

Location **Fortune House Moxon Street Barnet EN5 5TS**

Reference: **23/2741/FUL** Received: 22nd June 2023
Accepted: 26th June 2023

Ward: High Barnet Expiry: 25th September 2023

Case Officer: **Josh Mclean**

Applicant: Fortune Moxon Limited

Proposal: Demolition of existing building and construction of detached building up to 6-storeys in height including lower ground floor level to provide 41no. self-contained residential units and 279sqm of Class E floorspace with associated access, basement parking, hard and soft landscaping, amenity space including communal roof terrace/garden, refuse storage and cycle parking

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. **Off-site Affordable Housing contribution**
A contribution of £50,000 towards affordable housing

Early and late stage review mechanisms

4. **Carbon Offset**
Contribution of £27,032 towards the Council's carbon offset fund.
5. **Skills and Employment**
On-site or Off-site contribution towards skills and employment.
Financial contribution towards loss of employment space.
6. **Restriction of Parking Permits**
Contribution towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits for the adjoining CPZs.
Inform new residents that they are not entitled to a parking permit for any current CPZ.
7. **Car Club Provision**
Provision of three year membership and £50 free drive time for the future occupiers of the 41 new residential dwellings.
8. **Pedestrian and cycle improvements in the area**
Contributions to pedestrian and cycle improvements in the area.
9. **S278 Works**
Complete the Highways Works in accordance with the relevant Section 278 Agreement before occupation.
10. **Be Seen Energy Monitoring Guidance**
Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.
11. **Children's Play Space**
A financial contribution to play provision within the vicinity of the development.
12. **Loss of Street Trees**
Compensation for the loss of street trees removed to accommodate the development.
13. **S106 Monitoring**
A contribution towards the monitoring of the S106.

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:

00001	SITE LOCATION PLAN
00002	EXISTING SITE PLAN

00003	PROPOSED SITE PLAN
00004	LANDSCAPE MASTERPLAN
01001	EXISTING LOWER GROUND FLOOR PLAN
01002	EXISTING UPPER GROUND FLOOR PLAN
15001	EXISTING EAST ELEVATION
15002	EXISTING NORTH ELEVATION
15003	EXISTING WEST ELEVATION
15004	EXISTING SOUTH ELEVATION
03001	DEMOLITION LOWER GROUND FLOOR PLAN
03002	DEMOLITION UPPER GROUND FLOOR PLAN
04001	REV 1 PROPOSED LOWER GROUND FLOOR PLAN
04002	REV 1 PROPOSED GROUND FLOOR PLAN
04003	PROPOSED FIRST FLOOR PLAN
04004	PROPOSED SECOND FLOOR PLAN
04005	PROPOSED THIRD FLOOR PLAN
04006	PROPOSED FOURTH FLOOR PLAN
04007	PROPOSED ROOF PLAN
04028	PROPOSED GROUND FLOOR PLAN
05001	PROPOSED EAST ELEVATION
05002	PROPOSED NORTH ELEVATION
05003	PROPOSED WEST ELEVATION
06001	PROPOSED EAST COURTYARD SECTION
06002	PROPOSED SOUTH COURTYARD SECTION
06003	PROPOSED WEST COURTYARD SECTION
06004	PROPOSED NORTH COURTYARD SECTION
TP/FHMSB/01 A	TREE PLAN
TTP/FHMSB/010 A	TREE PROTECTION PLAN

AIR QUALITY ASSESSMENT
 ARBORICULTURAL IMPACT ASSESSMENT AND ARBORICULTURAL METHOD
 STATEMENT
 ARBORICULTURAL SURVEY
 ARCHAEOLOGICAL DESK-BASED ASSESSMENT
 DAYLIGHT & SUNLIGHT REPORT
 DESIGN AND ACCESS STATEMENT
 ECONOMIC AND INDUSTRIAL ASSESSMENT
 ENERGY & SUSTAINABILITY ASSESSMENT
 FIRE SAFETY STATEMENT
 FLOOD RISK ASSESSMENT AND SUSTAINABLE DRAINAGE STRATEGY
 HERITAGE, TOWNSCAPE AND VISUAL ASSESSMENT
 NOISE IMPACT ASSESSMENT
 PHASE 1 CONTAMINATED LAND ASSESSMENT
 PLANNING STATEMENT
 PRE-DEVELOPMENT UTILITIES APPRAISAL
 PRELIMINARY ECOLOGICAL APPRAISAL
 RESIDENTIAL TRAVEL PLAN
 STAGE 1 ROAD SAFETY AUDIT

TRANSPORT ASSESSMENT

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

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

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

- 3 a) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s), 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).

- 4 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.

5 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).

- 6 a) No development (other than demolition and site clearance works) shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 7 a) No development (other than demolition and site clearance 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 associated with the commercial Class E usage 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.

- 8 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 Air Source Heat Pumps and generator 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 October 2016) and Policy D14 of the London Plan 2021.

- 9 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref 23-10665 by Syntegra Consulting Ltd dated October 2023 shall be implemented in its entirety 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 SI 1 of the London Plan (2021).

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

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

The developer shall keep an up-to-date list of all NRMM used during the demolition,

site preparation and construction phases of the development on the online register at <https://nrmm.london/>

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

- 11 The level of noise emitted from any installed ventilation, extraction, air source heat pumps or generator plant hereby approved within the approved commercial or residential use shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

- 12 Before any units are occupied, all details of the emergency generator shall be submitted to and approved by the local authority. Where emergency generation plant is installed and requires testing, the noise emitted from this plant should not increase the minimum assessed background noise levels by more than 10 dB for the purpose of testing. This testing period is for up to one hour per month between 09.00 and 17.00 Monday to Friday only and not on public holidays.

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

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. A-04001 REV 1 (Proposed Lower Ground Floor Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan 2021.

- 14 Prior to occupation of the development, the electric vehicle charging points shall be installed as shown on Drawing No. A-04001 REV 1 (Proposed Lower Ground Floor Plan). For the avoidance of doubt, this should include the provision of 3 active and

14 passive electric vehicle charging points.

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

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

- 15 Prior to occupation of the development, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, a minimum of 75 cycle parking spaces (72 long stay and 3 short stay) Cycle parking spaces will seek to accord with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 16 a) Before the permitted development is first occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved 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.

- 17 Prior to first occupation of the residential units, a Residential Car Parking Management Scheme (RCPMS) shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose.

