

Location 105 West Hendon Broadway London NW9 7BN

Reference: 21/4352/FUL Received: 4th August 2021
Accepted: 10th August 2021

Ward: West Hendon Expiry 9th November 2021

Case Officer: Dominic Duffin

Applicant: -

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

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

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

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

3. Highways

CPZ permit restriction - usually £2,072.55 for Traffic Management Order contribution to restrict occupants from securing CPZ permits and Monitoring of the Agreement - £103.60

4. Employment & Skills

Part 1a - Non-financial obligations

	Outputs
a) Progression into Employment (unemployed under 6 mths)	2
b) Progression into Employment (unemployed over 6 mths)	1
c) Apprenticeships (min NVQ Level 2)	3
d) Work Experience (min 10 days)	5
e) School/College/ University Site Visit Attendees	30
f) School/College Workshop Attendees	24
g) Local Labour	20%
h) Local supplier requirements	2

Commutated sum in lieu of employment agreement i.e. if the applicant does not provide employment/apprenticeship places etc, as per part 1a above - £171, 290.50

5. Trees Replacement

New street tree planting is required to help provide a better relationship between the building and the main road. There will also be a need for new planting in the surrounding streets to help soften the views to this structure.

It is proposed an obligation to secure 30 new trees would be sufficient at £700.00/tree total £21,000 In accordance with Barnet Council's Adopted Tree Policy.

6. Sustainability

An on-site reduction of 67.9% in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development. The carbon dioxide savings exceed the 35% on-site target set within the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £37,410 to the Borough's offset fund (13.13 tonne shortfall x £95 x 30 years).

-An obligation to ensure compliance with the GLA "Be Seen" energy use monitoring scheme.

7. Affordable Housing

Committed sum of £87,238 towards Affordable Housing provision within the borough paid at the start of construction phase.

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

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

8. Air Quality Neutral

- Membership of a local car club for future occupants to offset an air quality neutral deficit.

9. Monitoring of Agreement

£5,000

RECOMMENDATION II:

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

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

Location Plan - LOC-01
Landscaping and Planting - P-098
Block Plan - P-099
Level 1 (Basement) - P-100 Rev B
Level 2 (Ground) - P-101 Rev B
Level 3 (First) - P-102
Level 4 (Second) - P-103
Level 5 (Third) - P-104
Level 6 (Fourth) - P-105 Rev C
Level 7 (Plant Area) - P-107 Rev C
Roof Plan - P-108 Rev C

Section A-A - P-200 Rev D
Section B-B -P-201 Rev C

East Elevation - P-301 Rev C
West Elevation - P-302 Rev C
North and South Elevation - P-303 Rev C
Street View Elevation - P-304 Rev C

Existing Basement Drainage Layout - E-501
Ground Floor Drainage Layout Existing - E-502

Basement Plan as Existing - E-101
Ground Floor as Existing - E-102
First Floor as Existing - E103
Roof Plan as Existing - E104
East and West Elevation as Existing - E-105
Cross Section as existing - E-106

Typical MVHR Layout - P-501
Fresh Air Supply System Schematic Plan received 04th November 2021
Air Supply and Duct Plan (Third Floor) - P-104
Proposed Building Emissions Chart received 04th November 2021
Proposed Basement Layout with Swept Path Analysis - 21-108-005

Air Quality Assessment 105 West Hendon Broadway, Barnet, Report Ref: AQ0119, November 2021 by Gem Air Quality Ltd
Noise Survey Report (by Bickerdike Allen Partners LLP, Ref: A11307_01_RP001_5.0, dated: 16/07/2021) and the Response to LBB Technical Query A11307_01_LT001_1.0 dated 22 September 2021 and accompanying calculations addendum.
DAYLIGHT & SUNLIGHT REPORT, 85-105 West Hendon Broadway, Our Ref: 0567 dated 1 July 2021 by eb7
Energy Assessment by Eight Associates dated 20th July 2021
Sustainability Statement by Eight Associates dated 16th July 2021
TRANSPORT STATEMENT ON BEHALF OF DARTLAND PROPERTIES by Odyssey (July 2021)
Revised Design and Access Statement by ROH Architects received 02nd February 2023
Planning Statement by Rolfe Judd ref: P7697 (29th July 2021)
Amended SuDS Strategy by Eight Associates dated 12th November 2021
Preliminary Ecological Appraisal Prepared by CSA Environmental on behalf of Dartland Properties Report Ref: CSA/5799/01 dated November 2021
Waste Collection Report dated 23rd December 2021

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

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

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

- 3 a) No development shall take place other than demolition works, 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.

4 a) No development above ground floor slab level works shall take place until 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 Policies D3, D4, D5 and D6 of the London Plan 2021.

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

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

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

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

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

- 6 Prior to occupation of the development, a parking layout plan showing details of 23 off street parking spaces including 3 disabled spaces and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 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 Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 62 (long stay) and 2 (short stay) cycle parking spaces 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 bicycles 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.

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

for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 9 Before the permitted development is occupied, details of parking management plan 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 parking management 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

- 10 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (5 active and 18 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 11 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 with the Highways Authority under Section 184 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

- 12 Prior to occupation of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

- 13 a) No development other than demolition works 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.

- 14 a) The development shall not be occupied 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 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 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.

- 15 The methods to ensure mitigation against poor air quality, including final details of the proposed MHVR system to be installed, shall be submitted to the Local Planning authority for agreement, and the agreed details shall be implemented in their entirety in accordance with details approved under this condition before any of the development is first occupied 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 S11 of the London Plan 2021.

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

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

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

- 17 A post-completion acoustic report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use/first occupation of the development.

This report should confirm that all the mitigation measures as outlined in the following reports are adhered to: Noise Survey Report (by Bickerdike Allen Partners LLP, Ref: A11307_01_RP001_5.0, dated: 16/07/2021) and the Response to LBB Technical Query A11307_01_LT001_1.0 dated 22 September 2021 and accompanying calculations addendum.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04

of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 a) 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.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy Sl.13 of the London Plan, 2021.

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

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

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

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

26 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

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

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

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

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

- 28 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures as detailed in the submitted Energy Assessment by Eight Associates which achieves an improvement of not less than 67.9% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

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

- 29 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.

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

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 32 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 G5 and G6 of the London Plan 2021.

- 33 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in

writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

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

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 31 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM08 of the Adopted Development Management Policies DPD and the Planning Obligations SPD (adopted April 2013).

