

Location **Ilkley House, Redcroft And The Georgians 51 The Bishops Avenue London N2 0BJ**

Reference(s):

21/6798/FUL

Received: 29th December 2021

Accepted: 11th January 2022

Ward:

Garden Suburb

Expiry: 12th April 2023

Case Officer: James Langsmead

Applicant: Birch Venture Ltd

Proposal(s): Construction of a detached building of up to 4 storeys, plus lower ground levels and rooms in the roofspace to provide 33 residential flats with associated amenity space, access, parking, landscaping, refuse and cycle storage

OFFICER'S RECOMMENDATION

Approve subject to a Unilateral Undertaking and conditions

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

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of seeking to secure the following:

1. Highways
 - Renewing the footway along the site frontage - To enhance pedestrian safety (Works to be carried out under a s184/278 Agreement)
 - Modifications to the existing vehicular crossovers and reinstating redundant crossovers to footway. (Works to be carried out under a s278 Agreement)
2. Affordable Housing
 - £1,000,000.00 Payment in lieu of Affordable Housing on site.
 - Late Stage Review mechanism
3. Skills, Employment, Enterprise & Training
 - Provision of the following Skills, Employment, Enterprise and Training opportunities, or Commuted Sums for alternative employment opportunities (construction) in lieu of LEAs Job opportunities (commuted sums in event of

non delivery TBC):

- Job Brokerage
 - Progression into employment (under 6 months) – 4 places
 - Progression into employment (over 6 months) – 3 places
- Apprenticeships and work experience
 - Apprenticeships – 6 places
 - Work experience – 8 places
 - School/college/university site visits – 46 places
 - School / College workshops – 38 places
- Local Labour – 10%; Local supplier requirements: 2

4. Carbon Off setting

- Contribution to Borough's Carbon Off-set fund £15,240.00.

5. Tree Replacements

- Submission of a Landscaping plan detailing replacement trees to the value of £20,602.00, as estimated within Tree Valuation Report (Ref: HVL/WR/TVR/01; dated 7th July 2022; produced by Landmark Trees). Any shortfall to be estimated in consultation with the Council and agreed in writing. Estimated sum to be paid to the Council to facilitate equivalent replanting locally.

6. Ecology & Biodiversity

- Submission of a detailed combined landscaping and Biodiversity Net Gain plan that offsets the loss 0.26 habitat units of Medium Distinctiveness dense/bramble scrub requiring a like-for-like replacement. Where this cannot be achieved, then in consultation with the Local Planning Authority and its Biodiversity specialist(s), it will be agreed either that (1) reasonable like-for-like habitats on a site(s) within the Borough of Barnet shall be enhanced to the relative compensatory level; or, (2) the applicant will compensate like-for-like habitats by collaborating with local NGOs such as the London Wildlife Trust.
- Monitoring of the Landscape and Ecological Management Strategy
- Translocation of the reptiles to The Towers site prior to site clearance.

7. Parks and Open Spaces Contribution

- Sum of £46,218.12 Index Linked towards the improvement and enhancement of Lyttleton Playing Fields within the London Borough of Barnet as identified by the Parks and Open Spaces Officers or such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate: (a) Provision of drainage to playing pitches and grounds of amenity land (b) Buildings and fencing improvement within Parks and Open Spaces (c) Project Management Consultation for improvements (d) Improvements to sports courts (e) Improvements to children's play area (f) Safety in parks including soft and hard landscape improvements (g) Disability access improvements

8. Monitoring of the Legal Agreement

- Contribution towards monitoring of the legal agreement over the required 30 year period.

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:

Conditions

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

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

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

Site Location - 2155 PL-0001 P1
Existing Site Plan - 2155 PL-0002 P1
Existing Building - 2155 PL-0110 P1
Proposed Site Plan - 2155 PL-0197 P1
Proposed Basement - 2155 PL-0198 P2
Proposed Lower Ground Floor - 2155 PL-0199 P1
Proposed Ground Floor - 2155 PL-0200 P1
Proposed First Floor - 2155 PL-0201 P1
Proposed Second Floor - 2155 PL-0202 P1
Proposed Third Floor - 2155 PL-0203 P1
Proposed Fourth Floor - 2155 PL-0204 P1
Proposed Fifth Floor - 2155 PL-0205 P1
Proposed Roof Plan - 2155 PL-0206 P1
Proposed Elevations - 2155 PL-0210 P1
Proposed Elevations - 2155 PL-0211 P1
Proposed Sections - 2155 PL-0220 P1
Proposed Basement (Coloured) - 2155 PL-0250 P2
Proposed Lower Ground Floor (Colour) - 2155 PL-0251 P1
Proposed Ground Floor (Coloured) - 2155 PL-0252 P1
Proposed First Floor (Coloured) - 2155 PL-0253 P1
Proposed Second Floor (Coloured) - 2155 PL-0254 P1
Proposed Third Floor (Coloured) - 2155 PL-0255 P1
Proposed Fourth Floor (Coloured) - 2155 PL-0256 P1
Proposed Fifth Floor (Coloured) - 2155 PL-0257 P1
Design and Access Statement - 2155 PL-DAS V3

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).

3 a) Prior to works above slab level, details of the materials to be used for the external

surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

4 a) No development 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), and Policies D4, D5, D8 and G7 of the London Plan 2021.

5 a) No development 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) and Policy G7 of the London Plan 2021.

6 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) and Policy 7.21 of the London Plan 2016.

7 a) Notwithstanding the landscaping details submitted, 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. The scheme must achieve an Urban Greening Factor value of not less than 0.4.

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines immediately below. An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies G5, G6 and G7 of the London Plan 2021.

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy G5 of the London Plan 2021.

9 a) Prior to the occupation of the hereby approved development, a final Landscape and Ecological Management Plan for all landscaped areas for a minimum period of 30 years shall be submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Ecological 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 Ecological 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) and Policies G5 and G6 of the London Plan 2021

10 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site

Reason:

To protect nesting birds pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 and G7 of the London Plan 2021.

11 Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details.

Reason:

To ensure biodiversity on site is enhanced, pursuant to section 197 of the Town and

Country Planning Act 1990 in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 and G7 of the London Plan 2021.

12 Before the final occupation of the last remaining building hereby approved, all biodiversity and ecological enhancement and mitigation measures as set out in the Ground Level Tree Assessments (Syntegra Consulting, April 2023); Bat emergence & Re-entry Survey Report (Syntegra Consulting, June 2023); Reptile Mitigation Strategy (Syntegra Consulting, May 2023b); and, Lighting Impact Assessment and External Lighting Design (BSG, R02, July 2023) shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016); and London Plan (2021) Policy G6.

13 All site works and works in connection with the development hereby approved shall be carried out in strict accordance with the recommendations set out in the approved Ground Level Tree Assessments (Syntegra Consulting, April 2023); Bat emergence & Re-entry Survey Report (Syntegra Consulting, June 2023); Reptile Mitigation Strategy (Syntegra Consulting, May 2023b); and, Lighting Impact Assessment and External Lighting Design (BSG, R02, July 2023).

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016); and London Plan (2021) Policy G6.

14 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.

xi. Provision of competent banksman.

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.

15 Notwithstanding the parking layout submitted with the planning application, prior to commencement of the development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces including disabled spaces within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 54 off-street parking spaces shall be provided and used for no other purpose than the parking and turning of vehicles in connection with approved development.

Reason:

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

16 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 66 cycle parking spaces (64 long stay and 2 short stay) 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.

17 The hereby approved development shall be carried out in full accordance with the details contained within the Fire Statement (Ref: AF2471; Issue: 03; 25/11/2021; produced by Ashton Fire), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved development is constructed to the highest

standards of fire safety and is compliant with Part B of the Building Regulations, in accordance with Policy D12 of the London Plan (2021).

18 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 278/184 of the Highways Act for these works any and reinstatement of the footway along the site frontage and any consequential damage to the public highway resulting from the proposed development. All off-site highway works shall be carried out fully implemented to the satisfaction of the Local Highway Authority prior to first occupation of the development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

19 Prior to works above slab level, a Stage 1 Road Safety Audit shall be undertaken in relation to the basement proposed car park. The results of the audit shall be submitted to and approved in writing by the Local Planning Authority. Any necessary works identified within the audit shall thereafter be fully implemented prior to the first occupation of any part of the development.

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

20 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.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policy CS9 and DM17 of the Barnet Local Plan (2012)

21 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

22 Prior to works above slab level, details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 11 active and 43 passive electric vehicle charging points.

The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan 2021.

23 Prior to works above slab level, drawings showing the swept paths of a fire tender entering and exiting the site in forward gear shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved drawings.

Reason: In the interest of highway safety, security and resilience to emergency in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy D11 of the London Plan (2021).

24 Prior to works above slab level, a Specification, Manufacturer's Warranty, Maintenance Agreement, Call out response times, and signal system for the operation of the car lifts and the Automated Electronic Access Control Shutter must be submitted to and approved in writing by the Local Planning Authority.

The development shall be maintained and managed in accordance with the details provided.

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

25 Prior to works above slab level, an assessment of the potential impact of the underground car park and its extract ventilation system on the future users and occupiers of the development, shall be submitted to and agreed in writing in consultation with the Council's Environmental Health unit.

The assessment must:

- Identify the consequence to local air quality from the development, and the likely air pollution exposure and risks to the end users of the development and nearby sensitive receptors.
- Make suitable recommendations for the mitigation of any risks and harms identified.

The scheme shall be carried out in full accordance with the details approved under

this condition.

Reason: To ensure that the amenities and health of future occupiers and neighbouring occupiers of the development are not prejudiced by poor air quality, in accordance with Policies GG3 and SI1 of the London Plan 2021, and Policies CS13 and DM04 of Barnets Local Plan (2012).

26 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a gym. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

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

31 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration

has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

32 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

33 a) Notwithstanding the details hereby approved, no development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

with Policy CS13 of the Barnet Local Plan.

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

Reason: To ensure the development provides adequate amenities of the future occupiers of the building and neighbouring residents and to protect bats in accordance with Policies DM01 and DM16 of the Barnet Local Plan (2012); and Policy G6 of the London Plan (2021).

35 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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)

36 Prior to occupation, the development hereby approved shall obtain a 'Secure by Design' accreditation and confirmation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012 and Policy D11 of the London Plan (2021).

37 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan.

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021.

41 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).

42 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to first occupation of the residential units hereby approved, 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, shall be 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) and the Sustainable Design and Construction SPD (adopted October 2016).

43 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.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with the objectives of Policy SI7 of the London Plan 2021.

44 The approved development shall be carried out in full accordance with the Reptile Mitigation Strategy (Ref 19-5303; by Syntegra Consulting; May 2023). A reptile receptor site shall be established including the reptile exclusion fencing at the adjacent site addressed The Towers 53 The Bishops Avenue London N2 0BJ, all temporary reptiles exclusion fencing shall be installed on the development site, and the translocation of any reptiles found at 51 The Bishops Avenue, London, N2 0BJ shall be completed within the appropriate survey time frame and weather conditions, prior to ground clearance of the hereby approved

development.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and London Plan (2021) Policy G6.

45 The scheme shall be carried out in full accordance with the approved Construction Ecological Management Plan (Ref 19-5303; by Syntegra Consulting; dated: May 2023).

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and London Plan (2021) Policy G6.

46 a) Before the building hereby approved is first occupied details of the proposed window types and privacy glazing to be installed on the north facing elevation that faces High Trees, White Lodge Close, shall be submitted to and approved in writing by the Local Planning Authority.

b) Prior to occupation, the window types and privacy glazing shall be installed in full accordance with the details approved under part (a) of this condition and shall be permanently retained as such thereafter.