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

Management Policies (Adopted) September 2012.

- 18
- 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 G5 and G7 of the London Plan 2021.

- 19
- a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
 - b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
 - c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

- 20
- a) No development (other than demolition and site clearance works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

- 21 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. TPP/FHMSB/010 A and the method statement contained from Section 8 of the approved Arboricultural Impact Assessment & Arboricultural Method Statement, by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021.

- 22 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).

- 23 No development (including Demolition, Ground Works, and Site Preparation Works) shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. Details within the CEMP shall include the precautionary mitigation measures to sufficiently protect those that habitats, species, and statutory and non-statutory designated site of nature

conservation outlined within the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior, and Construction Exclusion Zone plan within the CEMP.

The CEMP shall include:

- a. Site information (including ecological features)
- b. Description of works, equipment and storage
- c. Programme of works
- d. Temporary hoarding and fencing
- e. Temporary works
- f. Ecological avoidance and mitigation measures.
- g. Construction Exclusion Plan

Reason: To ensure that nature conservation interests are not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

- 24 Prior to occupancy all details (specification, orientation and location) relating ecological enhancement of the site including integrated bat roost boxes, house sparrow terrace, swift boxes, bee bricks, and hedgehog houses shall be submitted to and approved by the local planning authority.

The development hereby permitted shall not be occupied until all ecological enhancement features are installed/constructed in accordance with details shown on the thereafter approved plans and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 25 Prior to commencement, a detailed bat sensitive lighting strategy for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along routes used to access key areas of their territory.
 - b) show how and where external lighting will be installed (through the provision of appropriate a baseline and post-development lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All artificial lighting shall be designed in accordance with the lighting specification,

avoidance and mitigation measures outlined with the Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018)

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 26 Prior to the commencement of works, a detailed Precautionary Method Statement for Reptile, Stag Beetle, and mammals (Hedgehog and badgers) is required to be submitted and approved by the Local Planning Authority. The document will need to outline the potential risk of encountering the species present, the required work methods, and what to do in the event that any of these species are encountered during the proposed works as outlined with the submitted and approved Preliminary Ecological Appraisal (Syngerta Consultancy, May 2023).

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan and 2021 Environment Act 2021.

- 27 Prior to the commencement of works details of an Invasive Species Management Plan shall be submitted and approved by the planning authority. A detailed plan showing the location of Japanese knotweed (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended)). In accordance with best practice and as directed by Construction and Environment Management Plan, such invasive non-native plants species shall treated, removed, or prevented from spreading out with the site.

Any such treatment or removal of Japanese knotweed must be undertaken a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) or the Invasive Non-Native Specialist Association View Our Members – INNSA. Any removal/treatment, transposition and disposing of “controlled waste” under the Environment Protection Act 1990 (EPA 1990) must be undertaken by a licenced waste carrier.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan and 2021 Environment Act 2021

- 28 Prior to the occupation of the development hereby approved a 'Secured by Design' accreditation shall be obtained for the building.

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and

DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 29 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 30 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 31 a) The non-residential development is required to meet the BREEAM Very Good level.
- b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016).

- 32 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 33 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 Policies D7 of the London Plan 2021.

- 34 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 73% in carbon dioxide emissions of the domestic element and 42% of the non-domestic element when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 36 No development (other than site demolition and site preparation works) shall take place until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

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

- 37 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) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 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 DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 38 The employment floorspace shall be used for Use Class E (c) or (g) and for no other purpose (including any other purpose in Class E 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.

- 39 The development must be carried out in accordance with the provisions of the Fire Safety Statement Rev 01 prepared by Hoare Lea dated 09/06/2023.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed has not been submitted by 28 April 2024, 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, carbon off-set, loss of trees and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6 The submitted Construction Method Statement shall include as a minimum details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11 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 Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 12 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.
13. The LPA advises that the soft landscaping for the amenity lawn consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals. Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of

bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

The LPA advises that the proposed sedum roof should be altered to biodiverse green roofs in line with Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019). The inclusion of equal ratio of composite flower such as ox-eye daisy (*Leucanthemum vulgare*), hawkbit (*Leontodon* sp.) and yarrow (*Achillea millefolium*) benefit pollinating fly and beetle species while tube shaped flowers such as viper's bugloss (*Echium vulgare*), white dead nettle (*Lamium album*) and birds foot trefoil (*Lotus corniculatus*) would benefit bumblebees, butterflies and moths.

14. Avoid all demolition, removal of trees, shrubs or vegetation clearance between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

OFFICER'S ASSESSMENT

1. Site Description

The proposal site comprises of circa 0.178 hectares and consists of a concrete framed, light industrial warehouse and office building. The building is two-storeys in height and is situated on a slope, with a level change of about 2.5m from the west down to the east side.

The site is situated within a Locally Significant Industrial Site (LSIS) known as Hadley Manor Trading Estate. To the immediate north is Intec House (No.49), a part-three storey and warehouse building. The site has received a resolution to grant (ref: 22/4526/FUL) for a mixed-use redevelopment, consisting of part-3 to 7 storeys. On the south side of Moxon Street within the trading estate is also 50 Moxon Street which is under construction as a Special Education Needs School and Hadley Wood Hospital lies immediately to the west.

To the immediate east lies St George's Fields, which is a Site of Importance for Nature Conservation (SINC), designated Green Belt and a Registered Historic Battlefield. 350m to the west is Chipping Barnet High Street and 250m is Wood Street Conservation Area which starts just beyond Tapster Street and extending westwards across the High Street. Whilst the western end of Moxon Street adjacent to the town centre is a mix of residential and business use, the central section of Moxon Street is predominantly residential. In addition Hornbeam Court and Blackthorn Court are four storey apartment buildings located to the south and accessed from Laburnum Close. Also to the immediate south are the 3 storey residential terraces located on Snowberry Close.

2. Site History

Reference: B/02633/12

Address: Fortune House, Moxon Street, Barnet, Herts, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 15/11/2012

Description: Change of use from Class B1 (c) Light Industrial Workshop to Class B8 Storage and Distribution with ancillary trade counter. External alterations including new roller shutter doors and new vehicle service ramps.

Reference: B/03989/12

Address: Fortune House, Moxon Street, Barnet, Herts, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 08/11/2012

Description: Installation of 2no. non-illuminated fascia signs and 1no. non-illuminated freestanding sign at car park area.