2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

4. The proposed development does not include a formal undertaking to provide a Local Employment Agreement (LEA) to deliver skills, employment and training opportunities, and a contribution towards loss of employment floorspace, to the detriment of the economy of the Borough and contrary to Policies CSNPPF, CS8 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM14 of the Local Plan: Development Management Policies DPD (2012) and the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)

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

6. The scheme fails to provide methods of mitigation to address air quality deficits with the scheme and as such would contribute to a deterioration in air quality at this location contrary to policy DM04 of the of the Adopted Development Management Policies DPD and London Plan policy SI.1 (2021).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 4 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

- 5 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 6 The footway and carriageway on the A5 West Hendon Broadway should not be blocked during the construction of the development. Temporary obstructions during the conversion should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A5 West Hendon Broadway. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a site situated within the southwestern part of the Borough, within the West Hendon Ward. The development site is approximately 0.13 hectares in area. The existing building, which is built of concrete with a glazed front, is two stories in height and is adjacent to the busy A5, West Hendon Broadway, High Road.

There was previously a car showroom at ground floor level and B1(a)Office at first floor level, although the building is largely vacant, a retail unit selling wedding dresses has recently commenced trading at ground floor level. There is currently basement parking accessed from the A5. The site has been the subject of numerous applications to convert, demolish and rebuild, as set out below in the planning history. There is a separate commercial garage adjacent to the site to the southeast and to the north west boundary is a motor vehicle service centre which has ceased operations on-site, with the buildings demolished. The vacant site to the north west has been the subject of a separate, application to redevelop for a largely residential scheme, see planning history below (21/0932/FUL). This application was approved on 18th February 2022 with amendments approved under application 23/0429/S73. The approved scheme is currently under construction with the building phase now above ground.

In 2011, planning permission was granted for the first floor of the property to be used independently as a Class D1 education facility, however this was never implemented, and the permission has since lapsed. An application in 2017 (17/4293/FUL) for a 49-unit residential scheme was refused and the subsequent appeal dismissed (APP/N5090/W/18/3205752). A 2020 appeal (APP/N5090/W/19/3243616) has agreed the conversion of the building to provide 20 residential units.

The surrounding area is mixed in character with commercial units to either side of the application property and residential properties on the cul-de-sac at Stuart Avenue at the rear. Opposite the site is a residential terrace.

The site does not fall within the nearby West Hendon Local Centre; does not contain a listed building and is not within a conservation area. The site has a Public Transport Accessibility Level (PTAL) rating of 3 for Moderate accessibility. The application site resides within Flood Zone 1.

2. Relevant Site History

Reference: 19/5651/PNO

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

Decision: Prior Approval Required and Refused

Decision Date: 12 December 2019

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

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

Redetermined Appeal: Allowed with conditions (21 December 2020)

Reference: 18/0661/LIC

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

Decision: Exempt

Decision Date: 20 February 2018

Description: Removal of the existing 13.5m monopole with 3no. internally shrouded antennas and replacement with a new 15m monopole also containing 3no. internally shrouded antennas in the same position as the previous monopole. Removal of 1no. cabinet and replacement with 2no. existing cabinets plus the installation of 1no. new meter cabinet. (Ref RC/CTIL_145547 22)

Reference: 17/4293/FUL

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

Decision: Refused

Decision Date: 13 February 2018

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

Appeal: Appeal Dismissed (APP/N5090/W/18/3205752)

Reference: H/02159/13

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

Decision: Approved following legal agreement

Decision Date: 6 May 2015

Description: Demolition of existing first floor of existing building and construction of new first and second floors comprising 16no. one-bedroom flats and 2no. two-bedroom flats. Alterations at ground floor to form residential entrance and bin and bicycle stores.

Reference: H/02414/12

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

Decision: Deemed Refusal (Appeal dismissed on absence of s106)

Decision Date: 14 November 2012

Description: Demolition of existing first floor storey and erection of two floors comprising 9 self contained flats on each floor with associated amenity space. Alterations to all elevations and associated internal alterations. (OUTLINE APPLICATION)

Reference: H/03275/12

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

Decision: Prior Approval Required and Approved

Decision Date: 15 October 2012

Description: Installation of a 13.5m high mast with 3no. antennas within shroud at top with associated 2 no equipment cabinets and development ancillary.

Reference: H/04633/11

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

Decision: Approved subject to conditions

Decision Date: 11 January 2012

Description: Installation of Internally illuminated 1no.entrance gate, 7no. free standing signs, 3no. fascia signs.

Reference: H/04117/11

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

Decision: Approved following legal agreement

Decision Date: 30 March 2012

Description: Removal of existing first floor storey and erection of new first floor storey to create 9no self-contained flats with associated amenity space. Alterations to all elevations and associated internal alterations. (OUTLINE APPLICATION)

Reference: H/00918/11

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

Decision: Approved subject to conditions

Decision Date: 23 May 2011

Description: Change of use of first floor from B1 office to D1 (education).

Reference: H/00737/10

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

Decision: Refused

Decision Date: 29 April 2010

Description: Conversion of existing first floor into 12 self contained flats following change of use from B1 (Offices) to C3 (Residential).

Adjacent site:

Reference: 23/0429/S73

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

Decision: Approved at committee awaiting completion of s106.

Decision Date: N/A

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

Reference: 21/0932/FUL

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

Decision: Approved following completion of s106.

Decision Date: 18 February 2022

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

Reference: 20/1067/FUL

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

Decision: Refuse Permission

Decision Date: 23 October 2020

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

Appeal: Appeal withdrawn.

Seven reasons for refusal, six relating to the absence of a section 106 Agreement to agree contributions/drainage details and the following design reason for refusal;

1.The proposed building, by virtue of its height, bulk, scale, siting and design, would be an overly dominant, incongruous and unsympathetic development, in particular relative to adjoining property at 105 West Hendon Broadway, which would result in material harm to visual amenity and detriment to the character and appearance of the streetscene and surrounding area, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policies CS1 and CS5 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the Local Plan: Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

3. Proposal

The application originally sought planning permission for the demolition of the existing building and construction of a 6-storey building plus rooftop plant room, comprising 39no. residential units (Class C3) with basement level car and cycle parking. Following discussions with officers an amended scheme was submitted (received 31.01.23) to provide;

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

Therefore the amended scheme has reduced the proposal by one storey and 2 no. units.