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

Informatives

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

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

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

(including sui generis residential), hotel, retail and employment uses.

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

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

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

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

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

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

5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

6 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

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

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

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

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

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

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

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

8 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.

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

10 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

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

12 In cases, where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to approval of the Council's Tree Officer. The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

Information on application for a crossover could be obtained from London Borough

of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

13 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.

14 If a concrete pump lorry is operated from the public highway, 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.

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

RECOMMENDATION III:

That if the above agreement has not been completed by 31st December 2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, highways mitigation, improvements to parks, open spaces, and street scene, employment and training opportunities. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies

(adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan (2012). These statutory development plans are the main policy basis for the consideration of this planning application.

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

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

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

Revised National Planning Policy Framework and National Planning Practice Guidance

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

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

The Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

GG2 (Making Best Use of Land),
G5 (Urban Greening),
G6 (Biodiversity and access to nature),
G7 (Tree and woodlands),
D1 (London's form, character and capacity for growth),
D2 Infrastructure requirements for sustainable densities,
D3 (Optimising site capacity through the design-led approach),
D5 (Inclusive design),
D6 (Housing quality standards),
D7 (Accessible housing),
D8 (Public realm),
D11 (Safety, security & resilience to emergency)
D12 (Fire safety)
D14 (Noise),
H1 (Increasing housing supply),
H4 (Delivering affordable housing),
H5 (Threshold approach to applications),
H6 (Monitoring affordable housing),
H10 (Housing size mix),
HC1 (Heritage conservation and growth)
S4 (Play and informal recreation),
T5 (Cycling),
T6.1 (Residential Parking),
SI1 (Improving air quality),
SI2 (Minimising greenhouse gas emission),
SI5 (Water infrastructure),
SI12 (Flood risk management),
SI13 (Sustainable drainage),
DF1 (Delivery of the plan and Planning Obligations).

Barnet's Local Plan (2012)

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

Relevant Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)
CS4 (Providing quality homes and housing choice in Barnet)
CS5 (Protecting and enhancing Barnet's character to create high quality places)
CS7 (Enhancing and protecting Barnet's open spaces)
CS9 (Providing safe, effective and efficient travel)
CS11 (Improving health and wellbeing in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM06 (Barnet's heritage and conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Barnet's Local Plan (Reg 22) 2021

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

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

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

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

Supplementary Planning Documents

- Delivery Skills, Employment, Enterprise, and Training from Development through S106 SPD (October 2014)
- Green Infrastructure SPD (October 2017)
- Planning Obligations SPD (April 2013)

- Residential Design Guidance SPD (April 2016)
- Sustainable Design and Construction SPD (April 2016)
- Affordable Housing SPD (February 2007)

2. PLANNING ASSESSMENT

2.1 Site Description

- 2.1.1 The application site is located on the eastern side of The Bishops Avenue and lies within the Hampstead Garden Suburb, The Bishops Avenue Conservation Area. It comprises an amalgamation of three sites known as Ilkley House, Redcroft, and The Georgians - into one with a total site area of approx. 0.51 hectares. The buildings associated with these sites have all been demolished in accordance with separate permissions (Ilkley House app ref: 18/7566/FUL; Redcroft app ref: 18/7567/FUL; and The Georgians app ref: 18/7568/FUL). There are currently no buildings on site.
- 2.1.2 The application site is located within Zone 3 of the Hampstead Garden Suburb Conservation Area. The adopted Hampstead Garden Suburb - The Bishops Avenue Character Appraisal (1999) notes:
- 2.1.3 "This zone contains most of the cul-de-sacs which have been created off the Avenue (although not Canons Close, built on the grounds to the rear of East Weald in the 1960s, which shares many of this zone's characteristics) interspersed with large houses along the Avenue. Bishops Grove was probably the earliest cul-de-sac, the roadway being visible on the 1935 Ordnance Survey map (but no houses built at that time). Houses and plots are of a generous size. Byron Drive and White Lodge Close followed and, after Canons Close, Arden Court Gardens. The houses in these cul-de-sacs are smaller and sit within more modest plots. In this zone much of the interest is turned away from the main road. The cul-de-sacs tend to have a secluded air with building sizes on a smaller domestic scale resembling the adjacent Hampstead Garden Suburb."
- 2.1.4 The application site does not contain a locally or statutory listed building. There are a number of trees across the site which are subject to a Tree Preservation Order (TPO), but are also afforded protection by the Conservation Area designation. The site resides within Flood Zone 1.

2.2 Relevant Planning History

Ilkley House (Application site)

F/05267/13 – Demolition of existing dwelling house and construction of a replacement two-storey dwelling house with rooms in basement and roof space. – Approved: 17.06.2014

18/7566/FUL – Demolition of existing dwelling house and erection of replacement single family dwelling house and associated landscaping (SUBJECT TO UNILATERAL UNDERTAKING DATED 12 FEBRUARY 2020 – Approved: 14.02.2020

Redcroft (Application site)

F/05259/13 – Demolition of existing dwelling house and construction of a replacement

two-storey dwelling house with rooms in basement and roof space. – Approved: 17.06.2014

18/7567/FUL – Demolition of existing dwelling house and erection of replacement single family dwelling house and associated landscaping (SUBJECT TO UNILATERAL AGREEMENT DATED 12 FEBRUARY 2020). – Approved: 14.02.2020

The Georgians (Application site)

F/05255/13 – Demolition of existing dwelling house and construction of a replacement two-storey dwelling house with rooms in basement and roof space. – Approved: 17.06.2014

18/7568/FUL – Demolition of existing dwelling house and erection of replacement single family dwelling house and associated landscaping (SUBJECT TO UNILATERAL AGREEMENT DATED 12 FEBRUARY 2020). – Approved: 14.02.2020

The Towers, 53 The Bishops Avenue (Neighbouring Site)

C04918 - the erection of eleven units of accommodation – Refused: 26.06.1974

C04918A - by demolition of existing house and outbuildings. – Refused: 17.03.1976

C04918B - erection of five detached houses with access road – Approved: 11.05.1977

C04918D - (a) demolition of existing building within Conservation area (b) erection of five houses and garages with access road and gatehouse – Approved: 10.01.1979

C04918E - Three detached houses, vehicular access, service road and lodge – Approved: 12.04.1989

C04918F - Two storey house with basement, and rooms within the roof space. New fence, railings and gates to street elevation. – Refused: 18.04.1990

C04918G - Retention of detached house on part of site, new gates and railings to street elevation – Approved: 21.08.1990

C04918R/05/TRE - Fell Dead Oak – Exemption: 09.08.2005

F/04857/14 (site: *The Towers / 1-5 Arden Court*) - Demolition of six existing dwelling houses and erection of two three-storey blocks and one four-storey block to provide 44 residential units (3 x 1-bed, 27 x 2-bed and 14 x 3-bed units) with servicing, refuse/recycling facilities, tennis court, car parking at basement levels and associated landscaping. – Approved following legal agreement: 03.08.2015

54 The Bishops Avenue

19/5453/FUL - Conversion and alterations (including demolition of rear modern extension) of Oak Lodge to create 2no residential units. Erection of three storey above ground building (Block A) to create 7no residential units. Erection of part four, part five storey above ground building (Block B) to create 12no residential units. Erection of part three, part four storey above ground rear extension to Oak Lodge

(Block C) to create 9no residential units. Overall provision of 30no self-contained units. Excavation to form lower ground and basement levels below north wing, south east block and south west block. Lower ground level to include lower floor of ground floor duplexes in each block and ancillary leisure facilities with access from a single storey pavilion in the central courtyard. Basement to include ancillary cycle parking, motorcycle parking and car parking (x49 spaces), refuse store, plant and storage rooms. Erection of detached operations building and circular ramp with access to basement. Associated landscaping including formation of central courtyard, tree removals, replacement tree planting, soft landscaping and formation of secondary access to The Bishops Avenue and associated works – Approved: 28.02.2020

56 The Bishops Avenue

21/0263/FUL - Full demolition of the existing building (use class C3) and construction of a new building of part 4 storey and part 6 storey (5 above ground) with the uppermost storey of both elements providing accommodation within the roof. New building to provide residential accommodation (use class C3) of 109 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 135 off-street parking spaces within the basement, accessed via ramped access, and 10 further spaces above ground. – Approved: 10.06.2021

58 The Bishops Avenue

19/3449/FUL - Partial demolition of the existing building (use class C3) and construction of a part 4 storey (3 above ground), part 2 storey building with accommodation in the roof space and basement car parking, to provide an elderly care home (use class C2) with up to 96 units and associated communal areas, amenity space, refuse/ recycling storage and cycle storage. Provision of 32 no. off-street parking spaces within the basement, accessed via car lifts, and six further spaces above ground. – Approved: 30.01.2020

2.3 Proposed Development

- 2.3.1 The application seeks the redevelopment of the site, comprising the construction of a part 3 storey part 4 storey building with a lower ground and basement level (6 storeys total). In appearance, when viewed from the street scene, the development would be perceived as three separate mansion-style buildings, joined by a single storey link on the ground floor. Subsurface, the three elements would be linked completely by lower ground and basements largely spanning the full width and depth of the visible footprint of the three elements at ground level.
- 2.3.2 The new building will accommodate 33 apartments (residential use - use class C3) with basement car parking, associated communal areas (including gym, swimming pool, shop/kiosk, bar and games room) laundry, treatment areas, amenity space, refuse/ recycling storage and cycle storage.
- 2.3.3 An in-out access to the site will be made through the existing vehicular gates at the northern and southern ends of the site from The Bishops Avenue.
- 2.3.4 A basement car park will make provision for 41 car parking spaces accessed via a car lift and internal circulation with a further 13 located at ground floor level (totalling 54 car parking spaces).

2.3.5 During the lifetime of the application a number of additional / revised documents including updated details of floor plans, landscaping, amenity space, lighting, biodiversity and ecological impacts were submitted following request of Officers. The principle of the described proposed development remains unchanged, and further re-consultation was undertaken on these documents and plans.

2.4 Public Consultation

2.4.1 Consultation letters were sent to 54 neighbouring properties. The application was also advertised by Site Notice displayed 20th January 2022; and by press notice, printed 20th January 2022.

2.4.2 One response was received, comprising 1 letter of objection.

The objection received can be summarised as follows:

- The development is larger than previously approved schemes, extending further into the rear gardens
- Scale, mass and bulk will be harmful to the residential amenities of White Lodge Close residents
- The proposed block at Redcroft is the closest development to the neighbouring properties and gardens in White Lodge Close, located just 12m from the rear elevation of No. 4 White Lodge Close and only 6.5m away from their garden.
- Daylight and Sunlight Report, the Daylight Distribution was not tested for No. 5 White Lodge Close
- All 15 windows tested at No. 5 White Lodge Close against vertical sky component (VSC) are reduced by this development.
- Density is increased significantly from previous approvals.
- Potential noise and activity created by the development will have a bearing on neighbouring amenity.
- Based on the floorplans there appears to be a series of private gardens along the length of the rear of the buildings, which cumulatively have the potential to cause significant disturbance in such close proximity to White Lodge Close residents
- Contrary to DM01 and DM06 – it will cause harm to the local characteristics, and the wider character and appearance of the Conservation Area.
- The tree works will significantly impact the sylvian character of the site, and the tree cover that it affords to neighbouring properties. The large development will become all the more visible and the potential for visual and amenity harm to neighbours increased.
- With 33 households present at the site, there will be an undeniable pressure for further future works to retained trees to improve outlook and light amenity to residents
- The previous application identified that there is evidence of bat activity on site, the appropriate information has not been provided under this application. We suggest that a ecological assessment be undertaken, particularly given the extensive works proposed to trees.

