

**Location** **116 Victoria Road Barnet EN4 9PA**

**Reference:** **22/3005/FUL** Received: 8th June 2022  
Accepted: 4th July 2022

Ward: East Barnet Expiry 3rd October 2022

**Case Officer:** **Shay Bugler**

Applicant: Klara Victoria Limited

Proposal: Demolition of existing buildings and erection of four storey building to provide 11 residential dwellings (comprising of 3 x 1 bed; 4 x 2 bed & 4 x 3 bed); and 78sqm commercial unit (Use Class E) with associated car parking, cycle parking, refuse stores, servicing areas, hard and soft landscaping and associated works

### **OFFICER'S RECOMMENDATION**

Approve following Legal Agreement

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 by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of 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. A carbon offset payment of £28,785 towards off site carbon savings
4. An offsite affordable Housing contribution of £40,000 (with "prior to occupation" trigger)
5. Section 287- off site highway improvement works to provide a new crossover is proposed on Victoria Road; provide tactile paving at the site access; and reinstate the footway along the frontage of the site.
6. Local Labour in construction- Reasonable endeavours to secure a minimum of 20% of construction phase jobs for Brent residents
7. Reasonable endeavours must be used to secure a minimum of 20% of jobs for Barnet residents, post construction, once the approved commercial unit is operational

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

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

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

- 106\_S\_101 Rev – Site Location Plan
- 106\_PL2\_S\_00 Rev F Proposed Site Plan
- 106\_PL2\_GA\_00 Rev G Proposed ground floor
- 106\_PL2\_FX\_00 Rev D Proposed Ground Floor Fire Strategy
- 106\_PL2\_GA\_01 Rev E Proposed first floor
- 106\_PL2\_FX\_01 Rev C Proposed First Floor Fire Strategy
- 106\_PL2\_GA\_02 Rev E Proposed Second Floor Plan
- 106\_PL2\_FX\_02 Rev C Proposed Second Floor Fire Strategy
- 106\_PL2\_GA\_03 Rev F Proposed Third Floor Plan
- 106\_PL2\_FX\_03 Rev D Proposed third floor fire strategy
- 106\_PL2\_GA\_RF Rev C Proposed Roof plan
- 106\_PL2\_M4\_00 Rev C Proposed M4 Plans
- 106\_PL2\_GE\_02 Rev F Proposed north and south elevations
- 106\_PL2\_GE\_03 Rev C Proposed General Arrangement Elevations, East/West Elevation
- 106\_PL1\_GE\_04 Rev D Proposed contextual elevation and Section
- 106\_PL2\_GE\_01 Rev F Proposed east and west elevations
- 106\_PL2\_DE\_00 Rev B Section AA, East Elevation Render
- 106\_PL2\_DE\_02 Rev B Section AA Render
- 106\_PL2\_DE\_01 Rev B South elevation render
- 106\_PL2\_GS\_01 Rev B Overlooking Sections
- LLD2193-LAN-DWG-001 Rev 08 Landscape Masterplan Strategy – GF
- LLD2193-LAN-DWG-002 Rev 06 Landscape Masterplan Strategy – 1F
- LLD2193-LAN-DWG-003 Rev 06 Landscape Masterplan Strategy – 2F
- LLD2193-LAN-DWG-004 Rev 06 Landscape Masterplan Strategy – 3F
- LLD2193-LAN-DWG-005 Rev 06 Landscape Masterplan Strategy – Roof Plan
  
- Cover letter by Avison Young dated 1st June 2022
  
- Design and Access Statement by T2S Architecture Limited (Ref no: 106\_D 7A Revision C)
  
- Planning Statement by Avison Young dated June 2022
  
- Environmental Noise Survey and Noise Impact Assessment Report 27636/NIA1 Rev3 dated 24 May 2022 by Hann Tucker Associates.

- Phase 1 Environmental Site assessment report by Enviro Solution dated 17th December 2020.
- Daylight and Sunlight Report by Right of Light Consulting (neighbouring properties) dated 23 May 2022
- Daylight and Sunlight Report by Right of Light Consulting (within the development) dated 23 May 2022.
- Flood Risk Assessment and Drainage Strategy C2752-R1-REV-B dated May 2022 by Nimbus Engineering Solutions
- Landscape Masterplan Strategy by Lizard Landscape Design and Ecology dated 31.05.2022
- Transport Statement May 2022 by TTP Planning
- Energy and Sustainability Report Revision C1 dated 26 May 2022 by Bellevue Environmental Consulting Limited

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4 a) No development other than demolition works shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of

any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (2012), Policies DM01, DM04 and DM17 of the Development Management Policies Document (2012), and Policies D4, D5, D8; S1 13, and G7 of the London Plan 2021.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and Policies SI 1, SI 7, D14, T4 and T7 of the London Plan (2021).

- 6 a) Prior to commencement of above ground development works, parking layout plan showing 11 spaces including 2 disabled space shall be submitted to and approved in writing by the Local Planning Authority. The designated parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- b) The details hereby approved under part a of this condition shall be implemented and retained thereafter.

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 (2012); Policy DM17 of Development Management Policies Document (2012); and policies T4 and T6 of the London Plan (2021).

- 7 a) Prior to comment of above ground development works, full details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 24 (long stay) and 4 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards.
- b) The details hereby approved under part a of this condition shall be implemented and retained thereafter.

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

- 8 a) Prior to occupation and commencement of use of the development, full details of an Operational Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development thereafter shall only be operated in accordance with the approved Operational Parking Management Plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan policy CS9 of Core Strategy (2012); policy DM17 of Development Management Document (2012); and policies T4 and T6 of the London Plan (2021).

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:
- (i) A Refuse and Recycling Collection Strategy and Servicing Management Plan , which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;
  - (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and
  - (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented, and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; in the interest of highway safety and to protect the amenities of the area

in accordance with Policy CS14 of the Local Plan Core Strategy (2012), Policies DM01 and DM17 of the Development Management Policies Document (2012); the Sustainable Design and Construction SPD (2016); and Policies D6, SI7, T4 and T7 of the London Plan (2021).

10 a) Prior to the first occupation or commencement of the residential use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 2 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 8 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with London Borough of Barnet's Local Plan policy CS9 of Core Strategy (2012); policy DM17 of the Development Management Document (2012); and policies T3 and T6 of the London Plan (2021).

