

Location **Land Adjacent To Whitings Hill Primary School Whitings Road
London EN5 2QY**

Reference: **23/3772/FUL** Received: 1st September 2023

Accepted: 1st September 2023

Ward: High Barnet Expiry 1st December 2023

Case Officer: **Tania Sa Cordeiro**

Applicant: Opendoor Homes

Proposal: Redevelopment of the site to provide 35 residential units with associated car parking, cycle storage, refuse/recycling storage, amenity space and landscaping

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Be Seen Energy Monitoring Guidance:

Requires monitoring and reporting of the actual operational energy performance of

major developments for at least five years via the Mayor's 'be seen' monitoring portal.

Travel Plan:

A contribution of £5000 towards the monitoring of the Travel Plan.

Biodiversity Net Gain Plan:

Securing payment habitat creation - the creation of 1 Ha of Moderate Condition Other Neutral Grassland at a total cost of £40,650 (index linked) in accordance with thereafter approved Biodiversity Net Gain Plan. The payment will need to be secured upon completion of built phase of the development.

payment for habitat management and maintenance (30 years) - 3.22 units X £47,003.26 per unit = £151,350.48 (index linked) in accordance with thereafter approved Biodiversity Net Gain Plan. The payment will need to be secured upon completion of built phase of the development.

RECOMMENDATION II:

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

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

Cover letter

Statement of Community Involvement (SCI)

Daylight Sunlight Report

Planning Statement

Design and Access Statement

Affordable Housing Statement

Schedule of Accommodation

Air Quality Assessment (ref.6024r2), prepared by Redmore Environmental

Arboricultural Impact Assessment Survey & Report ref. BG22.167.7, prepared by Brindle & Green

Arboricultural Method Statement ref. BG22.167.13, prepared by Brindle & Green

Preliminary Ecological Appraisal ref. BG22.167 REV3, prepared by Brindle & Green

Urban Greening factor Calculations rev.04, prepared by Brindle & Green

Travel Plan Statement, ref. 22038D3b, prepared by Lime Transport

Transport Statement, ref. 22038D2f, prepared by Lime Transport

Stage 1 Road Safety Audit, ref. 22038d5, prepared by Lime Transport
Car Parking Management Plan, ref. 22038D4b, prepared by Lime Transport
Overheating Assessment, job no. C8226 rev.D, prepared by Thornley & Lumb Partnership Ltd

Fire Statement, project no. ED22022 rev.R02, prepared by OFR Consultants
Flood Risk Assessment and Surface water (Drainage Strategy), ref. 220454/WH/A Prais, prepared by Conisbee

Noise Impact Assessment Report, ref. 12164.RP01.NAR.3 rev.3, prepared by RBA Acoustics

Phase II Site Investigation Report, ref. GWPR5005/SIR/May 2023, prepared by ground&water

Drg.no. W-L01 rev.F (Landscaping - External Works Layout)

Drg.no. W-L02 rev.F (Landscaping - Planting Plan)

Drg.no. WH_P_080 rev.P01 (Existing Site Location Plan)

Drg.no. WH_P_090 rev. P02 (Existing Site Plan)

Drg.no. WH_P_095 rev.P04(Proposed Site Plan)

Drg.no. WH_P_100 rev.P12 (Proposed Ground Floor GA)

Drg.no. WH_P_110 rev.P10 (Proposed First Floor GA)

Drg.no. WH_P_120 rev. P10 (Proposed Second Floor GA)

Drg.no. WH_P_130 rev. P10 (Proposed Roof Plan GA)

Drg.no. WH_P_200 rev. P02(Existing Site Sections & Elevations)

The above were received on the 01 September 2023.

Drg.no. WH_P_300 rev.P10 (Proposed Sections & Elevations 01)

Drg.no. WH_P_301 rev.P09 (Proposed Sections & Elevations 02)

Drg.no. WH_P_302 rev.P09 (Proposed Sections & Elevations 03)

The above were received on the 25th October 2023.

CGI, received on the 31st October 2023.

Biodiversity DEFRA metric BNG calculations

Biodiversity Impact Assessment rev.2

Email dated 2 Nov, from Redmore reg. proposed mitigation strategy to reduce road vehicle exhaust emissions

The above were received on the 02 November 2023.

