remains similar to the previous application, but this is comparable with existing development in the locality and will be less evident due to the significant reduction in the height of the building.

Objections relating to transport impacts and refuse collection cannot be supported. The 9 parking spaces (inc 2 blue badge spaces) as well as an ambulance bay meet local plan standards. Access arrangements to and from the application site are considered by Transport engineers to be safe, without comprising existing vehicular and pedestrian movement. Subject to planning conditions, a travel plan, and permit restrictions for staff/residents of the development, Officers support this application. The refuse and recycling strategy is also supported by Officers due to the size and location of the storage area. It is noteworthy that the previous application was not refused for these reasons.

The existing trees located along the boundary of the site are to be largely retained and reinforced, with detailed mitigation measures secured by condition to protect rooting systems. Concerns for tree loss is therefore overcome through these measures. Ecological enhancements will result in a net gain of 13.31%, being in excess of the minimum requirements required by Local Plan policy DM16. Again, these issues were not considered contentious in determining the previous application.

Residents' concerns for air quality and increased carbon emissions are noted and have been addressed through mitigation measures for meeting the Mayors targets, including a significant financial contribution to ensure net zero emissions for the lifetime of the development. A BREEAM condition has also been imposed requiring pre occupancy certification that the project is designed and built to minimise greenhouse gas emissions. Residents' concerns for flooding / service water drainage are also noted. In accordance with the comments received from Thames water a pre-commencement condition has been imposed to ensure surface water capacity exists off site to serve the development and that all surface water network upgrades required to accommodate the additional flows from the development have been completed. The Basement Impact Assessment dated March 2022, confirms that all potential impacts can be mitigated by appropriate design and standard construction practice.

No mechanism or trigger exists in the NPPF or development plan policy for securing affordable rooms to the local community. Notwithstanding this, the care home itself is considered to be a community benefit for the local catchment area, as is the local employment opportunities that can be created. The financial contribution of £171,365.50 secure through the S106 agreement will assist in this regard.

Following Historic England's decision to decline an application for listing the existing property, its demolition is beyond the control of the local planning authority.

The legitimacy of the care home and its ongoing management and administration is tightly controlled by a planning condition that requires the property to be used in strict accordance with the Use Class and Operator statement dated March 2023. The condition prevents any alternative use without prior consent from the Local Planning Authority. Residents' concerns relating to the depreciation in the value of their homes is understood, but this is not a material planning consideration for determination by the Local Planning Authority.

9.0 Equality and Diversity issues

- 9.1 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.

10.0 Conclusion and Planning Balance

- 10.1 Following a detailed assessment of the proposed development, officers consider that the proposal as amended is acceptable having regard to the relevant local and national policies. The proposed development would provide a high quality care home development, having an acceptable impact on the character and appearance of the site and wider locality due to its scale, massing and height. The proposed building form and layout ensures there is no significant harm on the amenities of neighbouring properties and the highways impact is acceptable. The impact on trees and ecology is equally acceptable. The reduction in height from five stories above ground level to three and the refinement of elevations to address neighbours concerns for loss of privacy are welcomed by both Officers and a number of residents.
- 10.2 The proposed benefits of the scheme are:
- Provision of 62 care home bedrooms along with ancillary communal space contributing towards local and London wide targets
 - S106 contributions towards travel plan including incentives, local employment opportunities
 - The economic benefits of the scheme as set out in the Planning Statement
 - CIL contributions to improve local infrastructure
- 10.3 In addition to compliance with development plan policies, it is considered that the package of public benefits is of importance and attracts positive weight in the decision making.
- 10.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development

plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies, and that other material planning considerations exist, which justify the grant of planning permission.

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

Location Plan