11 The applicant shall enter a Section 278 legal Agreement to deliver the following off site highway improvement works:

- Provide a new crossover is proposed on Victoria Road;
- Provide tactile paving at the site access; and
- Reinstate the footway along the frontage of the site.

b) All off-site highway works shall be completed to the satisfaction of the local highway authority prior to first occupation of the building.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with policy CS9 of Core Strategy (2012); policy DM17 of Development Management Policies (2012); and policies T2 and T4 of the London Plan (2021).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (2012), the Sustainable Design and Construction SPD (2016); policy DM04 of the Development Management Policies Document (2012); and policy SI 13 of the London Plan (2021).

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

(b) Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: To prevent any damage to nearby underground sewerage utility infrastructure in accordance with policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012); policy DM04 of the Managing Development Document (2012). Sustainable Design and Construction SPD (2016); and policy SI 13 of the London Plan (2021).

- 14 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.

- 15 a) Prior to commencement of works onsite, an Air Quality Neutral Assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

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

16 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 (2012), DM04 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016); and Policy SD 1 of the London Plan (2021).

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



This sound insulation shall ensure that the levels of noise generated from the development ; 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.

- 18 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with policies DM04 of the Development Management Policies Document (2012); Sustainable Design and Construction SPD (2016); and policies D13 and D14 of the London Plan (2021).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM04 and DM17 of the Development Management Policies Document (2012; the Sustainable Design and Construction SPD (2016); and policies SI 1, SI 7, D14; T4 and T7 of the London Plan (2021).

- 20 a) 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 rainwater 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.

b) 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 DM04 of the Development Management Document (2012); and policy SI 5 of the London Plan (2021).

21. The development shall be constructed in accordance with the Energy and Sustainability Report Revision C dated 26 May 2022 by Bellevue Environmental Consulting Limited, prior to first occupation and prior to commencement of any uses on site and retained as such 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); and Policies D6, SI 2, and SI 4 of the London Plan (2021).

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

b) The measures approved under part a of 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 the development would minimise the risk of the internal space of the dwellings overheating through design, layout, orientation, materials and incorporate of green infrastructure in accordance with policies CS5, CS12 and CS13 of the Local Plan Core Strategy (2012); DM01 and DM03 of the Development Management Document (2012); Sustainable Design and Construction SPD (2016); and Policies D3, D6, SI 2, and SI 4 of the London Plan (2021).

23. 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 (2012); Policy DM01 of the Development Management Policies Document (2012), the Sustainable Design and Construction SPD (2016); and Policies G5, G6 and G7 of the London Plan

(2021).

24. 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 ( 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (2012); and policies G5, G6 and G7 of the London Plan (2021).

25. a) Within 3 months of completion of the development, the applicant shall be awarded Secure by Design Accreditation, in consultation with the Metropolitan Police.
- b) The development shall be carried out in accordance with security details and standards within the Secure by Design Accreditation and retained thereafter.

Reason: To ensure the development is safe and secure for future occupiers in accordance with policy CS5 of the Core Strategy (2012); policies DM01 and DM02 of the Development Management Document (2012); and policies D3, D4 and D8 of the London Plan (2021).

26. a) The development shall be installed with internal water sprinklers and retained thereafter.

Reason: In the interests of fire safety and to ensure the safety of all building users, a accordance with policy DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016); and policy D12 of the London Plan (2021).

27. 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 DM01; DM02 and DM03 of the Development Management Policies DPD (adopted September 2012) and polices D5 & D7 of the London Plan (2021).

28. Upon their first occupation of the relevant development, the commercial units on the ground floor of the buildings hereby approved shall be occupied for uses falling within either Class E, of the Town and Country Planning (Use Classes) (Amendments) England) Regulations 2020, and for no other purpose.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with Policy DM13 of the Development Management Document DPD (2012); and Policies E1, E2, E3 and E9 of the London Plan (2021).

29. Notwithstanding the potential initial uses that are permitted to occupy the commercial units on the ground floor of the buildings hereby approved as specified under condition 29 of this consent, following the first occupation and commencement of a use within each commercial unit, any subsequent change to an alternative use within those specified by this consent shall require the submission of a full planning application to the Local Planning Authority for express planning permission.

Reason: To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policies DM01 and M04 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).

30. The Commercial Use hereby permitted, (Use Class E of the Town and Country Planning (Use Classes) (Amendments) England) Regulations 2020) shall not be operate or be open to members of the public outside the following times:
- 7am-11pm Sunday to Thursday
  - 7am-12am Friday and Saturday

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM01 and 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).

31. Prior to occupation of the development, all north facing windows and balustrades (as shown on drawing no's 106\_PL2\_GA\_01 E; 106\_PL2\_GA\_02 E and 106\_PL2\_GA\_03 F) shall be obscured; permanently fixed shut to a height of 1.7 metres from floor height; and retained thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjacent residential properties on Victoria Avenue in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Residential Design Guidance SPD (adopted October 2016); and Policies D3 and D6 of the London Plan (2021)

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's

website. A pre-application advice service is also offered, and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

- 3 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at

<https://www.gov.uk/party-wall-etc-act-1996-guidance>.

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 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.
- 6 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.
- 7 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.

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 9 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please

contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).

- 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." To ensure the replacement trees meet bio-security standards They should be purchased from a DEFRA accredited supplier that can be found here:-[Certification - Plant Healthy](#)

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 14 March 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 to mitigate against the impact of the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013); and policy DF1 of the London Plan (2021).

### **OFFICER'S ASSESSMENT**

The planning application was considered at Planning Committee A meeting on 6<sup>th</sup> November 2023. Following lengthy deliberation, Members moved to refer this item to Strategic Planning Committee for determination.

#### **1. Site Description**

The application site is located on the western side of Victoria Road, with residential properties adjacent to the North, East and South, the site is approximately 854sqm, 0.0854 ha. 1.2. The northern portion of the site comprises a group of 12 x single-storey garages and a small workshop building towards its rear, which were ancillary to the previous MOT/Car Repair Services onsite. It is proposed to demolish the garages/sheds onsite.

The southern portion of the site was previously used for car parking associated with the neighbouring MOT garage (which is accessed through the site). There is a small triangular lock up garage at the western end of the site. In the extant planning consent, the site was classified by LBB as "an employment generating sui generis use" during the previous application. The southern portion of the Site is currently used for parking of vehicles and



formed a functional link with the 'East Barnet MOT and Automotive Centre' located at 131 East Barnet Road that is used for car repairs and MOT purposes.