2.4.3 Further consultation was undertaken with neighbouring properties from 28th July 2023 for 21 days (expiring 18th August 2023) to allow time to consider the additional and revised information received. Letters were sent to 54 neighbouring properties, however, 0 comments were received.

Officer comment

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

2.4.4 **Responses from Internal Consultees**

Affordable Housing

Would seek policy compliant scheme of 40% Affordable Housing with 60/40 split between social rent / intermediate under existing adopted policy (DM10), and a minimum target of 35% under adopted London Plan (H4) and emerging Local Plan policy (HOU01).

Tree Officer

No objection subject to conditions and a financial contribution towards the loss of trees.

Conservation

Recommend refusal (comments truncated below):

- All three properties were granted approval for 'Demolition of existing dwelling house and erection of replacement single family dwelling house and associated landscaping (SUBJECT TO UNILATERAL AGREEMENT DATED 12 FEBRUARY 2020). Paragraph 204 of the NPPF states: 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'. The LPA have every right to expect the three approved dwelling houses to be built out as expected. It is not acceptable for a developer to now re-apply for developments that are far vaster than even the approved.
- The appraisal makes it clear that the three properties make no positive contribution to the CA, which explains the 2020 approval of demolition and rebuild for all three.
- An Inspectors decision for a single storey outbuilding at Buxmead, The Bishops Avenue was dismissed on the basis that it would lead to less than substantial harm to the significance of the CA.
- The approved schemes are more appropriate development within the conservation area, in height, mass, scale, depth and bulk than the proposed development, which further erodes the garden area of each plot by the intensification of harmful uncharacteristic, flatted development in the conservation area
- It would bring into question whether this part of the HGS conservation area has had its significance so harmed that designation may no longer be justified through degradation of all or part of the conservation area.

Environmental Health

No objection subject to conditions pertaining to matters of air quality, noise, and construction management (pollution).

Given the proximity of this site and the 21/6801/FUL, it should be considered that this application may introduce new receptors to the emissions from the underground

carpark proposed in 21/6801/FUL. This is of course dependent on the design the car park ventilation system. Careful consideration should be made if the new receptors are within 20 m of the carpark ventilation exhaust.

If the application is planned for simultaneous development/construction with the adjacent site (21/6801/FUL). If so the cumulative potential construction phase impacts should be considered. As these sites are so close to each other, in situations where there is a high level of dust emissions it may be difficult to pinpoint exactly where the emissions are coming from and therefore impede enforcement (especially where landscaping/earthworks are occurring across the site). A cumulative construction phase assessment will provide a good estimation of the worst-case scenario.

Need to consider whether the car park emissions from the ventilation system would have an impact on neighbouring occupiers.

Sustainable Drainage

Initial Comments:

Objection, more information required on Surface Water Drainage Strategy.

Follow up comments:

Objection, more information required on storage tank details.

Traffic & Development

No objections subject to conditions and the completion of a legal agreement. Comments detailed further within the assessment of the application.

Ecology

Initial Comments (25.01.2022): No ecological surveys have been undertaken at the application site. The application should not be determined in the absence of this material, and protected species surveys cannot be conditioned.

Follow up comments (20.07.2023):

No objections to the contents of the Ground Level Tree Assessments (Syntegra Consulting, April 2023); Bat emergence & Re-entry Survey Report (Syntegra Consulting, June 2023); Construction and Environmental Management Plan (Syntegra Consulting, May 2023a); Reptile Mitigation Strategy (Syntegra Consulting, May 2023b); Lighting Impact Assessment and External Lighting Design (BSG, R02, July 2023); and Landscape and Environmental Management Plan (Syntegra Consulting, May 2023).

A suitable worded (Grampian) condition will be required to secure the establishment of the reptile receptor site within the adjacent Towers site where any reptiles found on the Portfolio site would need to be translocated prior to any ground clearance.

In respect of the Biodiversity Impact Calculation Report (BNG) (Syntegra Consulting, March 2023), it demonstrates Biodiversity Net Gain is achievable (+4.40 habitat units, 37.09%) however to satisfy the BNG trading rule a legal agreement will be required to offset the identified losses.

Waste & Recycling

No objections

Affinity Water

No comments

2.4.5 Responses from External Consultees

Greater London Archaeological Advisory Service (GLAAS)

The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Historic England

No comments received.

Metropolitan Police (Secure by Design)

I do not object to this proposal but due to the reported issues affecting the ward and overall crime levels within the borough, I would respectfully request that a planning condition be attached to any approval, "whereby the development must achieve Secured by Design accreditation, prior to occupation".

Thames Water

Waste Comments:

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>

Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Transport for London

No strategic comments to make on this planning application.

General comments:

- Contact with TfL should be made if the development interferes with the H3 Bus Route service during construction phase.
- Vehicle and cycle parking should be provided in accordance with the London Plan (2021) policies.
- TfL welcome that all construction vehicles will operate and be located on site.

London Fire & Rescue Service

No comments.

UK Power Networks

No comments.

3 OFFICER ASSESSMENT

3.1 Principle of development

3.1.1 The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that that accords with an up-to-date Local Plan should be approved.

3.1.2 Policy D3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan (2012) documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Loss of single family dwellings

3.1.3 Barnet Policy DM01 of the Development Management Policies DPD (2012) states that the loss of houses in roads characterised by houses will not normally be acceptable.

3.1.4 The site is located within The Bishops Avenue. This part of the Bishop's Avenue is characterised by mansion style houses on very large plots and isolated flatted developments. These flatted developments form part of the character of the area, although they do not define the predominant character of the road. They generally exist where there previously had been institutional uses.

3.1.5 Of material note, is that planning permissions have been granted for the redevelopment of other nearby sites within The Bishops Avenue for flatted development.

3.1.6 Firstly, the neighbouring site, known as The Towers (53 The Bishops Avenue) together with 1-5 Arden Court, as per the site history section above, were granted permission for the erection of two three-storey blocks and one four-storey block to provide 44 residential units. There is also a current application being considered alongside this application for The Towers site alone under application reference: 21/6801/FUL. It seeks the demolition of the existing building, and redevelopment of the site to provide 65 no. self-contained flats in a new building of 4 storeys to the front of the site, with the uppermost storey providing roof accommodation at the front; and, an adjoining part 7, part 6, part 5 storey (maximum 5 above ground) element with the uppermost storey with reduced footprint to the rear.

3.1.7 In addition:

- No. 54 The Bishops Avenue, has been redeveloped to provide 30no. self contained flats;
- No. 58 The Bishops Avenue, has been redeveloped to provide a 96-bed care home;

- Barons Court, No. 56 The Bishops Avenue has been granted permission for a part 4 storey and part 6 storey (5 above ground) with the uppermost storey of both elements providing accommodation within the roof to provide 109 flats.

- 3.1.8 Whilst it is not considered that these developments define the predominate character of the road, and their respective permissions were granted based on the individual merits of respective schemes and the subsequent planning balance of each applications assessment, it is considered that they form a material consideration in deciding whether the loss of a single family dwelling for a higher density residential scheme in a flatted development format would be appropriate.
- 3.1.9 Officers do not dispute that the use of the site as 33 flats would generate higher levels of general activity than a single mansion houses, for example through comings and goings of the proposal's residents, whether on foot or by car, or that of normal household activity (e.g. playing music) through open windows in the summer months. However, given the distances to neighbouring dwellings, the level of existing natural screening (to be retained) and the set back of the development from the road, it is unlikely to cause adverse harm to the function, convenience and amenities of the locality.
- 3.1.10 Consideration needs to be given to the fact that the development would provide additional dwelling units for the Borough, whilst making more efficient use of previously developed land, which is the objective of Policy D3 of the Mayor's London Plan (2021) and Policy CS1 of the Barnet Core Strategy (2012). It should also be noted that a number of the mansion houses on The Bishop's Avenue remain uninhabited and unmaintained, creating lifeless areas within the conservation area, and thus, the potential to bring the site into greater residential use would make more efficient and effective use of the land. This has formed part of the planning balance for redevelopment of other sites on the road, weighed with other material considerations.
- 3.1.11 The proposal would not result in a net loss of family sized units given that it makes provision for 11 x 3 bedroom homes, and 22 x family sized 2 bedroom (4 person) units.
- 3.1.12 The Bishops Avenue is mainly characterised by large, detached mansion type houses. The Conservation Area Character Appraisal notes that "from the beginning it was intended to be the setting for expensive houses." The character of the road has changed since the adoption of the Character Appraisal and a number of flatted schemes have been or are in the process of being built. However it is acknowledged that the character of this part of the conservation area has changed somewhat and there are more examples of flats than would have been present when this was written.
- 3.1.13 Looking at the issue on balance, it is acknowledged that the use of the site as flats could be considered to cause some harm to the character of the area, in land use terms, given the nature of the conservation area. In this specific case, it is considered that this part of The Bishops Avenue is characterised by large mansion style dwellings and that the introduction of an alternative use would cause harm to the character of the area. However, the extent of harm and the material considerations raised in terms of benefits will need to be considered and weighed against the harm.

Provision of affordable housing

- 3.1.14 Given that the development is for 33 residential units, the proposal would require provision of affordable housing under policy DM10 of the of the Development Management Policies 2012.
- 3.1.15 Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'
- 3.1.16 The scheme does not propose any affordable housing units on site and as such the applicant has provided a Financial Viability report by DS2 which has been independently reviewed by Carter Jonas (CJ) on behalf of the Council.
- 3.1.17 CJ's appraisal of DS2's Financial Viability Assessment report does not raise significant objections to the findings of the report. They have suggested some points of difference between the estimate Benchmark Land Value (£1 instead of circa £10m), Residual Land Value (circa -£5.2m instead of circa -£7.2m), and the Net Position (circa -£5.2m instead of circa -£17.2m). Notwithstanding the differences, the conclusion in principle remains the same – i.e. the scheme would be unable to provide affordable housing on site, and there would be no residual amount to offer as a financial contribution towards affordable housing off-site.
- 3.1.18 Notwithstanding, CJ have undertaken sensitivity analysis to illustrate the impact of both positive and negative market movements – examining private sales values and changes in construction cost. It identifies that the net position could be positive (or even more negative), if either the build costs and sales rate were to change by plus or minus 5-10%. In accordance with the threshold approach adopted by London Plan Policy H5 a late-stage viability review mechanism will be integrated in to a S.106 to capture any uplift.
- 3.1.19 In lieu of having a late stage review mechanism, the applicant offered a contribution of £750,000 towards off-site affordable housing contributions. This offer was predicated on the basis that an uplift in value growth of 15% for the development could be achieved. Omission of a late stage review mechanism via S106 agreement was not agreed by Officers, and further negotiations with the applicant resulted in a revised sum of £1,000,000 (33% increase) being offered. The revised offer was agreed to be acceptable, and although it would have been preferable to secure on-site Affordable Housing delivery, it is understood that this sum would not deliver a meaningful number of affordable units on this particular site. Practically, two to three units (out of 65) would not be attractive to a Social Housing Provider to manage them, and further, there would be significant cost implications for future Social Housing Providers, tenants or prospective affordable housing owners, as a result of the maintenance costs within a high specification development such as this. As such, a payment in lieu, is considered to be the most efficient way to secure much needed affordable homes and will be utilised on Council projects elsewhere within the Borough would have a much greater impact on the delivery of the Council's affordable housing objectives.
- 3.1.20 In light of the above considerations it is considered on balance that a contribution of £1,000,000 in lieu of on-site affordable housing provision, secured by a Section 106 agreement together with a late stage review mechanism to capture any potential uplift in value growth would be an acceptable, and in accordance with the Mayor's London Plan (2021) and Barnet's adopted Local Plan affordable housing policy objectives.