The main entrance to the flats will be off West Hendon Broadway and there are two separate entrances, along with a car ramp that accesses the basement level car park which includes 23 car parking spaces, electric charging points, and cycle parking spaces.

The proposed development will comprise of a total of 35 units, (16x1bed, 13x2bed and 6x3bed).

The building would be five stories in height, the most dominant material would be London Stock brickwork with regular aluminium fenestration behind deep reveals. The circulation and lift areas would be finished in aluminium panels.

Each unit has been designed to include private external amenity space, in the form of recessed balconies for the units on the first, second and third floors, and private roof gardens for the larger units on the fourth floor. There is also a communal garden to the rear of the proposal which can be accessed by all residents. The ground floor units have direct access from the rear of the properties and a side gate allows other residents access to the garden.

Refuse and recycling storage is provided at ground level with a large bin store located in the south west corner of the ground floor adjacent to the car ramp.

4. Public Consultation

Consultation letters were sent to 73 neighbouring properties.

The initial scheme (37 unit) received 12 responses, comprising 12 letters of objection.

The objections received can be summarised as follows:

- Overbearing and overlooking on Stuart Avenue residents resulting in loss of privacy and being "boxed in"
- The development would further destroy the area and make the traffic problems much more severe and strain on local services, there is already a high demand for parking in Stuart Avenue
- The proposal will lead to increased pressure on local services
- This will also create more pollution in the area
- Our home backs on to the existing property and we are deeply concerned about the lack of privacy any conversion will cause to our house and garden
- The large amount of windows and balconies look directly into our gardens and directly into our windows, as well as our neighbours
- A community use for the site would be much more beneficial to local residents
- There is already too much redevelopment in the area and this will cause further disruption, with increased noise and disturbance.
- The redevelopment of the site has already been rejected in the past and is not wanted by local residents
- Surrounding development is two storey and this proposal will appear out of character
- The many units proposed would cause parking issues spilling out into our own streets, an increase in vermin and littering
- This area has been overdeveloped with flats without any infrastructure
- Giving the Broadway a facelift is crucial, but simply erecting large apartment blocks

seems to be a very inconsiderate

-Since the Hyundai showroom was built there has been an ongoing issue with sewage leaking out onto the pavement.

A second consultation was carried out in light of the amended scheme. 7 further objections were received. These can be summarised as follows;

-Having a 4-6 storey extension will directly overlook into our property with residents able to view potentially inside our houses and definitely over our garden.

- Further development will cause increased congestion to West Hendon which has been exacerbated with the re-development of the West Hendon Estate

-Strongly object to the height and scale of the building, and not in keeping with the local houses in the area

- The new building will tower over the whole neighbourhood affecting sunlight

-This will also create more pollution in the area

- Sewage - Leakage of sewage in and around the construction which has currently still not been solved

- My extension has not been drawn on the Location Plan. This extension is 4 and a half meters long and has been made over 5 years ago. The distance between the back of my house and the development area is less than 12m.

5. Planning Considerations

5.1 Policy Context

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 in July 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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 Policies: CS NPPF, CS1, CS2, CS3, CS4, CS5, CS6, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining

properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.
- *Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)*
- *Barnet Trees Policy (October 2013)*
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of Development;
- Loss of Employment/Skills and Employability;
- Unit Mix;
- Affordable Housing;
- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Ecology and Biodiversity;
- Flood Risk and Drainage; and
- Sustainability.

5.3 Assessment of proposals

Planning History

As detailed in the planning history above there has been recent history relating to the redevelopment of the site. The most recent activity has witnessed the dismissal of an appeal for a five-storey building comprising of 49no. self-contained flats in 2018. In 2020 a redetermined appeal granted consent for the conversion of the building to provide a 20-unit residential development.

The 49-unit appeal scheme was ultimately dismissed in relation to the unit mix, the amenity of future occupants and the amenity of adjoining neighbours. These central issues will be discussed further in the relevant sections below.

Principle of Development

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential-led mixed-use development in appropriate locations. Paragraph 120 of the

NPPF advises that LPA's should give substantial weight to the benefits of reusing previously developed sites. The location of the proposed development on a vacant and previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development. Therefore, the principle of a residential scheme at this location is acceptable, and it is evident that a residential scheme would be in keeping with the changing aesthetic of the immediate area which includes predominantly residential developments, both approved, and pending decisions with a similar flatted scheme currently under construction at the adjoining site, 107 West Hendon Broadway.

London Plan Policy H1 requires LPA's to:

"optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

- a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary
- b) mixed-use redevelopment of car parks and low-density retail parks and supermarkets.
- c) housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses

The site has the characteristics that are set out in Policy H1, in that it is:

- o A brownfield site;
- o It has a PTAL that falls within the range of 3-6 - the sites PTAL is 3;
- o It is well within 800 metres of both Hendon Rail Station, and is close to the West Hendon Local Centre, with bus routes passing in front of the site;
- o It is the redevelopment of an appropriate low-density sites in commercial use.

The gross site area for density purposes is approximately 0.13 hectares. The site is considered to sit within an urban context. The new London Plan (2021) takes a less prescriptive approach on density than the previous plan and considers a designed approach to determine the capacity of the site, including site context, accessibility and capacity of surrounding infrastructure. The site is located on the A5 and close to a local centre which features an array of public services, shops and transport options making it a sustainable location for residential development. Furthermore, at appeal a 49-unit scheme was accepted in principle. Unit sizes, the quality of accommodation and impact on the amenity of neighbouring occupiers are just as key considerations as well as striking an appropriate density, however this is a suitable level of development for this site, subject to the aforementioned considerations, and the general principle is acceptable.

Loss of Employment

Policy DM14 of the Local Plan advises at iv. That proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted. Part v. of DM14 states that where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. Under the 2017 appeal scheme (17/4293/FUL) the officer report concluded the following;

"The loss of the B1 office use at first floor level has already been assessed and deemed to be acceptable in principle as part of the planning permission in 2013 and was agreed through earlier applications/appeals".

No mitigation for the loss of the office space had previously been sought. Under the appeal scheme the council had withdrawn a reason for refusal relating to the loss of employment on the ground floor (car showroom). The Local Plan identifies existing employment space as uses within the "B" Class and as such there would be no loss of this floorspace, the showroom being a Sui Generis use, such as not to require mitigation.