The surrounding area is predominantly surrounded by residential and commercial development. The residential development comprises of terrace houses, flat conversions, and purpose build flats. The site is not located in a conservation area.

The site has a Public Transport Accessibility of 3, which means it has moderate access to public transport.

## **2. Site History**

Ref no: 21/1451/FUL

Description of development: Demolition of existing buildings and erection of four storey building to provide 15 residential dwellings (comprising of 6 x 1 bed; 7 x 2 bed & 2 x 3 bed units), and 80sqm commercial unit (Use Class E) with associated car parking, cycle parking, refuse stores, servicing areas, hard and soft landscaping and associated works.

Decision date: 25 October 2021

Decision: Refused:

Reasons for refusal:

1. The proposed development by virtue of its' design, siting, layout, building height, scale, mass and bulk of the proposal result in an excessive footprint including build form and hard surfacing in a heavily constrained site, resulting in an overly dominant and overbearing form of development on the streetscene and the character of its' immediate local context, culminating in overdevelopment of the site contrary to policies D1, D5, D6, D7 & D8 of the London Plan (2021) and CS5 of the Core Strategy (2021) and DM01 of the Development Management Document (2012) which seek to ensure buildings and places are of a high quality design, suitably located and sensitive to its context.

2. The proposed development would provide poor quality residential accommodation including an excessive provision of single aspect units and a high proportion of units that would have limited or no outlook; inadequate private amenity space; poor internal residential layouts including a number of internalised kitchens; a poorly resolved refuse store layout at ground floor and perceived sense of enclosure. The development would exhibit symptoms of poor-quality design and residential quality; and fail to meet the requirements of policy D6 of the London Plan (2021) and policy DM02 of the Development Management Document (2012).

3. The proposal dwelling mix and lack of affordable housing onsite is contrary to policies H1, H2, H4 & H6 of the London Plan (2021) and policies CS4 of the Core Strategy (2012); DM08 and DM10 of the Development Management Document (2012) which seek to ensure that new developments offer a range of housing choices.

4. Insufficient Information has been submitted to demonstrate that the drainage arrangements are acceptable contrary to policy SI 13 of the London Plan (2021); policy DM04 of the Barnet Development Management Document (2012); and policy CS13 of the Core Strategy(2012), which seek to ensure that a Drainage Strategy must demonstrate that surface water runoff is managed effectively to mitigate flood risk and to ensure that Sustainable Urban Drainage Systems (SuDS) are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development.

Part of the subject know is known as Land at rear of (former) Alexandra Public House, Victoria Road, Barnet, EN4 9PA, where planning permission was granted in 2019 for the application set out below:

Reference no: 18/4287/FUL

Description: Construction of a three-storey mixed use building comprising 4no self-contained flats to first and second floor and B1a office use at ground floor level. Associated cycle store, refuse/recycling, parking

Decision: Approved subject to conditions

Decision date: 20 March 2019

### **3. Proposal**

The proposal is for the demolition of existing buildings on the northern site relating to the existing workshop business (E Use Class) as well as the single-storey storage garages, and the erection of a new four storey building to provide 78sqm of commercial floorspace; 11 x no residential units (comprising of 3 x 1 bed; 5 x 2 bed; and 3 x 3 bed units); cycle parking; refuse and recycling storage facilities; private and communal amenity space.

11 x no on-site residential car parking spaces (ratio of 1:1 space per unit) including 2 x accessible parking spaces and 3 x active electric vehicle charging spaces, with passive provision for the remaining 8 x parking spaces.

### **4. Public Consultation**

Consultation letters were sent to 302 neighbouring properties on 05.07.2022; advertised onsite on 05.07.2022, and in the Barnet Times on 12.07.2022. The Local Planning Authority received 11 of objection to the proposed development.

The representations received can be summarised as follows:

- Exacerbate congestion
- Adverse impact on highway safety
- Not enough space for cars to park, which could result in increased pressure on existing kerb side car parking
- Loss of privacy, daylight and sunlight to neighbouring properties
- Overlooking and overshadowing
- The proposed quality of accommodation is sub-standard, large amount of single aspect units proposed
- The proposal scale of development is too much for the site and would have a negative impact in the local area
- Lack of private amenity space onsite
- The transport Assessment has not considered the cumulative impact of the proposal and the development approved at no 183 Victoria Road
- Noise disturbance
- The reduced light from a sustainability perspective will impact on the neighbouring trees and restrict growth of plants in neighbouring gardens
- Restrict emergency access to adjacent business at no 123 East Barnet Road.

All planning matters raised have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

### **Statutory Consultee Comments**

### **LBB Energy and Sustainability**

LBB Energy and Sustainability Officer has reviewed the submitted Energy and Statement Reports are conformed they are acceptable subject to the following condition and financial contribution to be secured within a Section 106 Agreement:

- Compliance with details provided within the applicants the Energy and Sustainability.

#### Section 106 Agreement

- £28,785 contribution towards off site carbon savings to achieve net-zero carbon emissions

#### Thames Water

Thames Water do not raise any formal objections subject to the following condition:

- No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. This is to ensure the proposal does not have a harmful to the local underground sewerage utility infrastructure.

(Officer comment: The above would be secured by way of planning condition).

#### LBB Environmental Health

LBB Environment Health do not object to the proposal subject to the following planning conditions:

- Land contaminated assessment
- Air quality neutral assessment
- Non-Road Mobile Machinery used during the course of the demolition, site preparation and construction to comply with set emission standards
- Impact of noise from ventilation and extraction plant on Development
- Restrict Noise from Plant
- Insulation against internally generated noise
- Kitchen extraction equipment
- Demolition and Construction Method Statement

#### Secure by Design/Metropolitan Police

No objections to the proposed development. The development must achieve Secure By Design accreditation, within 3 months prior to occupation. This would be secured by way of a planning condition.

#### Local Lead Flooding Authority

The applicant is required to submit a detailed Flood Risk Assessment and Sustainable Urban Drainage Strategy to be submitted to and approved by the Local Planning Authority and implemented thereafter. This would be secured by way of a planning condition 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.