Tree Protection Plan, prepared by Brindle & Green

The above was received on the 29th November 2023.

Part_I_2021_gla_carbon_emission_reporting_spreadsheet_v2

The above was received on the 30th November 2023.

Energy Strategy, job no. C8226 rev.B, prepared by Thornley & Lumb Partnership Ltd

The above was received on the 01st December 2023.

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

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

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

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

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

- 5 The development shall be implemented in accordance with the "Air Quality Assessment (Including Dust Risk Assessment), Reference: 6024r3, Date: 22nd November 2023" and retained as such thereafter.

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 neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted October 2016). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy SI1 of the London Plan 2021 in relation to air quality.

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

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

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

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

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

- 7 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.

- 8 The development shall be implemented in accordance with the contaminated land reports' details as approved under reference 23/3772/FUL and retained as such thereafter. A report detailing the asbestos strategy and the testing of the imported soils shall be submitted for approval prior to the development being first occupied.

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 the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SD1 of the London Plan 2021.

- 9 The measures approved under this condition, as set out in the "Noise Impact Assessment Report, ref: 12164.RP01.NAR.3 Rev: 3" dated 18 August 2023 by RBA Acoustics Ltd 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 amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of The London Plan 2021.

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

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

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

- 11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried

out by a competent acoustic consultant that assesses the likely noise impacts from the development of all the extraction, ventilation and ASHP plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 12 Notwithstanding the plans submitted, a dimensioned drawing showing 29 parking bays, including 4 disabled parking bays shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be implemented to the Authority's satisfaction before the building is first occupied and shall thereafter be kept available/ maintained for such use at all times.

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

- 13 Prior to occupation of the development, full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision of electric vehicle charging points facilities (6 active and 23 passive points). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan

- 14 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 70 cycle parking spaces (68 long-stay and 2 short-stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than

parking of vehicles in connection with the approved development.

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

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

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

- 16 Prior to the commencement of the development, details of the off-site highways works set out shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200 and the applicant shall enter into a s278 agreement with the council to deliver the works.

The works approved shall be constructed in accordance with the approved details before the site is occupied. All off site highways works must be completed to the satisfaction of the local highway authority prior to first occupation of the development

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 Within 6 months of occupation, a residential travel Plan that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to encourage active travel and reduce trips by the private car. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

18 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

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

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

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

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

21 Prior to the first occupation of the development hereby approved, the development

must achieve Secured by Design (SBD) accreditation.

A Security Measures Scheme shall be submitted to and approved in writing by the Local Planning Authority and it shall be implemented / installed within the development and maintained throughout the lifetime of the dwellings.

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

- 22 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 23 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 34% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 24 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 110 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 25 Prior to the first occupation of the development hereby approved, details and specifications of all external lighting around the building to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The strategy shall be designed to minimise potential disturbance on sensitive receptors, such as neighbouring residential properties.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that appropriate lighting is provided as part of the development and to ensure that any protected species present are not adversely affected in accordance with Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 28 Prior to the commencement of the development hereby approved, a detailed energy strategy of the new building shall be submitted to and approved in writing by the local Planning Authority. The detailed energy strategy shall demonstrate that London Plan targets shall be met within the framework of the energy hierarchy of Be Lean, Be Clean, Be Green, Be Seen.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and Policy S1 of the London Plan (2021).

- 29 Prior to the commencement of the development hereby approved, a detailed overheating assessment of the new building shall be submitted to and approved in writing by the local Planning Authority.

The assessment should include dynamic overheating modelling in line with the guidance and data sets in CIBSE TM52 and TM49 respectively.

The proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating in accordance with the Mayor's cooling hierarchy.

Reason: To ensure that the amenities of occupiers are not negatively impacted by overheating in accordance with London Plan Policy SI 4.

- 30 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 31 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the Tree Protection Plan, Tree Protection & Method Statement and Arboricultural Method Statement Ref: BG22.167.13 REV1, prepared by Brindle & Green, approved under this condition has been erected around existing trees on site.

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

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

Core Strategy DPD (adopted September 2012) and G7 of the London Plan 2021.

- 32
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained, tree planting pit designs, 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 commencement of the hereby approved development.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 33
- a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and G7 of the London Plan 2021.