Skills and Employability

The proposed scheme would result in the creation of more than twenty-five residential units. Therefore, it would meet the threshold set out in the Council's 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' which requires a scheme to enter into a Local Employment Agreement (LEA). The LEA sets out the skills, employment and training opportunities to be delivered from development and includes all employment opportunities generated by construction. The Council Skills and Employment Team has assessed the proposal and set out the below requirements to ensure that the proposal complies with this requirement.

The SPD-SEET calculations and requirements are outlined in the following table;

Part 1a - Non-financial obligations	Outputs
a) Progression into Employment (unemployed under 6 mths)	2
b) Progression into Employment (unemployed over 6 mths)	1
d) Work Experience (min 10 days)	5
e) School/College/ University Site Visit Attendees	30
f) School/College Workshop Attendees	24
g) Local Labour	20%
h) Local supplier requirements	2

Part 2c - Commuted sums in lieu of Local Employment Agreements

Apprenticeship Contribution	£ 148,002.40	Subject to Indexation
Employment Contribution	£ 23,288.10	Subject to Indexation
Total LEA payment in Lieu	£ 171,290.50	Subject to Indexation

The applicant is required to agree to Part 1a above, or else Part 2c should the applicant opt not to discharge Part 1a. Therefore, a Section 106 agreement to secure the LEA requirements the proposal conflicts with the adopted SPD - 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' is required.

The SEET team would accept a hybrid model where 50% will be outcomes delivered and 50% will be a financial contribution. The S106 Funding is to be used for economic development. It will be used for business support, town centre improvements and supporting residents into work. The SEET team will be seeking to ensure that 50% of the funding is ringfenced for the West Hendon Barnet town centre in accordance with the West Hendon community plan.

Unit Mix

At appeal, the Inspector considered that the immediate area contained a mix of dwelling types and sizes and did not have characteristics to justify a scheme which did not include family sized dwellings. National and London Plan guidance states that new developments should provide a mix of housing size and types based on current and future needs.

Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough". The policy places emphasis on the need for 3- and 4-bedroom family units.

The proposed development provides the following mix of units:

16x 1 bedroom,
13x 2 bedroom and
6x 3 bedroom

The proposals would provide a mix of predominantly one/two-bedroom units, but also provides a provision of approximately 17% three-bedroom units. Given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility, the mix of accommodation is considered appropriate. As detailed, an element of larger units is also provided.

The supporting text to the policy does also state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is not within a town or local centre. However, given the constraints of the site, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can be accepted and Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family housing. The unit mix is therefore acceptable, and the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

Viability/Affordable Housing

As the proposed scheme would provide more than 10 units, it is required to provide affordable housing in line with Policy DM10 below:

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.

The tenure mix required would be 60% social rented and 40% intermediate as confirmed by the Housing Officer. The proposed development is providing no affordable housing as part of the scheme. Consequently, the overall provision falls considerably short of the target set by policy DM10.

The applicant has provided viability reports (Andrew Golland, July 2021 and May 2023) which had identified a significant shortfall, between the residual land value (site value for the development) and the existing use value (current use) and as such the scheme could not viably make a contribution towards affordable housing.

The council has had the Viability Reports independently appraised by BNP Paribas (BNP). BNP did find significant shortcomings in the submitted information and had misgivings that the submitted information suggested the proposal would run at a loss, and in that respect could not see how a scheme would be financially viable to come forward.

Under BNP's appraisal of all submitted information, taking into consideration the above, the proposed Development including 100% private housing generates a RLV of £1,996,114 providing a surplus of £324,114 against the viability benchmark of £1,672,000. This surplus could be used to provide on-site affordable housing, a payment in lieu, or further Section 106 payments (should this be justifiable in planning terms). BNP Paribas recommend the Council include both early and late stage review mechanisms within the Section 106 Agreement.

It is noted that the Andrew Golland submission has not included any other s106 contributions relating to employment, street trees or carbon offsetting.

Officers consider potential s106 contributions to be as below;

Highways

CPZ permit restriction - usually £2,072.55 for Traffic Management Order contribution to restrict occupants from securing CPZ permits and Monitoring of the Agreement - £103.60

Employment & Skills

Community sum in lieu of employment agreement i.e. if the applicant does not provide employment/apprenticeship places etc - £171, 290.50

Trees Officer Request

New street tree planting is required to help provide a better relationship between the building and the main road. There will also be a need for new planting in the surrounding streets to help soften the views to this structure. Approximately 20 to 30 trees would be required to achieve this. We would propose a sec106 agreement to the applicant to achieve this. Should the applicant provide an inadequate level of new tree planting, new street trees could be provided in the local area to offset this loss. 30 new trees would be sufficient at £700.00/tree total £21,000 In accordance with Barnet Council's Adopted Tree Policy

Sustainability

An on-site reduction of 67.9% in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development. The carbon dioxide savings exceed the 35% on-site target set within the London Plan. New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £37,410 to the Borough's offset fund (13.13 tonne shortfall x £95 x 30 years).

Monitoring of Agreement

£5,000

The total contributions under this approach would be £236,876.65 and would leave a contribution to affordable housing of £87,238. (£324,114 - £236,876 = £87,238).

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

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The supporting text to Barnet's character policy, DM01, states that new development will need to demonstrate an understanding of local character. Proposals which are out of keeping with the existing character will be refused. However, the policy should not be used to restrict well-designed development which meets other requirements within the Core Strategy.

Context will therefore be of high importance involving a site-by-site assessment. With regards to the immediate surrounds, it is the case that flatted developments are a component part of the streetscene. It is also the case that the principle of a 5-storey building has been accepted under the previous appeal scheme.

Under discussions with the council, the applicant was advised how adjoining development on either side of the site is low set, it was noted that the principle of five storeys was accepted at appeal, but six storeys has recently been refused by the council on the adjoining plot (No.107) under application 20/1067/FUL. As above site description, a five storey approved building is currently under construction. It was noted that the redevelopment of the nearby Upper Welsh Harp site, was four storeys with a very modest 5th floor. It was relayed to the applicant that whilst six storeys were not being entirely discounted, it would need justified.

Further consideration on design, and the wider redevelopment of this side of the A5, has been undertaken under application 21/0932/FUL, at the adjoining site No.107 West Hendon Broadway. As detailed, a previous scheme for a full six-storey building was refused by the council.

Under the revised submission the sixth floor is tiered to reduce to five storeys adjacent to the application site. Under the refused application the council had raised concern in relation to the relation to the lower set development at the application site, and that the scheme would need to be reduced with regards to this relationship, and the bulky perception of the flank when travelling towards the site along the A5. The proposed building at No.107 would now step down to be approximately 2 storeys above the existing building on the application site. The scheme also introduces panelling to the flank elevation between windows which reduces the dominance of brick along this elevation.