Reference: B/04755/12

Address: Fortune House, Moxon Street, Barnet, Herts, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 09/01/2013

Description: Non material amendment to condition No.5 pursuant to planning permission Ref: B/02633/12 dated: 14/11/2012 for "Change of use from Class B1 (c) Light Industrial Workshop to Class B8 Storage and Distribution with ancillary trade counter. External alterations including new roller shutter doors and new vehicle service ramps." Variation to condition No.5 to read "the use hereby permitted shall be carried out only by Howden Joinery Ltd."

Other relevant planning history:

Reference: 22/4526/FUL

Address: Intec House, 49 Moxon Street, Barnet, EN5 5TS

Decision: Pending Decision

Decision Date: N/A

Description: Demolition of the existing building and redevelopment of the site with the erection of a part-3 to part-7 storey building (including lower ground floor and mezzanine floor), to provide of 92no. residential units (Use Class C3), reprovision of 728sqm of employment space (flexible workshop units) (Use Class E) with associated access, parking and cycle parking spaces, refuse storage, landscaping and amenity spaces and supporting infrastructure

Reference: 21/6488/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 30 May 2022

Description: Part demolition, alterations and extensions and change of use of the existing building from Class B8 to Class F1 to provide a 90 pupil 5-18 years SEN School including rooftop recreation addition (MUGA and Sensory Garden), landscaping, access and visitor, disabled and school mini-bus drop-off / pick-up arrangements.

3. Proposal

The proposal comprises of the demolition of the existing building and redevelopment of the site to a mixed-use development, consisting of 279sqm of employment space (Use Class E) and 41no. residential units (Use Class C3)

Due to the sloping topography of the site, the proposal would read as a part-3, part-4 and part-5 storey building. The proposal comprises of a basement, ground floor, 1st - 2nd floors and recessed 4th and 5th floors. The proposed employment space would be located at ground level.

Pedestrian access into the site would be from Moxon Street with vehicular access along the southern boundary leading to a basement level, providing 17 parking spaces.

Additional Information

During the lifetime of the application, in response to LBB internal comments, the applicant has submitted:

- Updated lower and ground floor plans to clarify parking and servicing arrangements and pedestrian movements; and
- An updated Air Quality Assessment

4. Public Consultation

Consultation letters were sent to 176 neighbouring properties.

34 responses have been received, comprising 34 letters of objection.

The objections received can be summarised as follows:

- Adverse impact on character;
- Cumulative impact of approved development at Intec House;

- Height not in keeping;
- Overdevelopment ;
- Proposal is excessive;
- Layout and density of building is too dense;
- No provision of affordable housing;
- Impact on conservation area;
- Impact on Green Belt and adjacent Registered Historic Battlefield;
- Loss of Privacy;
- Overlooking;
- Obstruction of light;
- Overshadowing;
- Increase in noise;
- Increased strain on High Street;
- Increased traffic along Moxon Street;
- Insufficient off-street parking;
- Inadequacy of parking / loading / turning on Moxon Street;
- Incorrect PTAL;
- Impacted on protected wildlife and trees.

Internal Consultee Response

Commercial Services Street Scene

The waste plan for this application is acceptable to the Street Scene collections team.

Ecology

No objections to the proposed works on ecological grounds as the findings of the Preliminary Ecological Appraisal (Syntegra Consulting, May 2023) did not reveal any damage to species, habitats or the adjacent King George's Field SINC that could not be sufficiently mitigated against.

Environmental Health

No objections subject to conditions.

Traffic and Development

Highways would raise no objection subject to a S106 legal agreement, conditions and informatives.

Trees

No objection subject to compensatory tree planting on and off the site.

External Consultee Response

Metropolitan Police: Secure by Design

If planning approval is granted then due to levels of crime and burglary within the borough and to also help enhance community safety through the implementation of proven crime prevention products and measures (via SBD compliance), I would respectfully request that any approval contains a relevant planning condition 'whereby the development must achieve SBD accreditation, prior to occupation'

Thames Water

With regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection

Transport for London (TfL)

Subject to the conditions being met, TfL would not object to the proposed development.

Neighbouring / Residents Associations and Local Amenity Groups

Barnet Residents' Association

First, we would have liked to see this application considered at the same time as the neighbouring Intec House development (22/4526). The two developments together will have adverse implications for the surrounding area and we believe do not conform with the Barnet's Local Plan principle of "responding to the distinctive local building forms and pattern of development by respecting the scale, massing and height of surrounding buildings".

We have spent a considerable time studying the documents and have to say in many respects the plans are not at all clear. We also believe the Visual Assessment view from Snowberry Close is disingenuous as it is taken too far away to give a clear idea of what the development will look like from Snowberry Close.

We cannot be certain because the plans are not clear enough, but the balconies facing east could overlook the back gardens of the even-numbered houses in Snowberry Close. If they do, then full length screens should be put on the southern side of the balconies, not the half-length screens as shown in the CGI images.

Again, we cannot be certain but it is possible that the proposed eastern and western ends of the southern courtyard section will overlook the gardens in Snowberry Close. If this is the case, then the southern facing balconies need full-length screens.

Policy DM01 in Barnet's Local Plan states all developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The outlook in all directions from the proposed Fortune House is severely constrained because on one side there will be Intec House, on two sides high trees and on the other side the Hadley Wood Hospital.

Finally, the PTAL 4 rating is incorrect (as verified by TfL for the Intec House development) and all the corresponding calculations should be recalculated.

Barnet Society

The Barnet Society is neutral about this application but has a number of comments:

- The development would rely totally on Moxon Street for pedestrian, cycle and vehicle movement. It is long and steep, and far from a bus service or visitor parking.
- Combined with the other existing and new developments in Moxon Street, traffic would increase to unacceptable levels at peak times.
- Construction traffic would adversely affect the High Street and Tapster Street.
- Vehicle pick-up and drop-off space would be minimal for the building's occupants, deliveries and collections, and there is no concierge to supervise access and prevent accidents.
- The residential provision lacks diversity. Only five of the 41 dwellings have more than two

bedrooms.

- The development would effectively discriminate against those with less than perfect health or mobility.
- The existing woodland would suffer unless stringent conditions are set for scaffolding, control of pollution and pruning of trees outside the site boundary with their landowner's agreement

Hendon and District Archaeological Society

This site is in an Archaeological Priority Area and is to be cleared for a rebuild. A full archaeological desk-based assessment has, properly, been submitted with the application. Historic England will wish to consider following the assessment up with some form of an archaeological condition.