3.2 Design & Impact on Character

- 3.2.1 The National Planning Policy Framework (2021) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.
- 3.2.2 The London Plan (2021) policy D1B (London's form, character and capacity for growth) requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.
- 3.2.3 Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.
- 3.2.4 Within the supporting Design and Access Statement, there is a comprehensive analysis of the street, existing site and the design evolution of the proposed development. It is noted that the appearance of the proposed development has been influenced by the design most recent previously approved schemes (referenced in the site history section) on each of the individual sites, and these in turn were derived from an appraisal of the local context which contain many styles from Arts and Crafts through to modern grandiose architectural edifices.

Layout and footprint

- 3.2.5 The proposed development would be sited across three plots (formerly The Georgians, Redcroft, and Ilkley House). It would largely cover the footprints of the pre-existing buildings that have been recently demolished – albeit the principal parts of the building would be marginally wider and deeper in form. There would be single storey links between the building which were not part of the previously approved schemes, and further, additional raised terrace areas that extend further rearwards. Overall, there would be a greater level of ground coverage, although the extent of the lower ground and basement from front to back remains similar.

- 3.2.6 The front building line of the proposed development would sit marginally forward of the previously approved scheme, although not demonstrably to an extent that it would change the perception of the buildings frontage within the street. A sufficient buffer between the front site boundary and the proposed building will be retained, and the development would still respect established building lines and patterns of development within the street.
- 3.2.7 As will be referenced in the massing section, each principal part of the building would have a central section which forms a projecting bay with a gable end, which denotes the primary entry point of each development. The main bulk of the building sits slightly back from this. This design approach influences the way the elevational aspects of the development is experienced from the street scene and is synonymous with the older mansion style houses that are found along The Bishops Avenue. Furthermore, it is not substantially different from the developments which have been approved on each of the respective sites. For these reasons, Officers are satisfied with the proposed siting and layout of the building.
- 3.2.8 The development maintains a similar relationship to the plot boundaries, as per the previously approved schemes. The element constructed on The Georgians plot adheres to the footprint of the previously approved "The Georgians" scheme, however, the two storey element is wider and closer to the boundary – nearer to Hightrees, although there is still a buffer within the site, and the development will not be built on the plot boundary. Much of the sites existing trees and vegetation within the site and on the boundary edges – which is important for softening, screening and privacy - will be retained as per the previous planning permissions. Trees and landscape are considered further later in this report. Despite the single storey links at ground floor, a similar level of spacing between each principal element of the building is maintained, which retains the spacing and openness between each part of the development. The development's relationship with the shared boundary with the Towers site remains consistent with the previous approval. Overall, the development footprint extent is considered to be acceptable.
- 3.2.9 Notwithstanding the other referenced approved schemes nearby and the extant approvals, Officers acknowledge that the proposal would be different in nature and character to the context of this zone, and therefore, acknowledge that it would result in some harm in terms of pattern of development within the conservation area. Nevertheless, such harm will again be considered within the planning balance section of the report.

Massing and height

- 3.2.10 The proposal provides a variety of massing and height across the proposed development.
- 3.2.11 It comprises the substitution of the extant permissions for three separate replacement houses (planning references: 18/7566/FUL, 18/7567/FUL, 18/7568/FUL), with three linked (by lower ground, basement and single storey ground elements) similarly formatted buildings in a varied Neo-Georgian style, which conform to the spatial arrangement already established on the site. The mass and height have been devised on a similar scale to the previously approved schemes, achieving a more domestic appearance and scale comparative to the larger, grandiose institutional constructions on the Bishops Avenue.

- 3.2.12 The heights of the buildings have been increased slightly comparative to the previously approved schemes. This is clearly illustrated on the elevation detail within the Design and Access Statement (Chapter 3, Section 3.2, Page 6). The first block on the former 'The Georgians' site has a marginally taller ridgeline, albeit being wider at two/three story height where there was formerly a single storey side garage projection proposed on the previous permission. There are PV panels proposed on the roof, which in 2D plan form make the development appear much taller, however the distances and viewing angles from the street will prevent these elements from being clearly seen. The central positioning of the projecting gable feature on the principal part of the building, and the staggered approach to the left wing, where the vehicle entry point is positioned for the basement parking access, achieves a subordinate relationship that aids the break up of the buildings massing. The Neo-classical articulation of the elevations, i.e. the incorporation of the pediment and portico, the raised vertical columns and horizontal banding, with stucco detailing, subordinate flat roofed dormers within the roof slope, and contoured elevational window surround details result in a composition that moderates any disproportionately heavy massing, establishing a more domestic aesthetic which addresses the road more sympathetically. Accordingly it is considered that the height and massing of this element would not appear out of keeping with the site and the surrounding area.
- 3.2.13 The second central block on the former 'Redcroft' site would appear 0.5 to 1 storeys higher than the previously approved scheme, and consequently taller in appearance than the first block. The additional storey is concentrated in the central portion of the building, where the height increase is created by the central raised gable pediment above the mansard roof. The roof either side of this element appears only half a storey higher. Again there are PV panels proposed on the flat roof element which can be seen in the 2D plan form however, these will not be so evident at the street level. Similarly to the first block the central portion of the building projects, creating a break in the overall massing and this is further broken up by the neo-classical articulation of the elevations, incorporating material changes, intricate window surrounds, brick quoining, stucco detailing and subordinate flat roofed dormer windows within the roof slope. Accordingly it is considered that the height and massing of this element would not appear out of keeping with the site and the surrounding area.
- 3.2.14 The third block on the former 'Ilkley House' site would appear approximately 0.5 storeys higher than the previously approved scheme. The unifying design style between the three elements i.e. the building is neo-classical in style with a central projecting gable element, featuring pediment and portico, raised vertical columns and horizontal banding, stucco detailing, and contoured window surround details, and subordinate flat roofed dormer windows within the roof slope. The composition of all these design elements ensures that mass of this larger sized building is curated in a way that can be viewed as domestic in scale and aesthetic, thereby addressing the road more sympathetically. Accordingly it is considered that the height and massing of this element would not appear out of keeping with the site and the surrounding area.
- 3.2.15 Overall, there is a well-considered graduation in heights of the proposed three blocks across the site, taking into account the subtle gradient of the site itself which elevates upwards towards the south. A graduated height differential existed between the three separate previous planning permissions for each of the sites, and this has been satisfactorily incorporated into the design of the current scheme. Despite being taller

than the previous schemes, it is considered that cumulatively as a whole the heights and corresponding massing are well balanced between each other and the adjacent neighbouring sites and would therefore not appear out of context or would not dominate the visual appearance of the street scene.

- 3.2.16 Overall, Officers are satisfied that the composition of gradual massing and height of the building enable the development to fit in with its surrounding context, and that both the existing and proposed landscaping proposals will go some way to ensuring that it integrates with the wider area satisfactorily.

Design and external appearance

- 3.2.17 In order to preserve the existing street scene, a neo-classic design approach has been incorporated into the elevations which allows the building to successfully integrate within the context of the surrounding street scene. A red brick blend, commonly seen within the local vernacular, is proposed as the primary building material. This proposed brickwork will be broken up with areas of glazing and terraces, quoining details, stone banding, and stucco features. The use of stone, white timber windows, and clay roof tiles are all considered to be appropriate.
- 3.2.18 Overall, the materials are considered to represent an appropriate general approach for development in this part of The Bishops Avenue, and the Hampstead Garden Suburb The Bishops Avenue Conservation Area.

3.3 Quality of Accommodation for future occupiers

- 3.3.1 In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Policy D6 of the Mayor's London Plan (2021), policy DM02 of Barnet's adopted Development Management Policies DPD (2012); and, Barnet's Sustainable Design and Construction SPD sets out the standards and minimum space requirements for residential units.
- 3.3.2 All of the proposed flats would exceed the minimum space standards with the two bed units ranging in size from 72sqm to 138sqm; and, the three bed units ranging in size from 136sqm to 188sqm.
- 3.3.3 The results of the submitted daylight and sunlight report (see appendix 4 of report: Daylight & Sunlight to neighbouring properties & accommodation) identify that 107 of the 110 habitable rooms achieve the Average Daylight Factor (ADF) set out within the BRE guidelines. The report also identifies that should the current application (ref: 21/6801/FUL) at the neighbouring site – The Towers, be granted planning permission and constructed, then 106 out of the 110 habitable rooms would achieve ADF criteria in the BRE guidelines. In either scenario, there would be 96-97% pass rate which is regarded as a satisfactory result.
- 3.3.4 In terms of sunlight, the Annual Probable Sunlight Hours (APSH) result confirm that 28 out of 33 living rooms achieve BRE's recommendation of 25% annually and a further 2 living rooms would achieve values that are considered equivalent to BRE's recommendation. A total of 30 out of 33 living rooms would achieve a reasonable outcome. This equates to a pass rate of 91% which is better than the BRE's example (4 out of 5 flats, i.e., 80%) similarly, 30 out of 33 living rooms (91%) achieve BRE's

recommendation of 5% during the winter months. The assessment has also considered the scenario where the current neighbouring application at the Towers is granted planning permission and constructed – concluding that the scheme would achieve the equivalent level of passes.

- 3.3.5 All but 2 living rooms would achieve BRE's recommendation of 25% annually or equivalent to standards for Annual Probable Sun Hours (APSH) and during the winter months, this is not a significant shortfall that would warrant the scheme's refusal on such grounds. Further, paragraph 2.3.46 of the London Plan Housing SPG (2016) states that "where direct sunlight cannot be achieved in line with Standard 32, developers should demonstrate how the daylight standards proposed within a scheme and individual units will achieve good amenity for residents". The 2 Living/Kitchen/Diners in question achieve reasonable results of 1.85% and 1.36% ADF in the proposed condition as well as 1.78% and 1.35% ADF considering the additional effect of The Towers; and, the proposed development provides a high standard of living accommodation, with very good internal space levels, a good standard of outlook, access to external private and communal amenity space across majority of the units (through balconies, terraces, and a communal garden), access to health and leisure facilities, and an attractive, high quality external environment, in terms of both buildings and landscaping, and therefore, such a shortfall would be reasonably compensated by these factors.
- 3.3.6 Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new homes and flats, wherever possible.
- 3.3.7 Amenity space in this scheme is provided through a combination of private and communal spaces, although, it is noted that units FF-05 (2 bed unit), SF-05 (2 bed unit) and TF-02 (2 bed unit) in block 2, and TF-06 (2 bed unit) block 3 do not benefit from any privately accessed amenity space. Private balconies/terraces are predominantly provided within the 3 bedroom units. Whilst it would be desirable for all units to have access to such space, it is acknowledged that from a design point of view additional balconies would ultimately create other issues with regards to design quality, such as creating a visually cluttered appearance. Officers consider that it would be unnecessary to introduce additional balconies for the two bedroom units, when these are less likely to be occupied by young families, but rather professional or retired couples. Notwithstanding, there is quality communal amenity space (circa. 266m²) provided at the rear of block one, coupled with private leisure facilities (e.g. gym, swimming pool, cinema, bar, and games room) which would be accessible to all future occupiers of the development.
- 3.3.8 Furthermore, it should be noted that Para 2.3.32 (of the London Plan Housing SPG 2016) reads:

"In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA".