As recorded in the report to committee under application 21/0932/FUL:

....The area is in a state of flux, as discussed above, and residential use is creeping along the road to the south. Whilst the site adjacent is low-set and commercial there has been interest in redeveloping for a significant housing scheme, there is a current application for a 6-storey building (21/4352/FUL), and whilst this cannot be afforded significant material weight, it is possible the site will be redeveloped to provide a similar residential scheme at some time in the future. The appeal determination at No.105, detailed above, did find issue with that submission, but the principle of a 5-storey building was not contested.

Notwithstanding this, the reduction in height adjacent to the building and introduction of detailing to break-up the dominance of brick, does result in a better relationship between the proposed building and the adjoining commercial unit. The set back from the southern elevation does make a material difference, the building steps up along with the incline in the public highway progressing north. It is considered a suitable relationship would now exist, and the potential to maximise the development of the site would not be lost. A suitable compromise on these issues has been reached. The proposed building height and massing is now considered acceptable".....

Therefore, officers have agreed a part five/part six storey scheme on the adjoining site, albeit the step down was considered necessary to mirror the incline in the road progressing south (a reduction on a "full" sixth floor).

Under the appeal at the application site, the council did not defend the reason to refuse which related to the design, height, scale and massing of the five-storey scheme. That proposal would follow the form and step-down of the current scheme for No.107 West Hendon Broadway.

Under the originally submitted scheme for the six storey building, officers considered that owing to the emerging context along the road, a building with a "full" sixth floor at the application site would appear excessively prominent, both when considered from the front of the application site and when progressing along the A5 in either direction.

When progressing from the junction with Cool Oak Lane emerging development steps progressively to follow the fall in topography along the roadway. The roof line of the upper floor of the Upper Welsh Harp development and No.107 align, as does the floor below. Both propose a set-back and set in upper floor which comprises of a more lightweight approach to further reduce the bulk of the upper floor. It was considered a reduction to five storey was required, to reduce the overall bulk of this scheme and to follow the "fall" in built form progressing south along the A5. The submission included a significant services/lift/staircase overrun which adds further bulk to the proposal.

Furthermore, a concern with the development at 107, was the bulk of the flank when considered progressing towards the West Hendon Town Centre, along the A5. The originally submitted scheme would equally appear bulky from this aspect, particularly when considered relative to the low set development at No.103, which is occupied by a tyre fitting premises. It was considered this is important to avoid a significant step-up in built form to avoid a stark and imposing flank when entering the area of lower set development further north. Whilst the stepped appearance progressing to the rear of the proposed building does reduce the bulk to some degree, it was considered further revisions would be necessary, as discussed above, to reduce further the bulk and scale of the proposed scheme. The removal of the sixth storey, would further bring neighbour amenity benefits also (discussed below), excessive impact on neighbours being a reason to dismiss the appeal at the site.

In response to the comments and following further discussion with the applicant, the sixth floor has been commuted in the amended plans. It is considered the revised scheme aligns much better with the emerging streetscape, and as above, it also reduces the level of development facing properties to the rear on Stuart Avenue. The proposed height, bulk and scale is now considered to strike the right balance, and that balance has shifted from maximising the site capacity to optimisation. London Plan Policy D3 states that optimising a site's capacity means ensuring that a development is of the most appropriate form and requires a "consideration of design options to determine the most appropriate form of

development that responds to a site's context and capacity for growth". It is considered that the amendments fulfil this policy aim.

In terms of design, the scheme consists largely of a brickwork finish, with traditional smaller window openings, as opposed to curtain style more prominent fenestration, and aluminium panels on the servicing/lift stair core, which does reference the materials palette along the road. The aluminium components do break up the bulk of the front façade, reducing an excessive dominance of brickwork. The rear of the building is broke up with projecting and recessed sections. Good quality materials would ensure an appropriate finish, and this can be secured by condition.

The design and appearance of the amended scheme would conform to the existing character and is therefore considered acceptable.

Impact of the proposal on the amenity of neighbouring residents

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbour's amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

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.

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy. It states that a minimum of 21 metres is required between facing windows of habitable rooms and a minimum of 10.5 metres between windows and neighbouring amenity spaces.

Impacts from Stuart Avenue Properties

Previously concern was raised that the proposal would result in excessive impact on the amenity of adjoining residents to the rear on Stuart Avenue, with three properties sharing a common boundary with the site (24, 26, 28). The concern related to outlook. The Inspector stated that

"the rear elevation of the appeal scheme would face the dwellings in Stuart Avenue. This would be across the entirety of the rear boundary of the gardens of Nos 26 and 28. The width and height of the building would be significant and visible for occupiers of Stuart Avenue from both home and garden. Therefore, even taking into account the privacy separation distance, I consider that the effect would be overbearing. It would result in substantial harm to outlook".

The current development, extending to two stories, and benefitting from a consent to convert to residential, abuts the common boundary. The removal of development off the boundary will bring some level of benefit to adjoining occupiers.

It is evident from the submission that all openings - windows, balconies and amenity areas can retain the requisite distance to the boundary, the rear elevation at its nearest point

retains a gap of at least 10.5m to the rear boundary. A distance of 27.0m could be retained between the rear elevation of the building and the main rear elevation of facing houses, albeit No.26 has been extended over one storey to the rear. The Inspector found no concern with regards to privacy, and as this proposal retains a greater gap to the boundary, it is considered that adequate levels of privacy could be achieved. Furthermore, officers accept the findings of the Daylight/Sunlight Report by Eb7 (01.07.2021), and adequate daylight/sunlight levels could still be retained should this development be granted consent. There would be some increase in overshadowing in the early part of the day, but any impact would not be excessive.

Turning to the issue of outlook, unlike the appeal scheme, this proposal tiers the rear elevation such that openings can retain a greater distance to the common boundary. However, with the originally submitted scheme an additional floor of accommodation had been added, and this to some degree offsets the benefit of the greater set back from the boundary that has been achieved. Developing the entire width of the site will once again result in a fairly substantial block of development facing towards the dwellings on Stuart Avenue.

The rear elevation now has more articulation, and the break-up of the façade reduces the sheer dominance of the block appearance of the appeal scheme. It is evident that the Inspector did not consider that retaining adequate separation distances adequately assuaged outlook concerns. The setback upper floors would further reduce impact, however as touched upon above the introduction of an upper floor did limit any benefit.