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 updated on 5th September 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

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, CS4, CS5, CS6, CS7, CS8, CS9, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM11, DM14, DM15, DM16, DM17.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan has been subject to an examination in public with interim findings issued by the appointed inspectors. They are satisfied that there is sufficient prospect that any existing legal compliance and/or soundness deficiencies relating to the Plan as submitted can be overcome. The Council are working through the identified main modifications identified by the Inspectors .

Supplementary Planning Documents

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2016)
- Sustainable Design and Construction (April 2016)

5.3 Assessment of proposals

Principle of Development

Employment Provision

The site is located within the Hadley Manor Trading Estate, which is a Locally Significant Industrial Site (LSIS) under Barnet DM14. The building is currently being utilised by Howdens.

Barnet Policy DM14 states under a: i) "Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted." Normally these sites would be associated with a B2 or B8 use class.

The application is supported by an Economic and Industrial Assessment which advises that the building currently comprises approx. 932sqm of useable employment space. Its summary is that equivalent replacement of the amount of existing floorspace is likely to be ambitious in terms of local demand. The Assessment advises that there is demand for smaller units at 1,000sqft or below and it is reasonable to expect that a number of units of this scale can be supported at the site.

The proposal provides 279sqm of employment space which is supported on the basis that a wholesale replacement of an industrial or office use would be unlikely to be appropriate or successful. Furthermore, the provision of a series of small scale commercial or industrial units would meet existing needs. The proposal follows the same principle in the neighbouring application at Intec House (ref: 22/4526/FUL) which the Council's Planning Policy Team accepted subject to the loss of employment floorspace being mitigated through a contribution to employment training in accordance with Barnet's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Looking at the wider LSIS, Hadley Manor Trading Estate extends to 0.5ha and represents

one of the smaller LSIS designated industrial estates in the Borough. There are four existing buildings comprising the estate, one of them being the application site (Fortune House), the adjacent Intec House (with resolution to grant to redevelop the site), Hadley Wood Hospital and 50 Moxon Street (being converted to a SEN school. As the proposal still retains a meaningful level of employment floor space at the site, it is considered overall to be acceptable in regards to this element and compliant with Barnet Policy DM14.

Residential

Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 - 2028/29. In addition, Policy H1 (Increasing housing supply) of the London Plan (2021), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre (which would include this site).

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The application site is located circa. 300m from the boundary of New Barnet District Town Centre by Barnet's adopted Development Management Policies DPD (2012), making it sustainably located in terms of access to shops and services.

Overall, the redevelopment of the site would accord with the objectives of abovementioned policies.

Agent of Change

As a mixed-use development site located within an LSIS, the application needs to demonstrate that the introduction of residential uses in this location will not harm the ongoing operation of existing employment uses. This would include the existing operations at Intec House and the proposed new employments units within this proposal and adjacent ref: 22/4526/FUL.

The application has submitted air quality and noise impact assessments which demonstrates that the residential units will meet the relevant standards and the Environmental Health service have not raised any objection with these assessments following further clarification.

If Intec House was not redeveloped, the proposal has been designed that it could co-exist with the existing operations due to the proposed design such as orientation of units, stepped massing and placement of windows and balconies. Access to the Fortune House site which is located at the southernmost boundary edge would not cause conflict with Intec House operations.

Due to the size of proposed units proposed and the proposed restriction of employment uses within the proposal and neighbouring Intec scheme, it is considered that the uses could satisfactorily exist alongside each other.

Housing Quality

A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the design-led approach), D5 (Inclusive design), and D6 (Housing quality and standards). It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance SPD.

Unit Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3- and 4-bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.

The application development proposes the following unit mix across the application site:

Unit Type	No. of units
1 bedroom	18 (44%)
2 bedrooms	18 (44%)
3 bedrooms	5 (12%)
Total	41

Within the policy preamble, there is recognition that financial viability is a factor and whilst the aspiration is for family-sized homes at intermediate level, products such as shared ownership / low-cost home ownership may be unaffordable. Therefore, smaller 1 and 2-bedroom intermediate tenure homes will also be supported. Affordability is also an important factor for market level housing, with one and two bedrooms being a more affordable option for allowing younger, first-time buyers and young couples to get on the housing ladder in areas that may not have otherwise been possible.

The scheme predominantly provides one and two properties. As established in previous precedents set in the Borough, the Council's policy does not dictate the delivery of only three and four bedrooms uses. A decision needs to be made on a case-by-case basis. In this instance, the application site is located circa 300m from a District Town Centre and has access to good public transport services. London Plan Policy H1 (Increasing housing supply), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre (which would include this site). As such, this is a location where the density of the scheme should be optimised and where low car ownership, flatted development is encouraged by the London Plan.

Taking into account the reasons set out above, the proposed dwelling mix is considered to be in accordance with Barnet policy DM08.

Affordable Housing

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The emerging Barnet Local Plan seeks to align with the London Plan requirements but still maintains the 60/40 tenure split.

The affordable housing provision proposed is 35% using the habitable room calculation required by the London Plan. It also delivers more than 60% of its units as social or affordable rent. The scheme therefore qualifies for the Fast Track Route under the London Plan, which essentially establishes 35% as the policy compliant position for affordable housing provision on sites such as this.

The applicant has submitted a Financial Viability Assessment undertaken by Quod which sets out that the scheme cannot viably support the delivery of any affordable housing. The Council instructed Urba to undertake a viability review of the applicant's submitted assessment. The purpose of this report is to review the Quod statement and to assess whether their assumptions and appraisal inputs used are reasonable and whether the conclusions formed are appropriate and justified.

Based on Urba's assessment, they have found the scheme to be more viable than the applicant is demonstrating, but not to the extent to generate a surplus to fund affordable housing. Both reports have been assessed by the Council's Viability Officer and they are satisfied that a robust assessment has been undertaken by Urba. The conclusions that the proposed development cannot contribute towards affordable housing is accepted. Notwithstanding this position, the applicant has offered an in-kind payment of £50,000 in recognition of the importance of affordable housing. An obligation within the legal agreement will secure the inclusion of this contribution, along with early and late stage review mechanisms.

Standard of Accommodation

Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.