## **LBB Highways**

Local Highways Authority do not object to the proposed development, subject to the following conditions:

- Parking layout plan showing 11 spaces including 2 disabled spaces
- Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store to provide a minimum of 24 (long stay) and 4 (short stay) cycle parking spaces.
- Demolition and Construction Management Plan, and Logistics Management Plan
- Refuse and recycling details
- Car park Operational Management Plan
- Off-site highways works including reinstatement of the footway
- Electric vehicle charging points to be installed to provide a minimum of 2 active and 9 passive electric vehicle charging points.

(Officer comment: The above would be secured by way of planning conditions).

## **LBB Arboricultural Officer**

The broad principles of the landscape design of this proposal are acceptable. It is recommended that conditions are secured with require further hard & soft landscaping details; and a Landscape Management Plan.

## **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) 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 Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The relevant London Plan (2021) policies are as follow:

- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D10 Basement Development
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of change
- D14 Noise
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- H1 Increase Housing Supply
- H4 Delivering affordable housing
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- S1 Developing London's social infrastructure
- S2 Health and social care facilities
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy Infrastructure
- SI 4 Managing Heat Risk
- SI 5 Water Infrastructure
- SI 8 Waste capacity and net waste self sufficiency
- SI 12 Flood Risk Management
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impact
- T5 Cycling
- T6 Car parking

E1 Offices  
E2 Providing Suitable business space  
E3 Affordable workspace  
E4 Land for industry, logistics and services to support London's economic function  
E11 Skills and Opportunities

### 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.

#### Core Strategy (2012) Relevant policies

Policy CS NPPF National Planning Policy Framework  
CS3 Distribution of growth in meeting housing aspirations  
CS4 Providing quality homes and Housing choice in Barnet  
CS5 Protecting and enhancing Barnet's character to create high quality places  
CS9 Providing safe, efficient, and effective travel  
CS10 Enhancing inclusive integrated Community facilities and uses  
CS11 Improving health and well-being in Barnet.  
CS14 Dealing with our waste

#### Development Management Document (2012) Relevant Policies

DM01 Protecting Barnet's Character and amenity  
DM02 Development standards  
DM03 Accessibility and inclusive design  
DM04 Environmental considerations for development  
DM07 Protecting housing in Barnet  
DM08 Ensuring a variety of sizes of homes to meet housing need  
DM10 Affordable housing contributions  
DM13 Community and Education uses  
DM14 New and Existing employment uses  
DM15 Green Belt and Open Spaces  
DM16 Biodiversity  
DM17 Travel Impact and parking standards

### Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of the proposed land uses onsite;
- Whether harm would be caused to the character and appearance of the site; the streetscene and the local area;
- The impact on the amenity of neighbouring properties;

- Quality of accommodation;
- Impacts on the local highway;
- Energy and Sustainability
- Trees and landscaping

### **5.3 Assessment of proposals**

#### **Loss of commercial floorspace onsite**

Policy E4 of the London Plan seeks to ensure the retention of land when suitable for industry, logistics and services to support London's economic function. Although B2 uses are included within the list of uses to which the policy applies, Part D clarifies that the retention, enhancement and provision of industrial capacity should be prioritised in suitable location that have access to the strategic road network, provide capacity for logistics, SMEs, and support supply chain distribution functions. The site does not fall within the category of non-designated industrial uses, which are defined as containing industrial and related functions.

Policy DM14 of the Local Plan primarily seeks to safeguard B class employment uses, however part a) iv) states that proposals to redevelop or re-use an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

The proposal makes provision for 78sqm of commercial floorspace (Class E). Prior to the changes in the use class order in August 2020 and in reviewing the principle of the loss of the existing B2 use, and re-provision of an element of B1 use), it is necessarily to assess this matter against policy DM11 and DM14 of the Local Plan.

The southern portion of the site is currently in use for car parking and garages associated with the neighbouring MOT garage. Within the extant planning consent for this portion of the site, the Local Planning Authority deemed this to be "an employment generating sui generis use". The northern part of the site is occupied by garages, with a small workshop garage used for vehicle wrapping, which is a B2 use (within the Use Class Order).

The applicant has advised that the existing subject site area is approximately 854sqm and that the consented scheme on the southern element of the site is approximately 307sqm. There was previously 74sqm GIA employment floorspace comprising a 22sqm building on the southern portion of the site and a 52sqm small workshop on the northern portion of the site.

During pre-application engagement with LB Barnet officers, the loss of employment floorspace was raised, and clarification was provided by the applicant relating to use and existing provision of employment floorspace across the Site. The applicant has advised that the proposal has the potential to generate more fulltime employment than the existing situation onsite, and therefore would generate higher density employment floorspace, and therefore creating more employment. The National Employment Density Guide (3<sup>rd</sup> Edition, 2015.) suggests 2 x Full Time Employment (FTE) could be generated based on recent B2/B8 use, whereas a proposed Class E (office) could generate 6 x FTE and Class E (food & beverage or retail) would generate 4-5 x FTE. As such, the proposed would result in an uplift to employment generation onsite.

On balance, given that the proposal would re-provide 78sqm of employment generating floorspace, the loss of the former B2 uses is considered acceptable, subject to the completion of a Section 106 Agreement to secure the following Planning Obligations:

- Local Labour in construction- Reasonable endeavours to secure a minimum of 20% of construction phase jobs for Brent residents.
- Reasonable endeavours must be used to secure a minimum of 20% of jobs, once operational, for Barnet residents.

These contributions would support local employment, skills development, apprenticeships, and other education and training opportunities at both the construction stage, and post completion, upon occupation in accordance with policy E11 of the London Plan.

*Proposed flexible use of the commercial unit and restriction on hours of operation*

The proposed commercial unit would fall under Class E of the Town and Country Planning (Use Classes) (Amendments) England) Regulations 2020, which makes provision for a number of flexible land uses, including (but not limited to) - shops and other retail provision, offices, cafes, restaurants, gymnasiums, creche, doctor and dental surveys. The commercial unit would not operate or be open to members of the public outside the following times:

- 7am-11am Sunday to Thursday
- 7am-12pm Friday and Saturday

These restriction in opening hours would be secured by way of a planning condition to protect the amenities of future occupiers and local residents within the vicinity of the site.

Principle of residential use onsite

Paragraph 11 of the NPPF outlines the presumption in favour of Sustainable development where for decision- taking this means approving development proposals that accord with an up-to-date development plan without delay. The use of developed (or previously developed land) to provide new high-quality homes is supported by adopted and local and national policies. The London Plan (2021) identifies a need for 23,640 new homes in LBB between 2019/20 and 2028/29. To help achieve this the target net completions on small sites is 4,340 in the same time period. Policy CS 1 of the Barnet Core Strategy (2012) outlines the strategic approach required to provide the required number of new homes over the plan period. The target at the time of adoption of the Core Strategy was circa 28,000 homes between 2011/12 and 2025/26.