The design section above, has indicated that a reduction of the fifth floor would be necessary in order to ensure the scheme could assimilate successfully into the existing and emerging streetscene and that this would also bring amenity benefits. With regards to the amenity of adjoining residents, officers advised the scheme would also need further reduced. Whilst it was not considered that there would be significant loss of outlook from rear facing windows, and the adjoining properties are served by generous gardens, it was considered that the six storey submitted scheme would appear overbearing when viewed from garden areas. This scheme was considered more balanced than the previous submission, but on balance, material impact was identified.

Officers considered that the proposed design and layout of the scheme but with a reduction in height to a five storey block would reduce outlook concerns, over the previous scheme, to an acceptable level. As detailed above, an amended scheme was submitted, which removed the entire upper (sixth) floor, and officers consider the revised scheme strikes an appropriate balance between optimising this brownfield site to provide much need housing, but in doing so to also ensure that any impact on the amenity of adjoining neighbours would not be to an unacceptable level.

Impact on amenity of future occupiers

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

Refused Scheme - Single Aspect Units

Under the appeal scheme, the Inspector raised concern with regards to the level of

amenity for future occupants of some of the units. The Inspector opined that the single aspect nature of the scheme, and the fact that windows facing the busy A5 should not be openable, would result in poor living conditions for future occupants;

... I appreciate that it may well be technically possible to provide ventilation and acoustic glazing to the units to meet the relevant standards for internal noise and air quality. Furthermore, the detail of this could be secured by condition. However, the reality of the scheme built out in this manner is that the occupants of the flats in the front of the building would not have the option to open windows for ventilation. With the units being single aspect there would not be a choice of other windows on the opposing elevation. In addition, the unmitigated outdoor environment of the units facing onto the main road would not make the winter gardens and roof terrace areas pleasant to use

It is evident that the Inspector had concerns that whilst technically measures could be provided to meet air quality and noise requirements, the concern was that single aspect units onto the frontage, facing the busy road, would still provide a poor living environment.

The revision now introduces a second aspect for the majority of units, and any single aspect units are now west facing, facing towards Stuart Avenue. The removal of single aspect units facing the main road is a much better arrangement, and a high percentage of the units have a north/south aspect. Whilst ideally all units would have a dual aspect, north facing units have been avoided, and it is considered that a better level of accommodation would be provided for future occupants. The main concern at appeal, and reiterated by the council under pre-app discussions, has been better addressed.

Unit/Room Sizes

The London Plan 2021 recommends minimum unit sizes in order to ensure a good level of internal residential amenity. Any submitted scheme should comply with these minimum standards. The proposal would need to comply with the minimum space requirements as set out in the London Plan and Barnet's Sustainable Design and Construction SPD. A mix of 1, 2 and 3 bedrooms are proposed, with the following London Plan requirements;

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²
- (2 Bedroom/4 Persons): London Plan requirement = 70m²
- (3 Bedroom/4 Persons): London Plan requirement = 74m²

In terms of the size of the units; the internal floorspace of all the units meet or exceed the minimum space standards as set out in the London Plan (2021).

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. Each of the proposed bedrooms complies with this requirement.

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

Outlook

All proposed residential development should provide suitable outlook and daylight for

future occupants. Primary windows serving habitable rooms are not provided on flank walls and a Daylight and Sunlight survey has been submitted demonstrating an acceptable level of outlook to all habitable rooms is proposed.

Amenity Space provision

It is noted the new scheme proposes an area of private amenity space for each of the proposed units, with ground floor units now served by private gardens. Table 2.3 (of the SPD, pursuant to Policy DM02(7)), the requirement is for a minimum of 5 sq. m of outdoor amenity space per habitable room, including a requirement of 10 sq. m for double rooms exceeding 20 sq. m in area.

Some of the units are served by below policy requirements levels of private amenity space, with some units served by very small balcony areas of circa 2- 3 sq. m. Even the smaller units would have a requirement of 15 sq. m to serve their amenity needs. Some of the units would have an over-provision.

A communal area of 343 sq. m would be provided to the rear of the building. Ground floor units would be served by their own private amenity areas totalling 125 sq. m in area and a further 190 sq. m would be provide on upper floors (total - 658 sq. m). The revised 35 unit proposal has 127 habitable rooms with a requirement of 635 sq. m so the submission meets the requirement. It is accepted that some units are under-provided but all units will have access to some level of private amenity space and a good communal space.

Further to this, given the quality and quantum of space at the West Hendon Playing Fields, Woodfield Recreational Park and Welsh Harp Open Space and their proximity to the application site, this would provide a viable and appropriate source of additional external amenity space for future residents. It is considered this arrangement is acceptable, and a good level of amenity space would be provided.

Accessibility

All of these units are accessible by lift (ramp and stair free) and are compliant with building regulations part M4(1) complaint. Four units (10%) (No. 16, 24,38 and 39) are compliant with building regulations M4(3) and are wheelchair accessible and adaptable.

Room Stacking

The proposed internal stacking of the units is considered acceptable.

Privacy and overlooking

Window placements are such that there is no internal overlooking between units.

Conclusions on the amenities of future occupiers

Overall, the scheme will comprise high quality and useable space and will adequately serve the needs of future occupiers in accordance with current policies and guidance. Previous concerns about the amenity of future occupiers has been addressed with this submission.

Highway and Pedestrian Safety

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.

The council's Highways Officer has commented on this submission and his considerations are detailed below.

Highways Comments:

The site fronts onto West Hendon Broadway (A5), a key north-south route on the western end of the borough which forms part of the transport for London Strategic Route Network. The section of the A5 fronting the site is dual carriageway road with two lanes in each direction separated by a central island with a safety fence to prevent pedestrians crossing in this section of the road. However, there is a traffic signal junction with pedestrian facilities to the north of the site at West Hendon Broadway/Cool Oak Lane.

The site is located on the edge but within the boundary of West Hendon CPZ which operates Mon-Fri, 11am-12noon. There are parking restrictions in the form of double yellow lines and loading restrictions in the northbound carriageway and single yellow lines which allows some parking on the southbound carriageway.

The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility. There are four bus routes (183,83 321 & 142) can be accessed from stops within 2-6 minutes walking distance of the site. Hendon rail station is located 550 metres to the north and can be reached within 7-8 minutes by foot.