All of the units proposed comply with the Gross Internal floor areas prescribed in Policy.

The development would comply with the standards set out within Policy D6 (Housing Quality and Standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction SPD (2016).

Daylight and Sunlight

London Plan Policy D6 states that new development should provide sufficient daylight and sunlight to new and surrounding housing. Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2022).

In respect of daylight, the results indicate that 93 (85%) of the 109 habitable rooms tested met or exceeded the BRE target. Of the 17 rooms that do not meet the criteria, 11 of these are LKDs and 6 are bedrooms. Of the 11 LKDs that fall below the targets, 2 of these only experience minor deviations from the 50% illuminance target to 45% and 46% respectively. All of the rooms that fall below the target have windows that are positioned beneath or behind balconies which act as an obstruction.

In respect of direct sunlight, the scheme delivers 68% of units meeting or exceeding the BRE target. Of the 28 units that meet the sunlight targets, 22 of these have a main living room which meet the target of 1.5 hours of sunlight on March 21. The remaining 6 units have at least one habitable room meeting the sunlight requirement which is deemed as compliant with the BRE guidance. There are 13 units that do not comply with the BRE targets due to the orientation and the fact that they have windows positioned beneath or behind external balconies which restrict access to sunlight.

It is noted that BRE Guidance is not a mandatory standard and is accepted as an indicator of performance. As a whole, Officers are satisfied that the proposal will deliver good levels of daylight and sunlight for proposed occupiers within the scheme.

Wheelchair Accessible Housing

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (i.e. compliant with Building Regulation requirement M4(3)). The applicant has confirmed that the proposed development would meet this requirement, and a condition will be attached to ensure compliance with these policies.

Amenity Space

London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. Barnet's requirement is for 5sqm of space per habitable room.

The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

The development delivers amenity space through the provision of private balconies and a shared landscaped terrace, providing a total of 535sq m. It is considered that the proposal would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

Children's Play Space

Policy S4 of the London Plan seeks to ensure that development proposals incorporate good quality, accessible play provision for all ages. At least 10m² of suitable playspace should be provided per child.

Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan. In addition, Barnet's emerging Local Plan (regulation 22 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 8. The GLA Shaping Neighbourhoods: Play and Informal Recreation SPD states that all developments with an estimated child occupancy of 10 children or more should seek to make appropriate play provision to meet the needs arising from the development. For developments with an expected child occupancy of fewer than 10, an appropriate financial contribution to play provision within the vicinity of the development should be made. An obligation within the legal agreement will seek to secure an appropriate financial contribution.

Secure by Design

Pursuant to London Plan Policy D11 (Safety, security and resilience to emergency), Barnet Core Strategy Policy CS12 and Barnet Development Management Plan Policy DM01. All areas of public open space will be clearly overlooked, and the indicative landscaping scheme is designed to avoid hidden spaces. The Metropolitan Police's Design Out Crime Unit have considered the scheme and advised that they have no objection subject to a condition requiring that the development obtain the Secure by Design accreditation. It is therefore considered that subject to such a condition the scheme would be acceptable from a safety and security perspective.

Fire Safety

The application is accompanied by a Fire Statement produced in line with the requirements of London Plan (2021) Policy D12 (Fire Safety). A planning condition will be recommended to ensure that the development is constructed in accordance with the mitigation and safety measures prescribed by the fire statement.

Design

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

Design Concept

The submitted Design and Access Statement begins through an analysis of the surrounding urban grain, building heights, local character and also historic context of the site itself. The document then outlines the evolution of the design, identifying the opportunities and constraints.

Layout, massing and scale

The proposed footprint occupies the majority of the ground coverage with a stepped form along the northern and southern boundaries to integrate with the proposed Intec House redevelopment and reduce the impact on Snowberry Close. Whilst the proposed development occupies the majority of the site, this in itself is not necessarily seen as an issue and a similar approach was accepted within the Intec House scheme. Within this LSIS, the building footprints are larger than the surrounding neighbouring streets. Even the newer constructed flatted developments in Laburnham Close have large footprints compared to their respective plots. Therefore, in terms of footprint, the proposed development is seen to be acceptable.

The proposal would be of a varied height (part-3 to part-5 storeys) and with a steep sloping topography across the site (west - east). As such the proposed taller massing / bulk of the proposal is positioned within the central spine of the scheme and to the rear. As demonstrated through the submitted Design and Access Statement, the transition of height / massing in relation to neighbouring properties has been carefully considered. On the southern boundary, the proposal would closely match the existing height of Snowberry Close, before stepping up in height. There would be a separation distance of 10.5m between the taller massing and the Snowberry Close boundary. The upper storey massing has been further reduced at the corner junction to further reduce its prominence and any sense of overbearing. Overall, this transition of height and massing is considered to be acceptable and comfortable within its setting.

When approaching the site from Moxon Street, the proposal would be largely screened due to sloping topography, its siting behind the Barnet Hospital building and its lower scale.

Within Laburnham Close, a similar design / massing approach has been constructed with the flatted developments of Blackthorn Court, Hornbeam Court and Clementine Court. These buildings are located further up the slope and are part-4, part-5 storeys in height and are taller than the adjacent 2/3 storeys residential properties. Their height is considered proportionate as being up the hill, they are more visible than the application site. The application site being at a lower topography and at the bottom of the slope is considered to have the capacity to accommodate a larger massing and scale. The existing Court buildings are also more exposed with no tree screening and therefore more visible from within St George's Fields.

In terms of massing, the proposed building is considered to be very well articulated in

terms of height transition, stepped variation, balcony projections and recessions and material variation. These elements are considered to successfully articulate the external elevations, adding visual interest and breaks up the facades into clear low, middle and upper sections. It is considered that all these elements successfully reduce the visual massing and bulk of the proposed building.

The submitted Townscape Assessment considers the impact from a variety of short and long range views and these demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

The proposal sees to implement the same design principles that were accepted and approved within the Intec House application. Should both sites be constructed, this would allow for a comprehensive redevelopment of the two bottom buildings in this part of Moxon Street. Whilst it is sought that the two proposals complement each other, in the event that the Intec House scheme is not built, it is considered that the proposal is individually acceptable and that its scale, massing and height would remain appropriate.