The surrounding area is predominately characterised by residential development. As such, the principle of an element of residential development, subject to material planning considerations. The proposal would assist in the delivery of much needed housing within the Borough and assist in meeting the Councils housing targets as set out in the CS4 and DM08 of the Local Plan (2012) and H01 & H10 of the London Plan (2021).

Housing matters, including dwelling mix; affordable housing; and quality of accommodation are discussed in further section within this report.

**Design of proposed development and its impact on the appearance and character of the site, streetscene; and local area**

High quality design underpins the sustainable development imperative of the NPPF and policies D1,D3, D4, D5, D6,D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01



of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The previous planning application (for 15 x no residential units) was refused, in part, due to design, siting, layout, height scale, mass and bulk, and excessive footprint of the building. These subject proposal seeks to overcome the previous reason for refusal. The proposed number of units has decreased from 15 to 11 x no dwellings.

## Height

The surrounding area is characterised by a variety of building heights, including buildings ranging from 2-4 storeys direct South on East Road; ; 2 storeys dwellings to the north on Victoria Avenue; and 2-4 storeys along Victoria Road. The building directly across the road (181 Victoria Road) from the site is t four storeys. Further, at no 183 Victoria Road, diagonally across the road from the proposed site, planning permission was approved (ref no: 19/3313/FUL) for the demolition of the existing car sales buildings and workshops and erection of a part single, part three and part four storey building. The overall height has reduced, when compared to the previous planning application onsite. The proposed recessed top storey reduces the visual prominence and impact on the streetscene.

Overall, , the proposed part three, part four storey building is reflective and in keeping with emerging building heights of new build developments within the immediate and local area.

## Scale, bulk and massing

The treatment of scale, bulk and massing of the proposal is supported by Officers. When compared to the previous planning application (Ref no: 21/1451/FUL, the proposal results in an overall reduction of footprint of the development from 547sqm down to 503sqm (which equates to a 9% reduction). The building footprint is supported, particularly given the ground floor rear unit is set back from the northern boundary. The siting of the development and footprint onsite is respectful of the site's constraints and context.

Moreover, the upper levels have also been reduced in floor area with a 17% reduction at first floor level, a 40% reduction at second floor and a 34% reduction at third floor level. Further, the overall volume has reduced by 1931m<sup>3</sup>, which is a noticeable decrease.

On the northern elevation, the building steps back on the second-floor level with a further set back at third floor level, thereby the proposal rises away from the neighbouring properties at the north at no's 26-28 Victoria High Road to protect their amenities by reducing its promise, whilst adding to the overall visual interest of the building. Further, the stepped articulation of this façade, also ensure the development would sit comfortably within the plot, by reducing the overall perception of bulk and massing. In addition, the depth of the balconies remains subordinate features within the front and rear elevations, would soften the relationship with the main building and would allow for a softer integration within the façade.

## Appearance

The proposal is of contemporary building the external appearance includes different features which demonstrates its overall high design quality. The proposed elevations are well

articulated with good quality durable and permeable materials. These material include buff and dark brickwork; glass balustrades; and aluminium PPC windows.

Part of the ground floor elevations would be constructed with the same brick materials as the recessed fourth storey element , creating a continuity within the fabric of the building, whilst the varying building heights would ensure that it does not appear bulky or dominant. The communal terrace and glazing are appropriately recessed from the front building line and set back on the northern elevation, would appear as a subordinate addition to the main development.

Overall, the proposed variation in materials and layouts of bricks in various parts of the building, would further serve to break up the massing, by creating different elements and features to the facades, hereby adding to its visual interest and positive impact on the streetscene. In addition, the proposed commercial unit at ground floor would create active frontage along Victoria Road, which will support the vitality and vibrancy of the nearby East Barnet Road high street.

The applicant would be required to submit full specifications of all materials to the Local Planning Authority, prior to the commencement of works onsite. This is secured by way of a planning condition.

## **Standard and quality of residential accommodation**

### Dwelling mix

Policy H10 of the London Plan (2021) requires new residential development to provide a suitable and varied dwelling mix which meets local needs. Moreover, policy DM08 of the Local Plan (2012) relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority.

In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Council's Strategic Housing Needs Assessment .

The proposal makes provision for 3 x 1 bed; 5 x 2 bed & 3 x 3 bed units Of the 5 x 2 bed units, four x 2 bed units are suitable for 4-person occupation, and thereby provides accommodation suitable for family occupation.

Overall, the proposal makes provision for 7 x no family sized units, which equates to 63% of the total number of units proposed onsite, which is substantial. The proposed dwelling mix would therefore assist with the delivery of much need family sized accommodation within the Borough, which is in accordance with policy, and welcomed by Officers.

### Affordable Housing

Policies H4 and H6 of the London Plan (2021); policy DM10 (Affordable Housing Contributions) outlines that sites providing 10 or more units should have regard to the borough-wide target that 40% of housing provision should be affordable. Policy CS4 (Providing Quality Homes and Housing Choice in Barnet) supplements this through seeking an appropriate mix of affordable housing. It underlines that 60% of affordable housing should be social rented and 40% should be intermediate rent.

A Financial Viability Assessment (FVA) has been prepared by the applicant and included within the planning application submission. The viability of the scheme was assessed using an industry standard methodology which compares the residual land value against the Site value benchmark.

The applicant's Affordable Housing Viability Assessment was subject to an independent review by a consultant appointed by the LPA, together with the LPA's Development Viability Officer. Following a rigorous assessment, the proposal cannot deliver onsite affordable housing as to do so would compromise the viability and deliverability of the scheme at this time. Notwithstanding, an offsite affordable Housing contribution of £40,000 (payment in lieu of affordable housing) would be secured within a Section 106 Agreement.

Given that the proposal is relatively minor in scale, providing only 11 x no units, Officers do not consider it reasonable to include an early or late-stage affordable housing review mechanism within the Section 106 Agreement. The Councils appointed Viability Consultant and the LPA's Development Viability Officer are not confident (based on their knowledge and detailed of the proposal on this subject site), that the scheme could deliver any further contributions towards affordable housing in the future, particularly mindful of the requirement to provide a commercial unit onsite.