- 34
- a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
 - b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the

enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G5 and G6 of the London Plan 2021.

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

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

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

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

36 Before any works commence. Details of foundations close to protected trees T1, T4 and T7 must be submitted and approved before commencement of works. The foundations must take account of trees growing in close proximity to the development and seek to minimise harm to the root system.

The above conditions would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 and G7 of the London Plan 2021.

37 Prior to the commencement of any works including site preparation, and ground clearance works a precommencement badger survey of the site will need to be undertaken by a suitably qualified ecologist and the report submitted to and approved by the LPA.

The survey will need to be undertaken following the methodology outlined within the approved Preliminary Ecological Appraisal (PEA) (Brindle & Green, August 2023, Rev 3) to determine the presence or likely absence of badgers or their occupied setts within 30m of the hereafter approved works. If in the event evidence of badgers or their setts are confirmed to be onsite, then a detailed badger mitigation strategy will need to be submitted as part of the Badger Survey Report to inform the LPA as whether the proposed works will need to be undertaken via a Natural England Badger Mitigation Licence or through a Non-Licensed Method Statement.

No works may be permitted to commencement until the LPA has been satisfied that no offence is likely to occur under the Protection of Badgers Act 1992.

Reason: To ensure that the approved development will not result in any likely offence under the Protection of Badgers Act 1992.

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

- 38 The hereafter approved development including all site clearance and construction shall be undertaken in strict accordance with the precautionary ecological mitigation measures relating to badgers, reptiles, nesting birds, hedgehog, and great crested newts outlined within section 7.2, 7.5 - 7.8 of the approved Preliminary Ecological Appraisal (PEA) (Brindle & Green, August 2023, Rev 3).

If protected or notable species are discovered during the approved works than works must halt and the project ecologist and/or Natural England (in the event of European Protected Species e.g., bats, being discovered), as further surveys and appropriate mitigation measures may be required prior to the recommencement of works.

Reason: To ensure that any protected species present are not adversely affected by the development. Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 39 No development (including vegetation clearance) shall commence until an appropriately competent Ecological Clerk-of-Work or ecologist has been appointed and is present onsite to undertake supervision all activities and works that involve the disturbance or loss of habitats that may support protected speices onsite.

An ecological file note of all supervised activity undertaken shall be submitted to the LPA following completion of all site clearance works.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation

- 40 All vegetation clearance during the active nesting bird season (March 1st to August 31st inclusive). If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds' nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

Reason: To ensure that the protection of nesting birds is not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan

Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021).

- 41 Prior to commencement of any works including ground clearance works, a protective barrier shall be installed to protect the boundary trees or hedges and Brent River that may be present, from the proposed demolition and construction as per the guidance outlined in the British Standard BS 5837:2012 Trees in Relation to Demolition and Construction - Recommendations sections 6.1.2 and 6.1.3. The protective barrier shall be installed under by experienced arborist or appropriately qualified person.

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

- 42 Prior to the occupancy of works details of a Bat Sensitive Lighting Strategy including light spill plans shall be submitted and approved by the local planning authority. The artificial lighting scheme designed for the development, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

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

- 43 Prior to occupancy all the ecological enhancement features including all 1SP Schwegler Sparrow Terraces, hedgehog gaps, and Vicent Pro Bat Boxes outlined within the Planting Plan (Staton Cohen Landscape Architecture, November 2022) must be installed/constructed in accordance with details shown on the thereafter approved plans and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

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

- 44 Prior to commencement of the development a detailed Biodiversity Net Gain Plan which outlined the details, timing, and responsibility for all required habitat creation, enhancement, and management and monitoring of the 1 ha of other neutral grassland (3.22 units) within the Whiting's Hill Open Space hereafter referred to as the "offset site" to be approved prior. The document shall be produced in accordance with approved Biodiversity Impact Assessment (Brindle & Green, BG22.167.5 Rev 3, November 2023).

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in

accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

RECOMMENDATION III:

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

- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01.05.2024, 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 provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

 2. The proposed development does not provide a legal agreement towards the payment of the Travel Plan Monitoring Contribution. The terms of the obligation shall be as set out by the Local Planning Authority which is based on the requirements of the Barnet Travel Plan SPD.

Informative(s):

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

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

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

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

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

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

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

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

- 3 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

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

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

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

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

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

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

- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 5 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.