The proposal consists of the erection of 35 self-contained apartments (16x1bed, 13x2 and 6x3bed). The parking requirement for the site based on policy DM17 is between 19-45 spaces.

Based on a PTAL of 3, Highways would accept the provision of 32 spaces. However, the applicant intends to provide 23 spaces resulting in a shortfall of 9 spaces. Given the fact that the site is in a CPZ, and nearly 46% of the proposed dwellings are 1 bed units for which car ownership levels are lower, Highways would accept the proposed parking provision subject to the applicant agreeing to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits. One disabled spaces is proposed but Highways would recommend 4 spaces are provided. This is to be secured by way of a planning condition.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 5 active and 18 passive spaces. Details of which are to be

secured by way of a planning condition.

Based on London Plan standards 62 long stay and 2 short stay spaces are required. 64 cycle parking spaces consisting of 62 long stay and 2 short stay cycle parking are proposed which meets London Plan standards. Long-stay parking should be provided in a covered, sheltered, lockable, enclosed compound while short stay cycle parking should be provided in a covered, sheltered, lockable environment. The two short stay spaces should be set back to allow cyclists to manoeuvre their bicycles in and out of the cycle stands without encroaching on the carriageway providing vehicular access to Kwik Fit garage and a clear pedestrian route to the entrance of the unit adjacent to the Kwik Fit building should be provided. The type of stands used must allow both wheels and the frame of the bicycle to be locked. If cyclists will be permitted to use the car park ramp, then the ramp gradient should be 1:12 and a headroom of at least 2.75m maintained. If not, lifts should be at least 1.8mx2.3m wide. provision of internal cycle storage and would recommend that the short-stay spaces are covered.

The proposed swept path drawings show that a small refuse vehicles can access the basement and cars can manoeuvre in and out of the parking bays in the basement safely.

Highways would request that the proposes ramp access to the basement is relocated further away from the existing crossover to the south. It appears that has not been incorporated but given that all vehicles exiting from the crossovers can only turn left, this is not a show stopper.

The applicant has confirmed that refuse collections will be undertaken by a private contractor and it is recommended that servicing all servicing is carried out within the site as this section of highway is not suitable for off street loading.

Due to the number of units proposed, trip generation is unlikely to be a major issue and the proposal will result in fewer vehicle movements to/from the site compared with existing use of the site as an office and car showroom.

The parking management plan is requested. This must set out the criteria for allocation of spaces, how inconsiderate and illegal parking will be enforced and where the parking spaces will be leased, free or paid for. This can be secured by way of a condition.

The proposed development will involve alterations/reinstatement one of the existing vehicular accesses to the site to footway and renewal of the footwall along the site frontage. This will involve working on the adopted highway for this the applicant will need to obtain a s184 licence from the Council.

Highways would raise no objection subject to imposing a s106 CPZ permit restrictions and the Conditions.

Trees and Soft Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of

an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The applicant comments on landscaping:

The site in is an area which is devoid of soft landscaping and planting and the site, in its existing state, has limited opportunities to improve this. However, the proposals put forward here will improve the site significantly. By moving the footprint of the building forwards, an area behind the building is created where a communal garden can be located.

The council's Trees Officer has assessed the submission including the submitted arboricultural information;

The Trees Officer advises a requirement for a significant level of new tree planting along this stretch of the A5 for the reason of air quality, heat island, visual mitigation of the proposed building, increase bio-diversity net gains and increase in canopy cover. The site has very limited potential for mitigation tree planting as there is an existing basement which will be utilised for this development. New street tree planting is required to help provide a better relationship between the building and the main road. There will also be a need for new planting in the surrounding streets to help soften the views to this structure.

Approximately 20 to 30 trees would be required to achieve this.

We would propose a sec106 agreement to the applicant to achieve this. Should the applicant provide an inadequate level of new tree planting, new street trees could be provided in the local area to offset this loss. 30 new trees would be sufficient at £700.00/tree total £21,000 In accordance with Barnet Council's Adopted Tree Policy

Ecology and Biodiversity

The applicant has submitted a Preliminary Ecological Appraisal (CSA Environmental November 2021). This concludes a negligible potential for roosting bats and as such no further surveys are required.

There is one statutory site, Brent Reservoir (SSSI) located 0.2km SW of the site and Fryent Country Park LNR and Masons Field LNR located 2.1km west and 2.5km north west respectively of the site. The development does not fall into an of the categories listed by Natural England that would require consultation under the SSSI Impact Risk Zone as the proposals fall below the threshold of 100 residential units. In addition, there are two non -statutory sites Site of Interest for Nature Conservation; Silk Stream and Burnt Oak Brook (SINC) located 2km north of the site and Brent Reservoir (SINC) located 0.2km south and west of the site. The sites are all sufficiently separated from the site that no direct effects on the site are considered likely.

The council's ecologist has no objection to the proposal, subject to suitable conditions on ecological gains.

Environmental Health Comments

The Environmental Health section of the council have reviewed the submitted Air Quality Report (by GEM Air Quality Ltd, Ref: AQ0119, dated: July 2021), the Noise Survey Report (by Bickerdike Allen Partners LLP, Ref: A11307_01_RP001_5.0, dated: 16/07/2021), and Sustainability Report (by Eight Associates, ref: 6039 - 105 West Hendon Broadway - Sustainability Statement-2107-15m, dated 16/07/2021)

Initially concern has been raised with regards to noise and air quality and this previously formed a reason to dismiss the appeal (discussed above). The officer has commented below on air quality and noise impacts.

Air Quality

While mitigation for poor air quality is mentioned within the report, there does not appear to be a detailed plan of ventilation, or the proposed location for required inlet vents. Both the air quality assessment and sustainability report mention openable windows however, the former stipulates that windows will not be openable and the latter stipulates that they will be. While it is not unusual for developments to contain both e.g. unopenable windows only where air quality is poor, this needs to be standardised across these reports, along with the discrepancies on whether air source heat pumps are used or MVHR, or both. This needs to be clarified as there may be implications for overheating for those future residents that are reliant on only one method of ventilation or are in the dwellings with a single aspect.

Noise Impacts

The noise survey presents some very high, LAFmax values on the front façade of the building. While the assessment does accommodate for up to 84 LAFmax, this value appears to be exceeded approx. 16 times on average per night (figure 3).