All of the units concerned are circa 50m²+ over the unit size requirement, meaning that sufficient additional living space in excess of the amenity space requirement has been provided. On balance, it is therefore considered that the scheme provides adequate amenity space for the future occupiers of the development.

Childrens Playspace:

- 3.3.9 Policy S4 (Play and informal recreation) of the London Plan (2021) states that residential development should incorporate good-quality, accessible play provision for all ages, and that at least 10 square metres of playspace should be provided per child. The playspace should provide a stimulating environment, be easily accessible by children and young people independently, incorporate trees and or other forms of greenery, is overlooked to enable passive surveillance and not be segregated by tenure.
- 3.3.10 Policy DM02 of the Barnet Development Management Policies DPD (2012) refers to the Play space standards set out in Policy 3.6 of the superseded London Plan. Accordingly, Officers consider it appropriate to assess against Policy S4 of the London Plan 2021, as referred to above.
- 3.3.11 The GLA's Population Yield Calculator estimates that the development is likely to generate circa 18.3 children across a range of ages, as follows:
- Ages 0, 1, 2, 3 & 4: 9.3
 - Ages 5, 6, 7, 8, 9 , 10 & 11: 6.3
 - Ages 12, 13, 14 & 15: 1.7
 - Ages 16 & 17: 0.9
- 3.3.12 This equates to a need for 183.4m² of playspace. At present, the proposed development makes no provision for childrens playspace. Notwithstanding, Officer's recognise that it would be difficult to provide the playspace without compromising other residential amenities and design qualities of the scheme. In such instances, Policy DM02 of the Barnet Local Plan (2012), the adopted Residential Design Guidance SPD (2016), and adopted Planning Obligations (2013) SPD, make allowances for financial contributions for off-site provision in lieu of childrens playspace on site.
- 3.3.13 The Council's Greenspaces team were consulted on the scheme and have commented that "The development does not provide any outdoor play provision, however it offers indoor leisure space in the provision of Swimming, Cinema and a Games Room which would offer social space for 12 years and over but not under 11's as such that leaves a shortfall of 156 square meters of play provision". In light of the shortfall, they have recommended a Parks and Open Spaces Contribution of £46,218.12 (Index Linked) towards the improvement and enhancement of Lyttleton Playing Fields.
- 3.3.14 Officer's concur with the recommendation of the Council's Greenspaces team, and consider that it would satisfactorily mitigate the shortfall, in line with the exceptions set out in the Council's policies and SPD guidance; and Policy S4 of the Mayor's London Plan (2021).

Accessible Housing:

- 3.3.15 The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant. The applicant has

confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that planning permission is granted, to ensure compliance with these Policies.

3.3.16 Overall, it is considered that the proposals would provide an acceptable level of amenity for future residents.

3.4 Impact on the Conservation Area

3.4.1 The application site is located within the Hampstead Garden Suburb - The Bishops Avenue (HGSTBA) Conservation Area. The National Planning Policy Framework (paragraph 199) requires the decision maker to attach great weight to any harm to the significance of designated heritage assets. The definition of a heritage asset includes Conservation Areas.

3.4.2 The applicant has submitted a Heritage Statement (Assessment of Significance and Impact Assessment) in support of the application. It notes that The Bishop's Avenue Conservation Area Appraisal identifies the former three houses as neutral contributors to the character and appearance of the Conservation Area; and that collectively, they did not contribute positively as a group. Nevertheless it still acknowledges that the significance of the combined site of "The Portfolio" (collective name given to the site by the applicant, for the purposes of the application) may be derived from some limited aesthetic appeal as a result of its location in a verdant setting with mature trees to the boundaries. The majority of the mature trees to the boundaries are being retained, ensuring their visible contribution to the significance of the Conservation Area is being retained. It should be noted that the former dwellings of the three sites were previously granted permission for demolition, owing to their limited contribution to the significance of the Conservation Area, and thus, Officers would agree with the findings of the report which opines that the site makes a minor adverse to neutral contribution to the character and appearance of the Bishop's Avenue Sub-Area (Zone 3) and the HGSTBA Conservation Area. Further, it should be noted that Paragraph 207 of the NPPF (2021) also acknowledges that "not all elements of a Conservation Area ... will necessarily contribute to its significance". Officers consider the application site to be a case in point.

3.4.3 The Council's Conservation Officer objects to the scheme on the grounds that previously approved schemes are more appropriate development within the conservation area, in height, mass, scale, depth and bulk than the proposed development, which further erodes the garden area of each plot by the intensification of harmful uncharacteristic, flatted development in the conservation area. They consider that there is an obligation for the applicant to complete the previously approved schemes and suggest that there is no right for the alternative schemes to be submitted. Officers note the Conservation Officer's reference to Paragraph 204 of the NPPF in this regard, however, there is no statutory obligation to preclude an alternative development from coming forward on the sites, just as there is no statutory requirement for developments granted planning permission to be completed within a certain timescale. Equally, Officers consider the actual intent of Paragraph 204 is to prevent the loss of physical assets, such as statutory listed buildings or monuments, and not necessarily the loss of a non-designated building or building(s) within the Conservation Area that are deemed to make a minor adverse or neutral contribution. The Council's Conservation Officer considers that the Conservation Areas significance would be so harmed that the designation may no longer be justified as consequence of cumulative degradation this part of the Conservation Area.

3.4.4 It is acknowledged that the three elements of the proposed development are all materially larger than the three separately approved schemes, and this could be seen as marginally harmful to the Conservation Area's significance as a heritage asset. Notwithstanding, Officers consider that this would be a less than substantial harm, as architecturally it is considered that the scheme would be complimentary to the character and appearance of the Conservation Area, remaining similar aesthetically to the previously approved developments on the plot, albeit slightly taller, and larger in envelope and footprint. Nevertheless, in accordance with Paragraph 202 of the NPPF (2021) less than substantial harm to the significance of a designated heritage asset, which in this case is the HGSTBA Conservation Area, must be weighed against the public benefits of the proposal. Despite Officer's views that the developments impact would be neutral, regard for the 'less than substantial harm' test is had within the Planning Balance section at the end of this report.

3.5 Amenity Impact on Neighbouring Properties

3.5.1 Part of the 'Achieving well designed places' (Section 12) objective of the NPPF 2021 is pursuing improvements to amenity through the design of the built environment (Paragraph 130). Amenity is a consideration of London Plan Policy D6 (Housing quality and standards). In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

3.5.2 Any development adjacent to residential units should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed. Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Privacy, Overlooking and Outlook

3.5.3 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.

3.5.4 In terms of neighbouring properties, the closest residential properties are 53 The Bishops Avenue (The Towers), High Trees (White Lodge Close), 4-5 White Lodge Close, 8-10 White Lodge Close, 48 & 50 Bishops Avenue, and The Westwood.

The Towers, 53 The Bishops Avenue

3.5.5 This neighbouring property abuts the southern boundary of the site and contains a detached house located circa. 36m to the south-east. As noted elsewhere in this report there is a current application for development of this neighbouring site which will change the location of the existing dwelling, however, with the existing dwelling in it's current location and the presence of existing screening (trees/vegetation) there

are no clear overlooking or loss of privacy concerns.

3.5.6 With regards to the proposed development within the current application (ref: 21/6801/FUL), the existing 'The Towers' building will be demolished and a new building will be erected to the front of the site (western edge) following a similar building line to the proposed Portfolio site scheme. Accordingly there will be a closer relationship, however a distance of at least 18m will separate them and there will be a strong natural screen from existing trees that will be retained on the boundary. It is therefore considered that neither the existing or future developments occupiers on The Towers site will experience an unacceptable degree of overlooking or loss of privacy.

3.5.7 High Trees, White Lodge Close

3.5.8 This neighbouring property sits north of the site, on the opposite side of a private road (White Lodge Close) that runs between it and the application site. There is approximately 10m distance between the two buildings, however the window angles are oblique, and such that the line of site is not direct. It should also be noted that these are not the only primary windows serving High Trees or the proposed development. Furthermore, these are not "private" elevations to either building (i.e. there is a road present between them) and there are more than one means of outlook serving the habitable rooms that will be affected. In the interest of mitigating against perceived overlooking and loss of privacy for existing and future parties, Officers recommend a condition that requires details of obscuration to the secondary windows affected within the northern elevation. This will satisfactorily address concerns of overlooking on the upper floors. The ground floor levels will benefit from the presence of the hedge that will provide screening.

4 & 5 White Lodge Close

3.5.9 These properties sit to the east of the application site, which would be to the rear of the proposed development. The rear boundary of the site is well-lined by natural screening. This was a pertinent factor in addressing any overlooking and loss of privacy concerns from the previously approved proposals, and thus, in this combined scheme, special care has been taken in the design process to ensure that this remains the same. Accordingly, a strong natural boundary will be retained that will satisfactorily prevent any unacceptable overlooking and loss of privacy of the neighbours at numbers 4 and 5 White Lodge Close. It is also worth noting that both neighbouring properties do not sit parallel to the rear elevation of the proposed development, but at an oblique viewing angle that would prevent demonstrable clear direct views into windows. Officers are therefore satisfied that there would be no significant loss of privacy for neighbours.

8-10 White Lodge Close

3.5.10 These properties also sit to the east of the application site, but behind 4 & 5 White Lodge Close. Overlooking and loss of privacy would not be a demonstrable issue owing to the natural screening described above, but in addition, there is a greater buffer distance between the properties and a road running between them.

Byron House (No. 48) and Westwood (No. 46c), The Bishops Avenue

These properties are located to the west of the application site, situated on the

opposite side of the road. The separation distances involved inclusive of the fact that there is a main road running between the application site and these neighbouring properties means that there would not be any demonstrable unacceptable overlooking or loss of privacy.

Daylight and Sunlight

3.5.11 Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021) requires residential developments to demonstrate that they will have adequate daylight access. Aligning with this requirement, Part (e) of Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) requires developments to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

3.5.12 A daylight and sunlight report by Brooke Vincent & Partners (ref: 11887/Report/The Portfolio; dated: 30 November 2021) has been submitted in support of the application. The report conducts an analysis on the following neighbouring properties:

- 53 The Bishops Avenue (Current scheme: 21/6801/FUL pending consideration at the time of writing); and
- Hightrees, White Lodge Close (consented scheme: 15/00223/FUL)
- 4-6 White Lodge Close (consented scheme 18/7569/FUL).
- 8-10 White Lodge Close (consented scheme 21/2531/S73)
- 48 & 50 The Bishops Avenue (consented scheme: 19/6078/HSE)
- The Westwood, The Bishops Avenue (modelled under drawings within scheme: F/03656/13)

3.5.13 For daylight, the report analyses Average Daylight Factor (ADF), Vertical Sky Component (VSC) and Daylight Distribution (DD).

Hightrees, White Lodge Close

3.5.14 This neighbouring property sits to the north of the site with windows in the flank elevation facing the site.

3.5.15 The VSC results confirm that every window would achieve above 27% in the proposed condition or above 0.8 the existing value satisfying BRE's criteria. Considering the high VSC levels and small change between existing and proposed values, the report concludes that it is not necessary to consider assessing Daylight Distribution. Officer's concur with this approach.

3.5.16 The assessment report also considers the impact on Annual Probable Sunlight Hours (APSH) for '4-6 White Lodge Close' and confirms that they would receive adequate sunlight exposure, where possible, in accordance with BRE standards.

3.5.17 Accordingly, Officers consider that the proposed development would not demonstrably impact daylight or sunlight to the existing or prospective neighbouring development to an extent that would warrant the schemes refusal on such grounds.