It is generally understood that development schemes which deliver a large number of smaller units (such as studios and 1 x no bed units) are more profitable to a developer, in contrast to schemes which primarily provide 2 and 3 x bed units. This scheme would provide a substantial number (63% of total number of units) of residential dwellings suitable for family occupation, relative the total number of units proposed onsite.

On balance, it is considered that the benefits of providing 7 x new family sized units within the Borough, outweigh the lack of affordable housing provision in this instance, as to seek further contributions towards affordable housing in the future would jeopardise the deliverability of the family accommodation.

#### Room size standards and layout

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal habitable rooms all meet minimum room size standards. Further, the proposed rooms would receive good outlook and generous daylight and sunlight provision to the habitable rooms.

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD. The London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The previous planning application was refused, in part due to poor quality residential accommodation provided, which included an excessive provision of single aspect units with limited or outlook; inadequate private amenity space and poor internal layouts to many of the units.

Under this subject planning application, the majority of units proposed (9 of the 11 units) are dual aspect. This equates to 81% of total number of the total number of dwellings proposed onsite. This demonstrates the internal layouts of the units provide a good standard residential accommodation. Further, all the proposed units meet the minimum room size standards as set out below:

#### Ground floor

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 96sqm

#### First floor

1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 86sqm

1 x bed ( 2 person) Policy Requirement 50sqm Proposed 52sqm

1 x bed ( 2 person) Policy Requirement 50sqm Proposed 50sqm

1 x bed ( 2 person) Policy Requirement 50sqm Proposed 50sqm

1 x 2 bed (3 person) Policy Requirement 6sqm Proposed 66sqm

#### Second floor

1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 99sqm

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 76sqm

1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 88sqm

#### Third floor

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 70sqm

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 70sqm

#### Private amenity space

The Council's adopted Residential Design Guidance SPD requires the provision of 5 sqm of amenity space for each habitable room for flats. This applies to one, two, and three bed flats. Based on the details submitted, the following would be required:

#### Ground floor

1 x 2 bed (4 person) Policy Requirement 20 sqm Proposed 67sqm

#### First floor

1 x 3 bed (5 person) Policy Requirement 25 sqm Proposed 27sqm

1 x bed ( 2 person) Policy Requirement 10sqm Proposed 9.3 sqm

1 x bed ( 2 person) Policy Requirement 10 sqm Proposed 9sqm

1 x bed ( 2 person) Policy Requirement 10 sqm Proposed 9sqm

1 x 2 bed (3 person) Policy Requirement 10 sqm Proposed 12 sqm

#### Second floor

1 x 3 bed (5 person) Policy Requirement 25 sqm Proposed 29sqm

1 x 2 bed (4 person) Policy Requirement 20 sqm Proposed 21 sqm

1 x 3 bed (5 person) Policy Requirement 25sqm Proposed 12.5 sqm

### Third floor

1 x 2 bed (4 person) Policy Requirement 20 sqm Proposed 55sqm

1 x 2 bed (4 person) Policy Requirement 20sqm Proposed 31sqm

Total policy requirement for private amenity space onsite - 195sqm

Total proposed private amenity space onsite - 255sqm

All proposed residential units contain terrace and/or balcony areas and therefore afforded their own private amenity space areas. Whilst three x residential units would fall short of the policy requirement for private amenity space, the remain 8 x no units would exceed the minimum requirement; of which 3 of the units greatly exceed the minimum standards at ground floor and third floor levels. The total policy requirements for private amenity space is 195sqm. The overall private amenity space provided is 255sqm, and therefore exceeds the policy requirement by 60sqm.

Moreover, the proposal would make provision for a total of 122sqm of communal amenity area (50 sqm at ground level and 72sqm at third floor level). The upper floor communal amenity areas include a 1.8-metre-high acoustic screening and obscured glazing to the north and west aspects to ensure there is no overlooking to the neighbouring adjacent terrace properties. This amenity area is sufficiently set back from the building line and would be less visible from the street Cene, and thereby affording future occupiers and users of this space greater privacy.

Overall, the proposal makes good provision for open space onsite in accordance with policy. Full landscaping details, including a Landscape Management Plan would be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. This would be secured by way of a planning condition.

### Daylight, sunlight and outlook for future occupiers

All units would receive good daylight and sunlight levels in accordance with BRE Guidelines and receive good outlook and would not experience to overlooking or loss of privacy from nearby properties.

The proposed north facing window on the upper floors would be obscured and fixed shut at all times protect the privacy of residents at no 20-28 Victoria from overlooking and loss of privacy. These are secondary windows provide additional natural light to these rooms. Future occupier would enjoy good east or west facing outlook from the primary clear glazed windows within the bedrooms.

North facing balconies and the north facing aspect to the screen enclosure (provided around the communal amenity area at roof level) would be obscured to height of 1.7 metres to ensure the proposal does not result in overlooking or loss of privacy to rear gardens at properties on Victoria Avenue. However, residents would continue to receive good east and west facing outlook from their balconies, and which using the communal amenity area at roof level.

In instances were north facing balconies or habitable rooms are obscured, they would continue to receive acceptable outlook from a secondary window with either east and west facing aspect, or both. This would ensure that future occupiers would not experience good outlook and would not experience a sense of enclosure. The majority of units proposed do not require any obscured glazing, all 11 x no units proposed receive good daylight; sunlight

and outlook and have access to good usable private amenity and communal amenity areas onsite, in accordance with policy. The proposed internal layouts and room sizes all meet or exceed minimum standards, which is welcomed by Officers.

Overall, the proposal provides high quality accommodation; including 7 x no units suitable for family accommodation, and would assist towards meeting the need and demand of this form of accommodation, in accordance with the London Plan Policy CS4 of the Core Strategy (2012); Policies DM01; DM02 and DM08 of the Development Management Policies Document (2012); Residential Design Guidance SPD (adopted October 2016); and policies D3, D4, D6, D8, H1, and H10 of the London Plan (2021).

### **Impacts on amenity to neighbouring properties**

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

Policy D6 of the London Plan "Housing Quality and Standards" states that "d". The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding heating minimising, overshadowing, and maximising the usability of outside amenity space.

Barnet Councils Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 18-21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

### Daylight and Sunlight Guidance

The BRE Guidance's state that the main rooms should be tested, this would include living rooms, dining rooms, kitchens and bedrooms.