Appearance and materials

In terms of appearance and materiality, the proposal seeks to replicate the same principles as within the Intec House scheme but also seeks to address the context of Snowberry Close. A single light-toned brick is predominately proposed with architectural interest incorporated through variation of brick tones, expression and recessed window reveals. In views terminating around Snowberry Close, tall double vertical emphasised windows are proposed to reflect the bay window typology of the Snowberry Close houses.

Impact on Green Belt

Whilst the site is not located within the Green Belt designation, the adjacent area of King George's Field falls within this designation.

Barnet Policy DM15 states that 'development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

A Heritage, Townscape and Visual Assessment has been prepared and submitted in support of this application. In agreement with Officers, a series of shorter and longer viewpoints were selected and the impact tested from these locations. These demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

Officers are satisfied that the smaller and stepped design approach will not appear prominent or dominate within this skyline and would maintain the openness of this part of the Green Belt.

The conclusions of this visual assessment are that the proposed development does not impact the openness, character and tranquillity of the Green Belt. Officers are in agreement with the report's findings and consider that the proposed development successfully responds and integrates within the immediate site context. Officers are satisfied that it has been demonstrated that the proposed development does not have a detrimental impact on the visual amenity of the Green Belt and is in accordance with Barnet policy DM15.

Heritage

The preservation and enhancement of heritage assets is promoted within Section 16 of the NPPF, recognising that such assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. It is also statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet's 2012 Core Strategy Policy CS5 and Development Management Policy DM06 all require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

The Site is not within or does not contain any designated or locally listed heritage assets. However, the Site is located within the vicinity of the Monken Hadley Conservation Area, Wood Street Conservation Area, a Registered Battlefield and several locally listed buildings. The submitted Heritage Statement sets out the significance of each asset and concludes a judgement of no harm to the significance or setting of any of the assets identified and assessed in the report. Officers are in agreement with this assessment and also come to the conclusion that the proposed development would result in no harm to the settings of the conservation area, Registered Battlefield or other heritage assets.

Amenity of Impact on Neighbouring Properties

Part of the NPPF's (2021) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications. There are neighbouring residential properties surrounding the site in all directions.

The most immediate neighbouring properties are Snowberry Close to the south and Blackthorn Court to the west. In terms of the southern elevations, only windows within the central element face towards the road within Snowberry Close. The rear building lines of the closest elements do not project beyond the rear building lines of the Snowberry Close properties on either side and there are no windows on these elements which face towards the adjacent properties. It is proposed to install privacy screens along the boundaries of any external balconies and this is considered to be acceptable.

Blackthorn Court is not directly sited opposite to the proposal but further south and therefore its distance away from the site and oblique views are considered not to raise any harmful privacy impacts.

Overall, it is considered that the proposal has carefully considered the relationship to neighbouring properties, in terms of massing, scale and window positioning so as to avoid any adverse impacts in terms of privacy, overlooking and outlook.

Impact on daylight, sunlight and overshadowing

A detailed daylight and sunlight analysis has been undertaken in accordance with BRE guidelines and a report submitted in support of the application. When assessing any potential effects on the surrounding properties, the BRE guidelines suggest that only those windows that have a reasonable expectation of daylight or sunlight need to be assessed. The BRE guidelines provide two principal measures of daylight for neighbours - Vertical Sky Component (VSC) and No-Skyline (NSL).

The amount of direct sunlight a window can enjoy is dependent on its orientation and the extent of any external obstructions. Annual Probable Sunlight Hours (APSH) is used to consider any sunlight effect to surrounding properties. The report conducted an analysis on the following immediate and adjacent properties:

1 - 2 South Close;
19 - 21 South Close;
1-24 Blackthorn Court;
16 & 18 Snowberry Close and
Intec House.

The report findings demonstrate that for daylight, that 173 (94%) of 185 neighbouring habitable windows will retain good levels of daylight. The properties at 1 & 2 South Close and Blackthorn Court will retain high levels of daylight.

In terms of 19 & 21 Snowberry Close, the tests demonstrate all but two windows across both properties will retain good levels of daylight, in excess of BRE targets. Two windows serving a conservatory extension (W5/W6) in No.21 will receive reductions beyond BRE targets. BRE guidance states that if a room has two or more windows of equal size, their mean VSC can be taken. In this case, the mean VSC for the room is 20.7% (0.86 times the former value) and therefore should be considered acceptable. The further NSL assessment has shown that all rooms will retain good levels of daylight distribution, in excess of BRE targets. For sunlight, the results of the APSH assessment have shown that all main living rooms will retain good levels of sunlight with the proposal in place, in excess of BRE targets (i.e. 25% APSH/5% WPSH or 0.8 times the former value).

In response to the objection raised by no.21 Snowberry Close, the 45-degree rule of thumb / assessment is intended for extensions to existing domestic properties. The submitted DLSL report uses the more detailed VSC, NSC and APSH assessments recommended by the BRE guidance.

In terms of 16 and 18 Snowberry Close, the results of the VSC assessment have shown that all windows will remain largely unaffected by the proposal and will retain good levels of daylight, in excess of BRE targets (i.e. above 27% VSC or 0.8 times the former value). The further NSL assessment has shown that all rooms will retain good levels of daylight distribution, in excess of BRE targets. For sunlight, the results of the APSH assessment have shown that all main living rooms will retain good levels of sunlight with the proposal in place, in excess of BRE targets (i.e. 25% APSH/5% WPSH or 0.8 times the former value).

In relation to the proposed Intec House proposal, the results of the VSC assessment have

shown that 75 (88%) of 85 habitable windows will retain good levels of daylight, entirely consistent with the numerical targets outlined in the BRE guidance. There are 10 windows serving LKDs between the lower ground and second floor which will receive reductions beyond BRE targets. These windows are set very close to the site boundary, whilst the main windows serving each of these rooms face east and west with a more open aspect. All of the main windows serving these 5 LKDs will retain good levels of daylight, in excess of BRE targets. The further NSL assessment has shown that all habitable rooms will retain good levels of daylight distribution, entirely consistent with BRE targets. With this in mind and considering that the BRE advises flexibility in interpreting its numerical guidelines, the lower VSC levels to a small number of secondary windows should be considered acceptable and consistent with BRE guidance. For sunlight, the results of the APSH assessment have shown that all main living rooms will retain good levels of sunlight with the proposal in place, in excess of BRE targets (i.e. 25% APSH/5% WPSH or 0.8 times the former value).