53 The Bishops Avenue – The Towers

3.5.18 This neighbouring site is to the south of the application site and is occupied by a single, vacant detached dwellinghouse know as 'The Towers'. The site is the subject

of a current planning application that is pending consideration at the time of writing. The daylight and sunlight assessment has been conducted against both the proposed residential development and existing residential development on site, to account for any circumstances where the application scheme might be approved or refused.

- 3.5.19 In terms of daylight impacts, assessed against the existing property, the report assesses the relevant windows using the 25 degree rule (supported by the relevant images in Appendix 3 of the assessment), and confirms that the 25 degree line subtends the proposal (i.e. does not fall within a range that would demonstrably impact daylight). The development would therefore accord with the BRE standards and therefore would not require further analysis. With regards to daylight impacts on the proposed 'The Towers' development the report confirms that the development would comply with the Average Daylight Factor test within the BRE standards, ensuring that all of the rooms would have access to an acceptable level of daylight.
- 3.5.20 The assessment report also considers the impact on Annual Probable Sunlight Hours (APSH) for 'The Towers' – both existing and proposed developments - and confirms that they would receive adequate sunlight exposure, where possible, in accordance with BRE standards.
- 3.5.21 Accordingly, Officers consider that the proposed development would not demonstrably impact daylight or sunlight to the existing or prospective neighbouring development to an extent that would warrant the schemes refusal on such grounds.

4-6 White Lodge Close

- 3.5.22 These three neighbouring properties sit to the east of the application site. The assessment has been carried out having regard to drawings for 4 White Lodge Close under planning application reference 19/3101/FUL, 5 White Lodge Close under planning application reference C02240J and 6 White Lodge Close under planning application reference 18/7569/FUL.
- 3.5.23 The VSC results confirm that all of the windows at 5 White Lodge Close and the consented scheme for 6 White Lodge Close exceed BRE's criteria of 27% in the proposed condition or 0.8 the existing value.
- 3.5.24 The daylight distribution (DD) for 6 White Lodge Close confirms that BRE's criteria would be satisfied, although 5 White Lodge has not been assessed for compliance as there would be very little change in daylight between the proposed and existing conditions.
- 3.5.25 With regards to 4 White Lodge Close, all but two windows (ground floor windows serving a kitchen and dining area) would achieve BRE's criteria. However, the assessment has considered this further through a Daylight Distribution assessment, for which the results for these rooms and confirms that BRE's criteria is satisfied in all but one location – a kitchen. Nevertheless, Officers concur with the findings of the report which demonstrate that the daylight access and distribution would still present adequate levels for circa. 75% of the room's current standards.
- 3.5.26 The assessment report also considers the impact on Annual Probable Sunlight Hours (APSH) for '4-6 White Lodge Close' and confirms that they would receive adequate sunlight exposure, where possible, in accordance with BRE standards.

3.5.27 Accordingly, Officers consider that the proposed development would not demonstrably impact daylight to the prospective neighbouring development to an extent that would warrant the schemes refusal on such grounds.

8-10 White Lodge Close

3.5.28 These three neighbouring properties sit to the north-east of the site. The assessment has been carried out having regard to drawings for 10 White Lodge Close under reference 21/2531/S73; White Lodge Close under reference: 17/6191/PNH; and, 8 White Lodge Close under reference 15/05480/HSE.

3.5.29 The assessment identifies that the proposed development complies with the BRE Guidance which states “If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffused daylighting of the existing building may be adversely affected. This will be the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value”.

3.5.30 In summary, the 25-degree line drawn from these neighbouring properties subtend the proposal thereby satisfying BRE’s recommendation. Accordingly the development would not demonstrably compromise daylight access for these neighbouring properties.

3.5.31 The assessment report also considers the impact on Annual Probable Sunlight Hours (APSH) for ‘8-10 White Lodge Close’ and confirms that they would receive adequate sunlight levels, where possible, in accordance with BRE standards.

3.5.32 Overall, it is considered that the development would have an acceptable impact on daylight and sunlight access for these examined properties.

48 & 50 The Bishops Avenue and The Westwood

3.5.33 To the west of the site, on the opposite side of the road, are these 3 detached houses with windows in the front elevation facing the site. The relevant windows and rooms have been analysed and the report concludes that every window within 50 The Bishops Avenue, would exceed BRE’s recommendation of 27% in the proposed condition or above 0.8 the existing value. Accordingly there would be no loss of daylight and therefore no adverse effect. With regards to The Westwood and No. 48 The Bishops Avenue, the 25 degree line drawn from the relevant windows would subtend the proposed development and would therefore demonstrate that the proposal would conform with BRE Standards, thereby requiring no further analysis.

3.5.34 The assessment report also considers the impact on Annual Probable Sunlight Hours (APSH) for ‘48, 50 and The Westwood, The Bishops Avenue’ and confirms that they would receive adequate sunlight exposure, where possible, in accordance with BRE standards.

3.5.35 Accordingly Officers are satisfied that the development would have an acceptable impact on daylight and sunlight access for these neighbouring properties.

3.6 Transport / Highways

- 3.6.1 Policy T4 (Assessing and mitigating transport impacts) of the Mayor’s London Plan (2021) requires that the highways related impacts and opportunities which arise as a result of development proposals are identified and assessed so that appropriate mitigations and opportunities are secured through the planning process. It is important that development proposals reduce the negative impact of development on the transport network and reduce potentially harmful public health impacts.
- 3.6.2 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential Car Parking

- 3.6.3 Barnet’s Local Plan (2012), draft (regulation 22 submission) Local Plan, and the Mayor’s London Plan (2021) recommend a range of parking provision for new dwellings based on the site’s Public Transport Accessibility Level (PTAL) and the type of units proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:
- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
 - two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
 - one-bedroom units - 1.0 to less than 1.0 parking space per unit
- 3.6.4 Whilst Barnet’s Draft Local Plan – Regulation 22 submission has not yet been adopted, and the 2012 Barnet Local Plan remains the statutory development plan for the Council, the policies of the draft Local Plan hold some weight in the overall planning balance. The draft Local Plan responds to the Mayor’s adopted London Plan (2021) parking standards, intending to adopt similar standards that it has established for residential car parking.
- 3.6.5 The London Plan (2021) states that the accessibility of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The standards in both the Barnet draft Local Plan (Reg 22) and Mayor’s London Plan (2021) are as follows:

	Barnet Draft Local Plan - Reg 22		London Plan (2021) Policy T6.1 – Table 10.3
Location/PTAL	1/2 bed units	3+ bed units	Any size unit
Outer London PTAL 0 - 1	1.5 spaces per dwelling	1.5 spaces per dwelling	1.5 spaces per dwelling ¹

¹ Footnote to Table 10.3 of Policy T6.1 of London Plan (2021) states: “Boroughs should consider standards that allow for higher levels of provision where there is clear evidence that this would support additional family housing”

- 3.6.6 The standards above are maxima (not minimum) and are lower than those in Barnet's current Local Plan (2012). TfL's typical recommended starting point for all developments should be 'car-free'. Nevertheless, it is recognised that this is not suitable for all locations, especially in outer London Boroughs. Given the site location, with limited access to shops/services and low PTAL accessibility, Officers consider that the starting point for calculating the residential parking ratio for the development should be from the maximum standard rather than the other way around.
- 3.6.7 Based on Policy DM17, the proposed mix of units (22 x 2 bed units, 11 x 3 bed units) will require a parking provision of 33 – 50 parking spaces. Similarly, based on London Plan and emerging local plan standards, the development will require a parking provision of 50 parking spaces.
- 3.6.8 The site lies in an area with a PTAL score of 0, on a scale of 1a to 6b, where 1a represents (very poor) and 6b (excellent) access to public transport. Given that the site suffers from poor access to public transport with limited bus route access within 2 minutes walking distance of the site, and no rail or tube stations nearby, the Highways Authority have agreed that the provision of 54 spaces provided on site (consisting of 41 spaces within the basement and 13 spaces on the ground floor) – as per the proposed plans is appropriate. This is consistent with the abovementioned policies of the London Plan, Local Plan and emerging local plan.
- 3.6.9 A minimum of 4 disabled spaces are required and these will need to be indicated on the parking layout plans. The Highway Authority have suggested that a parking management plan should be required by condition to set out how parking spaces will be allocated and how inconsiderate parking will be enforced. Officers note the Highway Officer concerns about management of parking, and deem it unnecessary to have a management plan in place as the development will provide sufficient levels of parking to service the development. Notwithstanding, a final parking layout condition is considered both reasonable and necessary, to finalise the provision parking and location of disabled parking on site.
- 3.6.10 In accordance with the Mayor's London Plan (2021) Policy T6, part (C) at least 20% of the parking spaces must be fitted with active electric vehicle charging points and the remaining 80% must be provided with a passive provision for future use. Based on this, 11 spaces should be fitted with active electric vehicle charging points and passive provision made for the remaining 43 spaces. This will be secured by way of a planning condition.

Cycle Parking

- 3.6.11 In terms of cycle parking, London Plan (2021) Policy T5 requires provisions of 2 spaces per 2-3 bed units. This equates to a cycle parking provision of 66 spaces. In addition, there is a requirement for 2 short term spaces for visitors. Secure cycle storage is provided within the basement of the development for the 64 cycle spaces, as required.
- 3.6.12 The Highway Authority have recommended conditions to secure details of cycle parking to demonstrate that the type of stands used allow both wheels and the frame of the bicycle to be locked. Officers consider this to be reasonable. In addition, the Highway Authority commented that the short-stay spaces should be closer to the building entrance. Officers consider that details of this can be reasonably be required by planning condition.

Access & Layout

- 3.6.13 Access to the site will remain as existing. Vehicles and pedestrians will access and egress the site via The Bishop's Avenue. Two of the existing four accesses will be retained and an internal drive constructed with the southern access used as an "entry" and the northern access as an "exit". The two redundant crossovers are to be reinstated to footway and the Highways Authority have advised that this would involve works on the highway for which a s184/278 licence will need to be obtained. These modifications to the existing accesses are regarded as necessary and can be carried out as part of a package of off-site highway works to be progressed as part of the scheme – secured by the appropriate highway agreements.
- 3.6.14 Two car lifts are shown at the front of the property on the eastern corner of the building at ground floor level which provide access to the basement parking. Highways Officers consider this to be acceptable as there is sufficient space for vehicles to wait in front of the car lifts. They have also requested that specification, manufacturer's warranty, product reliability and repair response times are provided. These details can be secured via planning condition.
- 3.6.15 Highways Officers consider that the basement car park layout is acceptable, but advise that minimum aisle width of 6m must be ensured throughout the basement car park. In addition, swept path drawings of refuse/delivery vehicles entering and exiting the site in forward gear have been provided, and these are considered to be satisfactory. Highways Officers recommend that the swept paths of a refuse lorry and fire tender should be secured by way of a planning condition. Officers considered this to be a reasonable and proportionate approach to securing these further details.
- 3.6.16 Further, the Highways Authority have requested a safety audit of the internal layout of the car park to ensure that it is safe for use. This will be secured by way of a planning condition.

Servicing

- 3.6.17 Servicing will be undertaken within the site. There will be opportunities for vehicles to load / unload adjacent to the building in the large forecourt in front of the building. Waste will be stored at lower ground floor level in a dedicated storage area. Site Management personnel/staff will transport waste to the ground floor where waste collection operatives will be able to collect refuse within a short distance of the vehicle waiting on the adjacent highway. This is in accordance with waste collection for neighbouring properties. The Highway Authority accepts the proposed servicing arrangements as proposed although they request a revised parking layout plan showing designated areas for servicing on the ground floor. This will be secured by planning condition. It is expected that the site will generate around 4 deliveries a day and this can be safely accommodated within the site.