### *Vertical Sky Component (VSC).*

The VSC calculation is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE Overcast Sky is used, and the ratio is expressed as a percentage. For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidance suggests that a minimum VSC value of 27% should be achieved. When assessing the impact of a new development on an existing building the BRE Guidelines sets out the following requirements.

If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable. This means that a reduction in the VSC value of up to 20% its former value would be acceptable and thus the impact would be considered negligible.

### *No Sky Line Test*

The NSL, or sometimes referred to as No Sky View method, describes the distribution of daylight within rooms by calculating the area of the "working plane", which can receive a direct view of the sky. When assessing the potential impacts in the daylight available to the neighbouring properties, the BRE Guidance states that if the area within a room receiving direct skylight is reduced by less than 0.8 following the construction of a new development, the impact will be noticeable to the occupants. This is also true if the NSL encroaches onto key areas like kitchen sinks and workshops.

### *Sunlight (Annual Probable Sunlight Hours) Test*

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. The BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed. Annual Probable Sun Hours (APSH) represents the sunlight that a given window may expect over a year period. APSH is expressed as the percentage of direct sunlight hours divided by number of hours when sky was clear with sun.

The applicant has submitted a Daylight and Sunlight Assessment, to assess the impacts the proposal would have on the following properties:

- No's 123, 125; 127; 129; 131; & 133 East Barnet Road (to the south of the site)
- No's 181; and 181a Victoria Road (to the east of the site)
- No's 20; 22; 24; 26; and 28 Victoria Avenue: (to the north of the site)

The properties at 123 to 131 East Barnet Road comprise of a mix of residential and non-residential units. The proposed development would have a relatively low impact on these properties as they would continue to receive good daylight and sunlight levels in accordance with standards set out in the BRE Guidance. Further, the proposed south facing windows are at a distance of between approximately 17.4 -25 metres from the rear windows due south at no's 123-133 East Barnet Road, which is a comfortable distance, and therefore would not result in undue loss of privacy to these properties. Properties to the east would also not be unduly impacted and would receive daylight, sunlight and sunlight levels in accordance with BRE Guidelines.

Non-compliance with the BRE recommendations is limited to the daylight tests in respect of isolated main habitable room windows at 24 to 28 Victoria Avenue and 181a Victoria Road. However, the degree of loss of daylight and sunlight is considered to be minor as all windows would achieve before/after ratios of between 0.73 to 0.79, which is only marginally short of the BRE recommended before/after ratio of 0.8 for daylight distribution. Although there are a small number of windows and rooms shown to experience minor reductions in light, the high level of compliance with the BRE Guidance overall is acceptable. Moreover, given the site constraints and urban context of the site, in addition to the reasonable mitigation factors set out below, a reason for refusal based on the loss of daylight and sunlight to a select windows to properties on Victoria Avenue could not be sustained.

### Privacy

The separation distance from build form of the development to properties at no's 20-28 Victoria Avenue ranges from approximately 12.7-15 meters at first floor;16-18 metres at

second floor level, and 19.5-20 metres at third floor level. Whilst the proposal, in part (on 1<sup>st</sup> and 2<sup>nd</sup> floor levels) fall below recommended distances of *18-21m between facing habitable room windows and 10.5 m to a neighbouring garden as set out within the Councils Residential Design Guidance SPD (2016)*, the proposal provides robust mitigation measures to safeguard the privacy to nearby properties and their respective rear gardens.

All north facing windows, as shown on the drawings, would be obscured and permanently fixed shut at all times and retained thereafter. This would also be secured by way of a planning condition. Further, all north facing balconies and the north facing enclosure screens to the communal amenity area at roof level would also be obscured to height of 1.7 metres to prevent any overlooking and loss of privacy to rear gardens at properties on Victoria Avenue.

### **Impacts on the Local Highway**

The site lies in an area with a PTAL score of 3, which means it has moderate access to public transport (on a scale of 0 -extremely poor and 6b -excellent) access to public transport. here are 5 bus routes within 3 minutes walking distance of the site. New Barnet rail station is within 8 minutes walking distance of the site.

### Car parking

London Plan (car parking standards) (Residential standards)

Policy T6.1 of the London Plan (2021) sets out the following car parking provision requirement for residential units:

- Outer London PTAL 2 - 3 "Up to 0.75 spaces per unit" (1 - 2 bed units) and "up to 1 car parking spaces" for 3 bed plus.
- 

in accordance London Plan car parking spaces, the proposal can make provision for "up to", 8 x no car parking spaces onsite.

Policy DM17 of the Local Plan states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- i. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Based on London Plan car parking standards, , the proposal can make provision for "up to", 8 x no car parking spaces onsite; and Based on Local Plan standards, the development should make a maximum parking provision of 8-15 spaces. LBB Highways team support the provision of 11x no car parking spaces including 2 disabled, on the basis that the site has moderate access to public transport.

The following conditions would be attached 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:



- A Car Parking Management Plan. Details of the Operational Car Parking Management Plan
- A dimensioned parking layout plan showing 6 spaces including 2 disabled space
- Details of Electric Vehicle Charging facilities onsite to provide less than 2 x no of the car active and 9 x no passive Electric Vehicle Charging facilities. This would encourage more sustainable modes of transport for future occupiers onsite.

### Cycle storage

Policy T5 Cycling of the London Plan (2021) requires that "cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people".

Table 10.2 of the London Plan (2021) sets out the Minimum cycle parking standards for residential uses. the following cycle storage provision would be required:

- 1 space per studio or 1 person 1 bedroom dwelling
- 1.5 spaces per 2-person 1 bedroom dwelling
- 2 spaces per all other dwellings

Short stay (e.g., for visitors or customers)

- 5 to 40 dwellings: 2 spaces

Based on London Plan standards, a minimum of 21 long stay cycle parking spaces are need. 22 spaces are provided in the form of 11 two-tier racks in a segregated bike store and 2 short stay cycle parking spaces in the forecourt for the residential element . For the commercial element, 2 long stay and 2 short stay spaces are proposed.

Notwithstanding the details submitted to the Local Planning Authority., further additional details on cycle parking including the type of stands, gaps between stands, location and type of cycle store, and enclosure proposed shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, a minimum of 24 (long stay) and 4 (short stay) cycle parking would be provided onsite and maintained thereafter, in accordance with policy T5 of the London Plan (2011). This would be secure by way of a planning condition ensure that adequate and satisfactory provision for the parking of bicycles onsite in the interests of highway safety and to promote sustainable modes of transport.