Environmental Considerations

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

Contaminated Land

The application is accompanied by a Desk Study Report. This states that given the Site's previous and current use within an commercial/industrial capacity, there is potential for contaminants to be present at the site. There is also potential for contaminants to migrate onto the Site from the neighbouring industrial estate and previous nearby photo printing works. Given the nature of the historical land use and therefore the potential for contamination to be present at the Site, it is recommended that a proportionate programme of site investigation and monitoring works be undertaken in order to establish the presence or absence of contamination and to enable a quantitative assessment of the associated environmental risks. The Council's Environmental Health team have reviewed the contents of both documents and are satisfied with the recommendations and conclusions set out.

Air Quality

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment report produced by Syntegra. This has been updated during the application process in order to address comments from the Environmental Health Officer. Air quality impacts from both the

construction and operational phases are considered not to be significant.

Noise and General Disturbance

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials. This was explored in the earlier Agent of Change section.

The application is supported by a Noise Impact Assessment which has been reviewed by the Council's Environmental Health service. They are accepting of the general conclusions of the report for the external impact of noise from traffic and commercial on the proposed development. Conditions are attached to seek updated reports when the equipment options have been finalised.

The Environmental Health Officer is also accepting of the internal noise levels results as the Class E use will be restricted to certain uses and the Officer is satisfied that that this will not have a significant noise impact.

In considering the potential impact to neighbours, conditions are recommended to ensure that any plant or machinery associated with the development achieves required noise levels for residential environment. The Council's Environmental Health team have also recommended conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is also covered by the Environmental Protection Act 1990.

Overall, the development is not expected to give rise to any undue noise or disturbance to the existing neighbouring environment, thereby satisfying Policies DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy D13 of the Mayor's London Plan (2021).

Transport, Highways and Parking

Policy CS9 of the Barnet Core Strategy 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 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 CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential Car Parking

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and

population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units.

The scheme will provide 15no. residential off-street car parking spaces at a ratio of approx. 0.37 spaces per dwelling. Provision of a minimum of 10% Blue Badge residential parking spaces on-site will be accommodated.

The site lies within a No Waiting Zone, residential CPZ and Payment Parking (Mon-Sat 8am-6.30pm). This extends up Moxon Street and to the surrounding streets. The site lies in an area of PTAL 3 according to the TfL WebCAT tool, however, the applicant has undertaken a manually verified PTAL rating which produces a level of 4. This was confirmed by TfL and is set out in the appendices of the submitted Transport Statement.

The applicant has carried out an overnight parking survey on roads within a 200m distance of the site and the results show that there a parking stress of 56% within the study area.

Based on the above factors, the Council's Highways Officer accept the proposed parking provision subject to the following measures to reduce car ownership and encourage sustainable travel:

- Restriction of future residents from obtaining parking permits;
- A Contribution towards pedestrian and cycle improvements in the area; and
- Provision of an informal crossing point to be provided at the end of Moxon Street.

TfL have commented that the proposed car parking level is considered acceptable in light of the site's PTAL and recommend that legal restrictions should be imposed to prevent future residents' right for local on-street permit.

Numerous objections have raised issues with the applicant applying a PTAL of 4, resulting in a lower provision of required on-site parking provision. They state a PTAL level of 3 should be assumed according to TfL's webCAT tool. In any event, if you applied this assumption, the shortfall of parking spaces and potential overspill can be suitably mitigated by the restriction of parking permits. This is already being secured by legal agreement.

Commercial Car Parking

It is proposed to provide 2no. parking spaces for the commercial occupiers, with 1 of the spaces being designated as a disabled space. This would satisfy the Council's Highways request.

Cycle Parking

In terms of cycle parking, a minimum of 72no. secure and covered long-stay cycle spaces are provided at proposed Ground Floor Level, plus 3no. short-stay spaces for visitors. The Council's Highways Officer is accepting of the proposed residential cycle provision.

For the commercial space, the development proposes 2no. secure and covered long-stay cycle parking spaces, plus 1no. short-stay cycle parking spaces for visitors.

Waste and Recycling

In terms of refuse collections, bin stores for the residential and commercial aspects of the proposed development will be provided in separate stores at Upper Ground Floor Level. The submitted Outline Delivery & Servicing Plan states that it will be the responsibility of the site's management company to ensure that the bins are presented at the front of the building adjacent to the 'service zone' on the day of collection.

In terms of the residential refuse and recycling collection, it is expected that this will be collected by the Council as part of the existing established domestic collection arrangements locally. The servicing arrangements for the commercial element of the development are proposed to be carried out via a privately contracted arrangement, in-keeping with the existing arrangements for the occupiers of the existing premises.

The waste strategy has been reviewed by the Council's Street Scene collections team and considered to be acceptable.

Trip Generation

The submitted Transport Assessment states that the existing industrial building can be expected to generate in the order of 45 total two-way vehicle trips over the course of a typical weekday comprising of 32 total two-way car/taxi trips, 7 total two-way LGV trips and 6 total two-way OGV trips.

In terms of the residential aspect of the proposed development, it is expected that to generate in the order of 37 total two-way vehicle trips over the course of a typical weekday comprising of 29 total two-way car/taxi trips, 6 total two-way LGV trips and 2 total two-way OGV trips.

For the non-residential element, it is expected that to generate in the order of 4 total two-way vehicle trips over the course of a typical weekday comprising of 4 total two-way car/taxi trips and 0 LGV/OGV trips.

Therefore, the proposed development can be expected to generate in the order of 2 fewer total two-way vehicle trips over the course of a typical weekday comprising of 2 fewer total two-way car/taxi trips and 4 fewer total two-way OGV trips.

As such, the proposal would have a positive impact in reducing traffic congestion.

The approved redevelopment of the neighbouring site, Intec House (planning reference 22/4526/FUL), has been predicted to generate in the order of 28 fewer total two-way vehicle trips over the course of a typical weekday comprising of 11 fewer total two-way car/taxi trips, five fewer total two-way LGV trips, and 12 fewer total two-way OGV trips. The redevelopment of both sites is therefore expected to result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

TfL have commented that the proposal's nature, quantum and locations measure it is unlikely to cause a significant highway and traffic impact to the TLRN.

Highways Summary

Taking into account of the matters set out above, the Council's Highways Officer would

raise no objection to the proposed development subject to a s106 agreement denying occupants of the development the right to purchase permits within the existing CPZ, as well as contributions to pedestrian and cycle improvements in the area.