Road Safety

- 3.6.18 According to the data on CrashMap (accident database), there were 1 slight reported personal injury accidents on section of The Bishop's Avenue within 150m either of the site access in the five year period between Jan 2015 and Dec 2019. The 1 reported slight personal injury accidents involved pedestrians.

3.6.19 The site will generate additional pedestrian trips which will increase the demand to cross resulting in additional conflicts between pedestrian and vehicles. To enhance pedestrian safety in the vicinity of the site, it is requested that the applicant renews the footway along the site frontage. The Highways Authority advise that these works should be carried out under a s278 Agreement with the Council. Officers consider this to be a reasonable and proportionate request, to ensure the safety of pedestrians from the site and surrounding neighbourhood.

Trip Generation

3.6.20 The proposed development will generate a total of 32 two-way person trips in the AM peak and 19 in the PM peak. This includes 14 two-way car trips and 8 two-way car trips in the AM & PM peak periods. This level of trip generation is not anticipated to have a detrimental or noticeable impact on the local highway or public transport.

Construction Management Plan

3.6.21 The applicant has submitted a draft Construction Traffic and Environmental Management Plan. Highway Officers reviewed the plan and provided the following comments:

- Contact details of the community liaison officer are requested
- Residents engagement and communication strategy is requested
- All hauliers and freight operators must be FORS accredited
- There should be no parking or waiting of construction vehicles and construction staff on the public highway
- All deliveries must take place between 10am-3pm
- A map showing details of the proposed signage on site is requested.

3.6.22 Officers consider that the additional information can be secured through a final Construction Traffic and Environmental Management Plan, required by planning condition.

3.6.23 Highway Officers have requested a planning condition that requires a “before” and “after” highway condition survey to ensure that damage to the public highway is appropriately monitored and rectified, where necessary. This is considered to be a reasonable and proportionate approach.

3.6.24 Overall, the Highways Authority raise no objection in principle to the proposed scheme, subject to conditions and the following planning obligations:

- Renewing the footway along the site frontage - To enhance pedestrian safety (Works to be carried out under a s184/278 Agreement)
- Modifications to the existing vehicular crossovers and reinstating redundant crossovers to footway. (Works to be carried out under a s278 Agreement)

3.6.25 Officers are satisfied that the recommended conditions and above planning obligations are both reasonable and necessary to ensure that the proposed development does not compromise the safety, function and convenience of the local highway network and its users, in accordance with Policies DM17 and CS9 of the Barnet’s adopted Development Management Policies DPD (2012) and Local Plan Core Strategy (2012).

3.7 Trees, Landscaping and Biodiversity

- 3.7.1 Paragraph 131 of the National Planning Policy Framework (2021), Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012) all recognise the importance of green infrastructure in the enhancement of biodiversity, sustainable urban drainage, responding to climate change, and enhancing both character and amenity of places, collectively delivering sustainable development. Policy G6 (Biodiversity and access to nature) of the Mayor's London Plan (2021) requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain.
- 3.7.2 London Plan (2021) Policy D8 (Public Realm) states that development proposals should explore opportunities to create new public realm where appropriate. Proposals should also ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable.
- 3.7.3 Policies CS4, CS5, CS7, DM01, DM02 and DM15 of the Barnet Local Plan 'Core Strategy' and 'Development Management Policies' (2012) align with the principles of the above London Plan policy – i.e. recognising that high quality, open and attractive outdoor public and communal spaces provide many leisure, recreational and health benefits thereby being essential to healthy, sustainable places and communities. The benefits are further reinforced the Council's Green Infrastructure SPD (2017).

Trees

- 3.7.4 The application is supported by an Arboricultural Impact Assessment Report and separate Method Statement which has been reviewed by the Council's Arboricultural Officer.
- 3.7.5 The primary impact on trees for this development have already been approved under the 2018 applications. The approved removals relate to the following trees T164, T165, T167, T182, T183, T185, T194, T194, T195, T196, T198 and T199. In addition, to accommodate the alterations in the design T166, T200 and G25 will also need to be removed.
- 3.7.6 The Council's Tree Officer considers that the loss of trees at the front will have a significant impact on visual amenity, however notes that these trees would not merit additional protection. They advise that the majority of the mature historic trees are retained within the scheme which is supported, and that subject to a detailed arboricultural method statement for the construction processes and landscape design, the overall impact of the proposals are broadly acceptable. It is advised that a high-quality landscape scheme must be designed that will offset the loss of the trees in both the front and rear garden, and the arboricultural and construction method statement must be developed together to ensure trees and construction requirements are compatible. Officers are satisfied that these can be secured by planning condition, as recommended by the Tree Officer.
- 3.7.7 London Plan policy G7 states that wherever possible, existing trees of value should be retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of

the trees removed.

- 3.7.8 The applicant has supplied a Tree Valuation Report (Ref: HVL/WR/TVR/01; dated 7th July 2022; produced by Landmark Trees). It estimates the value of 1no. Horse chestnut; 1no. Common lime and a Group of Leyland cypress as being £20,602. The Council's Tree Officer is satisfied with the estimated valuation and recommends that where the value of these trees cannot be replanted within the site, the outstanding amount must be secured for new planting within the surrounding area. This will be secured by a legal agreement.

Landscape Design

- 3.7.9 A landscape strategy has been developed for the site which subject to further details required by condition, works towards building on the character of The Bishops Avenue and the links back to The Bishops Forest. The Council's Tree Officer advises that the landscaping proposals are acceptable in principle, but that the final design should be designed in conjunction with the project ecologist to deliver meaningful improvements to the remaining habitats through the inclusion of native plant species over more ornamental species. Officers consider this to be integral to the enhancement of the special interest of the Conservation Area and therefore, consider the Tree Officer's recommendation for a condition requiring further details of the final hard and soft landscaping for the scheme to be acceptable.
- 3.7.10 London Plan policy G5 expects major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The policy expects Boroughs to identify an appropriate amount of urban greening but in the interim recommends a target score of 0.4 for predominately residential developments.
- 3.7.11 The applicant has provided an early stage assessment within the Landscape Design Proposals (Rev B; Date 14.03.23, produced by James Smith) which finds that the proposal can achieve an Urban Greening Factor score of 0.44. Officers are therefore satisfied that the proposal could meet the required policy requirements for urban greening.
- 3.7.12 Officers are satisfied that the proposed landscaping in principle is acceptable and further detailed plans and details will be secured via condition, as per the Tree Officer recommendation.

Ecology / Biodiversity

- 3.7.13 Paragraph 180 of the NPPF (2021) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021 seek to ensure that development proposals manage impacts on biodiversity and aim to secure net biodiversity gain. Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012) broadly aligns with these policies in principle, as does Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 22).
- 3.7.14 The application was originally submitted with no substantive ecological or biodiversity related information. During the lifetime of the application, in consultation with the Council's Ecologist, Officers requested and received the requisite information, and as such the scheme is now supported by the following relevant documentation:

- Ground Level Tree Assessments (Syntegra Consulting, April 2023);
- Bat emergence & Re-entry Survey Report (Syntegra Consulting, June 2023);
- Construction and Environmental Management Plan (Syntegra Consulting, May 2023a);
- Reptile Mitigation Strategy (Syntegra Consulting, May 2023b);
- Lighting Impact Assessment and External Lighting Design (BSG, R02, July 2023);
- Landscape and Environmental Management Plan (Syntegra Consulting, May 2023);
- and,
- Biodiversity Impact Calculation Report (BNG) (Syntegra Consulting, March 2023).

3.7.15 The above documents were reconsulted on with the neighbouring properties in July/August, as detailed within the public consultation section of this report.

3.7.16 The submitted Bat Survey documents establish that several trees within the site have been found to host potential roost features for bat species, however subsequent emergence and re-entry surveys undertaken in May and June 2023 identified that specific trees to be removed to facilitate construction of the scheme were not occupied by bats. Nevertheless, the reports acknowledge that bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time. It further states that any bats that begin using the trees during the intervening period between the surveys being undertaken and works commencing could be injured or killed and their roosts destroyed, and therefore, a precautionary working method will need to be implemented and a sensitive lighting strategy and opportunities for enhancement should be provided. A lighting strategy is contained within the Lighting Impact Assessment and External Lighting Design report, and this has been designed to take account of the potential impact on bats. Further supplementary information and recommendations have been provided within the Landscape and Ecological Management report, and Ecological Impact Assessment Report. The Council's ecologist has considered all of the submitted information and is satisfied that the proposals provide adequate mitigation to limit the risk of harm to bats, whilst providing adequate compensatory enhancements on site to ensure that bats can continue to use the site. The recommendations will be secured by planning conditions attached to this recommendation.

3.7.17 The Ecological Impact Assessment Report concludes that the site supports several protected and notable species and habitats, including birds, invertebrates and reptiles (slow worms). The report makes avoidance, mitigation and compensation recommendations, along with further mitigation details for reptiles within the Reptile Mitigation Strategy. The Council's Ecologist has considered these recommendations and raises no objections, subject to conditions. The recommendations will be secured by planning conditions attached to this recommendation.

3.7.18 The Reptile Mitigation Strategy responds to the identification of slow worms on site in the Ecological Impact assessment report. The Council's Ecologist has assessed the recommendations of the strategy and is in agreement with the methodology set out. They have recommended a suitably worded (Grampian) condition to secure the establishment of the reptile receptor site within the adjacent Towers site where any reptiles found on the Portfolio site would need to be translocated prior to any ground clearance of the Portfolio site. This is considered a both reasonable and practical approach, but also can be secured by legal agreement.

3.7.19 The management of impacts on habitats and species during the construction phase and following the completion of the development will be managed through the

Construction Environmental Management Plan and the Landscape and Ecological Management Plan, which will be secured by planning condition and legal obligations respectively.

- 3.7.20 Paragraph 180 of the NPPF (2021) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021 seek to ensure that development proposals manage impacts on biodiversity and aim to secure net biodiversity gain. Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012) broadly aligns with these policies in principle, as does Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 22).
- 3.7.21 In respect of the Biodiversity Impact Calculation Report (BNG) (Syntegra Consulting, March 2023), it demonstrates Biodiversity Net Gain is achievable (+4.40 habitat units, 37.09%). The Council's Ecologist has considered the Biodiversity Impact Calculation Report (BNG) for the site and concurs with the conclusion that further consideration is needed in compensating the medium/high distinctiveness habitats lost as part of the current scheme. Accordingly, it is recommended, as per the heads of terms set out at the top of this report, that mitigation/compensation be secured via a legal agreement i.e. Requiring: *submission of a detailed combined landscaping and Biodiversity Net Gain plan that offsets the loss 0.26 habitat units of Medium Distinctiveness dense/bramble scrub requiring a like-for-like replacement. Where this cannot be achieved, then in consultation with the Local Planning Authority and its Biodiversity specialist(s), it will be agreed either that (1) reasonable like-for-like habitats on a site(s) within the Borough of Barnet shall be enhanced to the relative compensatory level; or, (2) the applicant will compensate like-for-like habitats by collaborating with local NGOs such as the London Wildlife Trust.* Officers consider this to be both fair and reasonable approach in securing compliance with the relevant policies.
- 3.7.22 Overall, Officers are satisfied that the information submitted is in line with NPPF policies for achieving a net gain in biodiversity and provides a series of measures and means to conserve and enhance biodiversity.