### Refuse and Recycling

Policies S1 8 of the London Plan (2021) and CS 14 of the Core Strategy (2012) seek to ensure that adequate waste and recycling provision for all developments in secure; and accessible locations for days of collection.

The ground floor plan shows an internal bin store which would facilitate on-street collections. Residential and commercial bin storage are provided in separate compartments. Notwithstanding, prior to occupation of the development, full details of a Refuse and Recycling Collection Strategy and Servicing Management Plan, including details collection arrangements together with a plan showing satisfactory points of collection for refuse and recycling, must be submitting prior and approved in writing by the Local Planning Authority, and implemented thereafter. This would be secured by way of a planning condition to ensure

a satisfactory appearance for the development and satisfactory accessibility; in the interest of highway safety; and a to protect the amenities within the nearby vicinity of the site.

## **Energy and Sustainability**

Policies SI 16 of the London Plan (2021) and policy CS13 of the Barnet Core Strategy (2012) requires residential developments with water saving and other measures to encourage the efficient use of water. Policies SI 1 and SI 2 of the London Plan (2021); policies DM01 & DM02 of the Development Management Document (2012) seeks to achieve specific levels of improvement in carbon dioxide emissions when compared the minimum Target Emission Rate requirements of the 2010 Building Regulations.

In terms of water consumption, all residential units would obtain 100% of their water supply through water metres. Notwithstanding, a condition would be attached to a planning permission to require that each unit receives water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

The proposed development follows the 'Energy Hierarchy' and the Energy Statement follows the format requested by the London Plan. The development meets the London Plan policy SI2 target, achieving a carbon reduction of 36.9% improvement beyond AD Part L (target 35%), including a site-wide 13.1% improvement at the Be Lean/energy efficiency stage (target 10% for domestic, 15% for non-domestic).

The required Zero-carbon emissions target can also be achieved through a cash in lieu contribution of £ 28,785 to the borough's carbon offset fund. This would be secured in a Section 106 Agreement.

### Overheating Assessment

The proposed does provide a good standard of accommodate for all 11 x no residential units proposed as discussed within the report. Notwithstanding, the applicant is required to undertake a Summertime Overheating Assessment to determine whether the proposed development would minimise the risk of the dwellings overheating in extreme heat conditions, through design, layout, orientation, and materials proposed, in accordance with Building Regulation Requirements.

The Assessment would consider the likely impacts of overheating within the development and propose mitigation measures to minimise risk. The applicant is advised to incorporate the following mitigation measures into the design of the proposed development:

- Installation of external mechanical ventilation
- Inclusion of external shading to bedrooms to alleviate potential for overheating bedrooms at night in extreme heat conditions;
- Installation of external solar shading to upper floor balconies and terraces to create a more usable areas during extreme heat, whilst also providing better thermal comfort within the dwellings.

The Overheating Assessment would be secured by way of a planning condition to ensure the development would minimise the risk of overheating to internal space with all dwellings.

## **5.4 Response to Public Consultation**

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

- The proposal would result in the loss of daylight; sunlight and privacy; and result in overshadowing to neighbouring properties.

(Officer comment: The applicant has undertaken a Daylight and Sunlight Report to assess the impacts the proposal surrounding residential properties as discussed within the report. In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown that the reduction in daylighting to the windows and rooms to the majority of the existing neighbouring buildings would be within the acceptable limits set out within the BRE Guidelines. Although a small number of windows to habitable would experience some loss in light, the reduction in these instances are considered to be relatively minor as discussed within the report. The proposal would not result in undue overlooking or loss of privacy to neighbouring properties and gardens).

- The scale of development is excessive.

(Officer comment: The proposed building is 4 storeys in height which is a suitable and acceptable approach for the site. The design principle of siting the development to align with the neighbouring front building line is supported)

- Overdevelopment and over intensification of the site.

(Officer comment: It is considered that the proposed density is suitable for this site, and the overall design ensures that the proposal would not present any symptoms associated with overdevelopment of the site, such as sub-standard accommodation, inadequate daylight, sunlight levels, poor outlook and privacy to future occupiers and/or loss of amenity to existing residential properties).

- Increase car parking- put pressure on the local highway safety; exacerbate problems associated with congestion.

(Officer comment: LBB Highways team do not consider that the proposal, would unduly exacerbate the existing problems associated with congestion on the local highway. LBB Highways have recommended a list of planning conditions to mitigate against the impact on highway safety as set out with the recommendation section of this report).

- Increased pressure on local social infrastructure.

(Officer comment: The applicant would be required to make appropriate Levy payments towards local social infrastructure such as schools and doctors' surgeries to mitigate against the impact it would have on existing facilities, in accordance with Community Infrastructure Levy (CIL) requirements and regulations. The CIL is a planning charge that Local Authorities and the Mayor of London set on new development to help pay for community infrastructure.

All representations received during the initial consultation, and subsequent re-consultation on the respective amendments were fully considered and assessed during the decision-

making process, prior to reaching Officers recommendation to approve this planning application, subject to conditions and planning contributions secured in a legal agreement to mitigate against the development.

- The proposed development would result in undue noise disturbance to existing neighbouring properties.

(Officer comment: With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. LBB Environmental Health do not object to the proposed development, subject to a conditions which requires the development to be implemented in accordance with the measures/mitigation measures set out in the Noise Impact Assessment.

- Increase Dust and Air Pollution

(Officer comment: The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving use to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality.

It is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report. All representations received were fully considered and assessed during the decision-making process, prior to reaching Officers recommendation to approve this planning application, subject to conditions and planning contributions secured in a legal agreement to mitigate against the development.

- Restrict access to adjacent business at no 123 East Barnet Road.

(Officers comment: At present, the business benefits from having access (entry and exit) to this subject site via a rear door at the property. Whilst the proposed development would restrict complete access via this door, the premises would continue to have primary access from no 123 East Barnet Road. The applicant has advised Officers that the current access allowed on the subject site is a temporary measure and relatively recent arrangement agreed with the landowner of 116 Victoria Road. Further, given that this is private land, and not a public right of way, there is no planning policy or planning legal requirement for the developer to continue to provide access to their site. Furthermore, this is not a material planning consideration).

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and legal agreement, the proposed development

would have an acceptable impact on the character and appearance of the application site, the streetscene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

**Site Location Plan**