As part of the neighbouring Intec House application, the S106 agreement secured the provision of a new informal crossing point at the end of Moxon Street as well as the provision of a car club vehicle space.

Landscaping, Trees and Biodiversity

Landscape

The submitted DAS sets out the proposed landscape strategy which provides a variety of external amenity spaces across the entirety of the scheme.

External amenity is provided in the form of a landscaped courtyard at third floor level.

The Council's Tree and Ecology Officers has confirmed that the outline landscape proposal is broadly acceptable for the built spaces. Further recommendations include enhancing the eastern boundary of the site (adjacent to the King George's Field SINC) with variety of native species with high biodiversity value include fruit/nut producing trees and shrubs e.g. hazel, blackthorn, field maples, pedunculate oak, small leaved lime, and hornbeam.

Trees

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. Trees within the site are located to the boundaries and comprise of 6no. individual trees and 5no. groups of trees. The report advises that tree species are generally of low quality and predominately non-native species.

The Council's Tree Officer has reviewed the submitted report and comments that the impacts on the woodland were considered in great depth during the neighbouring site application (Intec House). In this instance there are a number of large established trees growing along the boundary that are very close to the footprint of the building and shown as G1, G2, T1, T2, T3 and T4. The arboricultural report recommends that T2, T3 and G1 are removed for arboricultural reasons, and this is accepted, subject to agreement from Barnet Council Green Spaces.

To accommodate the development T5, G3 and G4 (low value trees) will be removed and this is acceptable subject to replacement tree planting.

The arboricultural report states that the remaining trees on the boundary G1, T1 and T4 will not pose significant post development pressure for removal, however the Tree Officer suggests that these poor-quality trees are perhaps better off to be removed under this planning application with secured replacement planting contributions.

Ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) which has been reviewed by the Council's ecologist. No objections to the application on ecological grounds are raised following the findings of the PEA and Bat Activity Report.

The PEA report revealed that the King George's Field Site of Importance for Nature Conservation (SINC) was located immediately east of the red line boundary. Subsequently it has been recommended that "the proximity and connectivity to a number of SINCS, in line with local policies, a CEMP with robust mitigation measures will be required during and post construction to prevent any potential indirect impacts from the proposals. Pollution prevention measures will be required to ensure no spills, debris, or materials enter the nearby area. It is considered that the proposals with avoidance and mitigation measures in place will have not have a significant impact on local SINCS."

Broadleaved Deciduous Woodland is immediately adjacent to the site was recorded as consisting of broadleaved deciduous woodland, with further deciduous woodland and wood pasture and parkland, traditional orchard and good semi-improved grassland (non-priority) within 1km of the site. To safeguard the Priority Habitat of Principal Importance (Natural Environment and Rural Communities Act 2006) the PEA report advised "that to minimise effects on the adjacent s41 deciduous woodland that the RPAs outlined in the arboriculture impact assessment report by DCCLA (2022) are adhered to as well as the inclusion of a woodland grassland buffer zone."

The PEA report revealed the presence of suitable vegetation and buildings which could support nesting birds. The PEA subsequently advised that "any works to the on-site habitats, including buildings take place outside of nesting bird season (February to August inclusive), unless a nesting bird search by a suitably qualified ecologist takes place prior to the works commencing. The avoidance of works during this time period will prevent the disturbance or damage to any nesting birds that may be presence.

The PEA report revealed the presence of numerous refuge piles and coniferous woodland undergrowth on the boundary of the site which have the potential to support sheltering and foraging reptile and amphibian species, great crested newts were deemed unlikely to be present within the site. We welcome the provision of precautionary measures which are "advised when undertaking works. Works to suitable areas such as rubble piles within the woodland to be done under ECoW supervision." Furthermore, the PEA report recommended that "Landscaping scheme should seek to enhance the site for reptiles (e.g. inclusion of refugia and gaps in fence."

Although the PEA report did not find direct evidence of badger or hedgehogs present on site e.g. hairs, droppings, footprints or dens it did determine that "there is a moderate chance for badgers to be present on site due to there being suitable habitat on site with connectivity to further woodland. Precautionary measures are advised for the works" these precautionary measures would include that "any holes, trenches, and/or ditches be supplied with an inclined mammal ladder to provide a means of escape. Future fencing on the site must ensure use of mammal gates/gravel boards to allow for connectivity across the site and seek to enhance hedgehog populations."

The PEA report deemed that the woodland on site had the potential to support notable invertebrates such as stag beetle and thus advise precautionary measures will be required in the event of removal of dead wood such as log piles on site. Stag beetles are protected by UK and European law and are active above ground from mid-May to July. Works are advised not to take place during this time.

The Councils' Ecologist welcomes the provision of extensive biodiverse green roof on the 3rd and 4th floors and these will provide ideal foraging habitat for a variety of pollinating insects including bees, butterflies, moths and beetles. The provision of biodiverse green

roofs will greatly enhance the site for biodiversity in comparison to its current developed/hardstanding artificial nature.

Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The proposal achieves a score of 0.39 which marginally falls below the target of 0.4 set by Policy G5 (Urban Greening) of the London Plan. Whilst this is marginally below the target value, Officers are satisfied that it has been considered as a fundamental element of site and building design, acknowledging that space within the roof is also required for plant installation. In any event, a proposed soft and landscaping condition will be attached and final confirmation of the UGF sought when the proposed landscaping has been further considered. At this stage, it is not considered that the marginal is materially in conflict with the London Plan policy G5.

Energy, Sustainability and Drainage

Energy

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L of the Building Regulations and in line with the London Plan to achieve a minimum of 73% CO₂ reduction for the domestic elements and 24% for the non-domestic elements.

In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A financial contribution will be required to be secured via planning obligation.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

6. Equality and Diversity Issues

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

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

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

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

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

A minimum of 10% of units will be wheelchair adaptable.

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

The proposals are considered to be in accordance with national, regional and local policy

by establishing an inclusive design, providing an environment which is accessible to all.

7. Conclusion

In conclusion, Officer consider that the development is acceptable having regard to the relevant local, regional and national policies.

Having weighed the material planning considerations, the scheme would deliver many benefits including the following;

- A comprehensive redevelopment of a vacant brownfield site
- Optimise housing delivery and make a contribution to the Council's annual housing delivery targets;
- Reprovision of improved flexible employment floorspace

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL is recommended subject to conditions as set out above.