3.8 Other Considerations

Environmental Considerations

- 3.8.1 Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.
- 3.8.2 Environmental Health have considered the potential for contaminated land being present on site and the associated risks to the future occupiers. They have concluded that land contamination would not be an issue on this site and therefore no investigative studies or remediation would be required.

Air Quality

- 3.8.3 Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.
- 3.8.4 Environmental Health have considered the submitted Air Quality Assessment by Air Quality Consultants Ltd (ref. J10/12706A/10/1/F3, dated: 22 December 2021).
- 3.8.5 They are satisfied that there would be a suitable approach to construction related dust mitigation as set out within the Construction dust risk assessment; and, also raise no objections to the justifications given for not performing a detailed assessment of operational phase traffic impacts.
- 3.8.6 Notwithstanding, Environmental Health have queried the localised (future residents and immediate adjacent neighbouring receptors) air quality impacts of the underground car parking area and its extraction ventilation system. They have requested that an appropriate assessment be undertaken to identify the impacts and establish suitable means of mitigation to ensure that harm to the amenities and health of the future occupiers and immediate adjacent occupiers are adequately mitigated against. Officers are satisfied that this can be addressed through a planning condition, and thus, one addressing this matter has been attached to this recommendation report.

Noise

- 3.8.7 Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring occupiers. The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials. This approach to noise aligns with the principles within Barnet Local Plan (2012) Policy DM04.
- 3.8.8 Environmental Health have reviewed the application and considered the submitted supporting Noise Assessment by KP Acoustics Ltd (ref. 23283.PCR.01Rev A, dated: 25/11/2021). They have advised that the methodology used to assess noise from the plant associated with the development is acceptable.
- 3.8.9 The Environmental Health team have identified the energy centre, plant room and gym in the lower ground floors as being potential sources of noise that need to be considered by further assessment. They have recommended planning conditions requiring assessments and reports with mitigation, where identified as necessary, to address the potential for noise nuisance and disturbance for the future occupiers. Officers consider this to be reasonable and necessary to ensure the quality of accommodation for prospective residents of the future development.
- 3.8.10 Overall, it is considered that the proposed development, subject to conditions, could achieve satisfactory internal noise levels, in accordance with the objectives of Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD

(2012), and Policies D13 and D14 of the Mayor's London Plan (2021).

Energy & Sustainability

- 3.8.11 London Plan Policy SI 2 Minimising greenhouse gas emissions requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be lean: use less energy –
 - Be clean: supply energy efficiently –
 - Be green: use renewable energy
- 3.8.12 London Plan Policy SI2 'Minimising Greenhouse Gas' requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations 2013 is required for major development. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund.
- 3.8.13 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.
- 3.8.14 An Energy & Sustainability Statement has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reduction in total CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 85% CO₂ reduction for the domestic elements; and, a 64% CO₂ reduction in the non-domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. This has been calculated as a payment of £15,240.00.
- 3.8.15 The mitigation and stated 85% / 64% reductions, together with the carbon offset payment is considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). A condition is recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, which will subsequently ensure compliance with the aforementioned policies.

Flood Risk / SUDs

- 3.8.16 Policies SI12 (Flood risk management) and SI13 (Sustainable drainage) of the London Plan (2021) require development proposals to take account of flood risk – minimising and mitigating this along with any residual risk. Further, the policies require development proposals to aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible – opting for sustainable green drainage features over grey features, ensuring that they are designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.
- 3.8.17 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".
- 3.8.18 The site is located within Flood Zone 1 which is classed as low risk. The application is accompanied by a Flood Risk Assessment and SUDS report (produced by Nimbus, C2604-R1-REV-C, March 2022). This was assessed by the Council's appointed Drainage Engineer who subsequently asked for further information. The applicant provided a revised report and details via email, containing hydraulic calculations related to storage. Notwithstanding the Council's appointed Drainage Engineer requested further information. Despite the Drainage Engineer's requests, Officer's are satisfied that the outstanding information is not a matter that would warrant the application's refusal, and therefore, consider that this could reasonably be required by a suitably worded planning condition. Accordingly, a pre-commencement condition requiring full details of drainage strategy (including SuDs) has been attached to this recommendation.

Water Consumption

- 3.8.19 In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to facilitate the objective of minimising the level of water used by the future occupiers and development in general, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).
- 3.8.20 The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

Secure by Design

- 3.8.21 Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Metropolitan Police Service who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development to achieve Secure By Design Accreditation.

3.9 Fire Safety

- 3.9.1 Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development, before it has obtained planning permission and thereby before any building control application is made.
- 3.9.2 A fire statement (Ref: AF2471; Issue: 03; 25/11/2021; produced by Ashton Fire) has been submitted with the application. London Fire and Rescue Service were consulted on the application and did not raise any objections. A condition recommending compliance with the submitted Fire Statement is attached to this recommendation.

3.10 Skills & Employment Opportunities

- 3.10.1 Policy CS15 of the adopted Barnet Local Plan Core Strategy (2012) establishes that the Council will use planning obligations, where appropriate, alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of development.
- 3.10.2 With regard to skills, employment and training opportunities, the Council's adopted Delivering Skills, Employment, Enterprise and Training from Development through S.106 SPD (2014) provides the method for calculating the number opportunities (i.e. jobs, apprenticeships, local labour/materials, work experience etc) that a proposed development should deliver, based on the construction value of the scheme. This scheme by its nature has an inherently high build cost of approximately £50.68m, however, this value is not reflective of the scale of the scheme and accordingly the consequent Non-financial outputs are not realistic:

Part 1a - Non-financial obligations	Outputs
a) Progression into Employment (unemployed under 6 mths)	7
b) Progression into Employment (unemployed over 6 mths)	5
c) Apprenticeships (min NVQ Level 2)	12
d) Work Experience (min 10 days)	15
e) School/College/ University Site Visits	91
f) School/College Workshops	76
g) Local Labour	20%
h) Local supplier requirements	2

- 3.10.3 Furthermore, given that the scheme has demonstrated viability issues, as early discussed within the affordable housing section of this report, a payment in lieu (circa. £0.76m) of the above is not considered reasonable.
- 3.10.4 Officers have considered other examples where this has been an issue, in particular Barons Court at 56 The Bishop's Avenue. In this example the obligations were reduced by 50%, in light of the scale and build-out timescales. A similar approach is considered to be reasonable and proportionate for the scheme being considered here. As such, subject to a Section 106 agreement, the scheme should reasonably be capable of delivering the following:

Part 1a – Non-financial obligations	Outputs
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a) Progression in Employment (unemployed under 6mths)	4
b) Progression into Employment (unemployed over 6 months)	3
c) Apprenticeships (min NVQ Level 2)	6
d) Work experience (min 10 days)	8
e) School/college/university site visits	46
f) School/college workshops	38
g) Local labour	10
h) Local supplier requirements	2

3.10.5 The above are considered to be more realistic figures, which subject to the appropriate heads of terms can be commuted to payments in lieu, should the non-financial obligations not be met. Officers consider these to be a fair and reasonable obligations, relative to the scale of the proposals, and they will ensure that much needed employment, skills and business opportunities are provided to the Borough, in accordance with Policy CS15 of the adopted Barnet Local Plan Core Strategy (2012).

3.11 Response to Public Consultation

3.11.1 Officers have addressed the comments of objection received, where possible, in the above assessment. Issues that have not been address are responded to as follows:

- Noise from occupation and general day to day activities would not give rise to demonstrable disturbance of neighbouring occupiers. In the event that there are isolated incidences of disturbance that amount to a nuisance or anti-social behaviour (e.g. such as that arising from a party) there are other statutory mechanisms that would govern and enforce against such occurrences (enforced by Environmental Health and the Police).
- A significant number of trees will remain on site, and further landscaping is proposed which will ensure that the sylvan character of the site is maintained.
- The retained trees are afforded protection from the Conservation Area and TPO's, this will ensure that they are healthily managed and retained for the future.
- The ecological information was requested during the lifetime of the application and has been subsequently assessed as acceptable by the Council's Ecologist.

3.12 Equality and Diversity Issues

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

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

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

- o age;
- o disability;
- o gender reassignment;

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

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

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

3.12.5 A minimum of 10% of units will be wheelchair adaptable across the development.

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

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

3.12.8 Overall, it is considered that the proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

3.13 **The Planning Balance**

3.13.1 In accordance with paragraph 202 of the NPPF (2021), the harm identified to the significance of the HGSTBA Conservation Area should be weighed against the public benefits of the proposal.

3.13.2 The special significance of Zone 3 of HGSTBA Conservation Area is defined by the presence of large mansion style houses, that are set within large generous plots. The distinct issue which is clearly evident to Officers, when visiting this part of the street, is that many of these properties are vacant and derelict and have been for a significant period of time. There is no longer a demand for single family properties of this scale, and as such, it is likely that they will remain unoccupied without appropriate intervention.

3.13.3 The harm identified as a result of the proposal is:

- Harm to the special significance of the HGSTBA Conservation Area. However, the harm is considered to be low as the evidence provided within the Heritage Statement demonstrates that the original building that was on site, which had a more positive contribution, was replaced by a number of previous buildings, including the current one in 1992;
- Provision of a new flatted development in land-use terms in an area defined

- by mansion style houses on very large plots; and
- Increased built footprint and massing on the site, in comparison to the single family dwellings that historically sat within their larger site curtilage.

3.13.4 In the terms of the NPPF framework, this would represent less than substantial harm to the significance of the designated heritage (i.e. the Conservation Area). As required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be given to the desirability of preserving or enhancing the character and appearance of that area. In line with paragraph 202 of the NPPF this harm should be weighed against the public benefits of the proposal.

3.13.5 The proposed benefits of the scheme are:

- Redevelopment of a vacant and deteriorating site;
- Provision of a high quality built development which is considered to improve the visual appearance of the site, the street scene and the conservation area;
- Provision of 33no. residential homes towards the Borough's housing targets;
- Increased security within the street due to site being occupied by residents;
- Scheme will provide economic benefits in terms of jobs, income from CIL, S106 obligations for financial contributions and skills and employment and council tax income

3.13.6 On balance, Officers give significant weight towards the current state and decline of this area of The Bishops Avenue and that intervention is required to ensure the street is revitalised. Significant weight is also attributed to the £1,000,000.00 contribution to off-site affordable housing provision, which has the potential to unlock a greater value affordable housing scheme within the Council's current affordable housing project pipeline. Furthermore, the proposed development is considered to be of high-quality in architectural terms. The proposed development is considered to be of a high-quality scheme in architectural terms. Whilst a level of harm has been identified, Officers having taken a balanced judgement, consider that the proposed benefits would outweigh the less than substantial harm to the character and significance of Zone 3 of HGSTBA Conservation Area.

3.13.7 Having taken into account all of the material considerations, Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Officers note that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard, it is considered that there is no substantial harm to the preservation of the conservation area as a result of the proposal and is therefore acceptable having regard to the provisions of Barnet Local Plan Policy DM06, policies within section 16 of the NPPF (2021), and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

4 Conclusion

4.1.1 Having taken all material considerations into account, it is considered that there is level of harm due to the loss of the existing locally listed building and impact on the conservation area by virtue of the built form and land-use. However, the proposed development would be of a high quality and would contribute to the improvement of the visual appearance of the site which has been vacant and deteriorating for a considerable number of years. No demonstrably adverse harm has been identified in terms of neighbouring amenity and highways. Therefore, on balance of the consideration of all relevant matters, this application is therefore recommended for

approval following the completion of a legal agreement and suitable conditions.

Site Location Plan(s):