The guidance on internal noise levels as set out in BS8233: 2014 in terms of LAeq values, but the WHO guidelines also provide guidance on night-time maximum noise levels, state: "For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night." The internal target noise level of 45dB LAFmax translates to an external target noise level of 60dB LAFmax when a correction of 10 to 15dB is taken into account, which is the correction that the WHO guidance states is the effect of an open window. I would like to see modelling/calculations which shows how the recommended glazing will reduce noise levels down to recommended levels at night.

In response to the concerns on noise impacts, the applicant has provided updated information (Bickerdike Allen Partners, Sept 2021) and the Environmental Health Officer is content with the updated details on the methodology used in the conclusions on glazing specification for the proposed residential development and its potential to reduce night-time noise to acceptable levels. This could be secured by condition.

With regards to air quality, the applicant did enter into negotiation with the council's Environmental Health Officer who, following further submissions, requested confirmation of the ventilation layout/design. The officer was shown how it could work in principle, but the final design was considered important given that it's going to be the only source of fresh air/ventilation and cooling in some bedrooms since windows can't be opened (this is especially critical in the bedrooms oriented towards the south). The applicant has provided

details of a layout whereby how fresh air could be ducted and the details of the suitable mechanism can be secured by condition.

In terms of achieving Air Quality Neutral targets , the applicant's submitted Air Quality Assessment outlines that *"Based on the comparison between the total transport emissions and transport Emissions Benchmarks (see Table 21) the proposed development is not considered air quality neutral in relation to the proposed transport emissions. As such, mitigation measures will need to be considered"*.

Officers have discussed potential mitigation measures, as per London Plan Policy SI.1, which could be secured by legal agreement. It has been determined that a scheme to offer car club membership to future occupants of the site would be a measure which could help address the transport air quality deficit. Details of how the scheme could be secured will be covered within the s106 agreement for any approved scheme.

Flood Risk and Drainage

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

Affinity Water

Affinity Water have advised they have no comment to make on this submission.

ul MET Police

The Crime Prevention Officer has reviewed the submission and though highlighting some design concerns concludes no objection to this proposal. Due to the reported issues affecting the ward and high levels of burglary in Barnet, it is recommended that a planning condition be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly

Sustainability

The proposal is required to comply with the Mayor's London Plan 2021 which requires all major development to be carbon neutral.

London Plan Policy SI.2 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
- Be seen: monitor, verify and report on energy performance

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

A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development.

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.

The application is accompanied by an Energy Statement from Eight Associates Limited (July 2021) which sets out how the development accords to the London Plan energy hierarchy.

Be Lean

For the Be Lean scenario, a combination of all feasible passive measures has been incorporated to all the units of the development. These measures are assessed as providing a 13.1% reduction in regulated CO2 emissions.

Be Clean

There aren't any Be Clean results as the implemented system of this development is Air Source Heat Pumps and not CHP.

Be Green

The proposed scheme incorporates air source heat pumps, further, solar PV will be provided to the roof. A reduction of 54.8% in regulated CO2 emissions, over the Building Regulations Part L 2013 Baseline, has been achieved for the new-build residential units for the "Be Green" case of the Energy Hierarchy.

An on-site reduction of 67.9% in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development,. The carbon dioxide savings exceed the 35% on-site target set within the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £37,410 to the Borough's offset fund (13.13 tonne shortfall x £95 x 30 years).

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI.5 of the London Plan (2021)

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval. An obligation to ensure compliance with the GLA "Be Seen" energy use monitoring scheme will also be secured on any approved scheme.

5.4 Response to Public Consultation

It is considered that the majority of third-party comment have been addressed within the report.

-Overbearing and overlooking on Stuart Avenue residents resulting in loss of privacy and being "boxed in"

- Our home backs on to the existing property and we are deeply concerned about the lack of privacy any conversion will cause to our house and garden
- The large amount of windows and balconies look directly into our gardens and directly into our windows, as well as our neighbours
- Having a 4-6 storey ext will directly overlook into our property with residents able to view potentially inside our houses and definitely over our garden.

Addressed within the amenity section above

-The development would further destroy the area and make the traffic problems much more severe and strain on local services, there is already a high demand for parking in Stuart Avenue

- The proposal will lead to increased pressure on local services
- Although it is stated that residents will receive parking, We assume it will be for 1space. If they have a second car or guests, where are they to park? We already have parking issues around this area due to the current new flats near the reservoir
- Emergency access - Concern over blocking emergency access due to over parking, especially during the night when restrictions are over.
- Further development will cause increased congestion to West Hendon which has been exacerbated with the re-development of the West Hendon Estate.

Highways accept the proposal and have provided detailed comments. Sufficient parking is provided and it is not considered the scheme would overwhelm the local services.

- Giving the Broadway a facelift is crucial, but simply erecting large apartment blocks seems to be a very inconsiderate

- Surrounding development is two storey and this proposal will appear out of character
- This area has been overdeveloped with flats without any infrastructure
- Strongly object to the height and scale of the building, and not in keeping with the local houses in the area
- The new building will tower over the whole neighbourhood affecting sunlight

Addressed within the character section above

-Since the Hyundai showroom was build there has been an ongoing issue with sewage leaking out onto the pavement.

- The many units proposed would cause parking issues spilling out into our own streets, an increase in vermin and littering
- This will also create more pollution in the area
- Sewage - Leakage of sewage in and around the construction which has currently still not been solved.

No substantive evidence of increased issues with vermin, and it is not considered there would be significant increases in pollution.

-There is already too much redevelopment in the area and this will cause further disruption, with increased noise and disturbance.

-There will be an increase in noise pollution due to the construction and new habitants

Noise and disturbance can be controlled through conditions - both during construction and post development.

-A community use for the site would be much more beneficial to local residents

-The redevelopment of the site has already been rejected in the past and is not wanted by local residents

The area is continually changing and the proposed residential use is considered appropriate.

- My extension has not been drawn on the Location Plan. This extension is 4 and a half meters long and has been made over 5 years ago. The distance between the back of my house and the development area is less than 12m.

It is considered the elevation to elevation and distance from the rear elevation to the common boundary to the rear is appropriate.

6. Equality and Diversity Issues

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

7. Conclusion

In light of the above appraisal, it is considered that the amended and reduced scheme addresses previous concerns, particularly relating to neighbour amenity. It is also considered the proposed design would assimilate successfully into the existing streetscene. It is therefore recommended that consent is APPROVED subject to a s106 agreement to agree contributions/restrictions as discussed within the main body of the report, and suitable conditions.