- 6 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
- 7 Refuse collection point should be located at a ground floor level and within 10m of the collection point. 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 un-adopted 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.

- 8 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of works on the public highways.
- 9 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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.

- 10 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.
- 11 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."

- 12 The removal of the invasive non-native species (e.g. buddleia) should be undertaken by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) Property Care Association or the Invasive Non-Native Specialist Association View Our Members - INNSA. An invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of "controlled waste" under the Environment Protection Act 1990 (EPA 1990). Controlled waste is defined as any plant material or contaminated soil under the Environment Protection Act 1990.

OFFICER'S ASSESSMENT

1. Site Description

The proposal site is a rectangular plot of land that is located on the north western side of Whittings Road, and is directly to the north east of Whittings Hill Primary School. The site has an area of approximately 7171 sqm / 0.71 Ha. and was previously part of a larger plot of land including the site of the current school. The entire plot contained buildings forming Whittings Hill Primary School.

Whittings Hill school is to the south west of the application site, with its land wrapping around the north-western boundary of the application site. The land beyond the north western boundary of the site is open and contains a woodland area. The rear gardens of properties fronting Well Road and Whittings Road abut the north-eastern boundary of the site.

The site has a Public Transport Accessibility Level (PTAL) of 1b (poor) and the closest railway station is High Barnet station, located approximately 1.3 miles east of the site.

The site is not located within a conservation area nor is it within the setting of a listed building. The development is in flood zone 1 and has a low probability of flooding.

There are a number of mature trees adjacent to the site, including a large mature Oak tree(T1) on the street to the front of the site, and two other mature Oak trees (T4 and T7) with the rear garden, along the north-eastern site boundary which are protected by a Tree Preservation Order.

2. Site History

Reference: 15/03139/FUL

Address: Whittings Hill Primary School, Whittings Road, Barnet, EN5 2QY

Decision: Approved subject to conditions Decision Date: 8 April 2016

Description: Development of site to north east of Whittings Hill Primary School to provide 33 residential units (Use Class C3) comprising 26 houses (2-3 storeys) and an apartment block containing 7 flats (3-4 storeys), accessed from existing vehicular access (serving Whittings Hill Primary School). 49 car parking spaces (surface level), cycle parking,

refuse/recycling stores, landscaping and external amenity space (AMENDED PLANS AND DESCRIPTION - amendments include alterations to site layout, use of existing access, and reduction in unit numbers)

Reference: B/04095/09

Address: Whittings Hill Primary School, Whittings Road, Barnet, EN5 2QY

Decision: Approved

Decision Date: 5 January 2010

Description: Submission of details of condition 24 (25 year management and maintenance plan) pursuant to planning permission B/00752/08 dated 11/06/08.

Reference: B/00752/08

Address: Whittings Hill Primary School, Whittings Road, Barnet, EN5 2QY

Decision: Approved subject to conditions

Decision Date: 28 August 2009

Description: New replacement primary school.

Preamble

This application has been brought forward by Opendoors Homes. Open doors Homes is a subsidiary of Barnet Homes and has Registered Provider Status from the Homes and Communities Agency.

Barnet Homes parent company is The Barnet Group. Opendoor Homes provides both social housing and private sector rented housing to help meet the demand for affordable housing within Barnet.

The proposed scheme will deliver affordable housing at this site concurrently with a sister scheme at Moxon Street (Land at 1-7 Moxon Street and at 44 Tapster Street including land to the rear of 1-11 Moxon Street and opposite The Old Printworks, Barnet, EN5 5TY). Both schemes will be delivered by Opendoor Homes and will achieve 50% affordable housing across both sites.

3. Proposal

At this site, planning permission is sought for the construction of 35 (Use Class C3) new homes. 29 car parking spaces including 4 Blue Badge holders have been provided. In addition, 68 long-stay and 4 short-stay cycle parking spaces have been provided.

- 4 car parking spaces (M4(3)), units 5, 19, 25, 35 to be given one allocated disabled parking bay;
- 15 car parking space private sale units to be given one allocated parking bay to assist with sales values;
- 6 car parking spaces for all remaining three and four bed social tenures to be given one allocated parking bay, total of 25 total allocated.
- Remaining 4 car parking spaces allocated on first come basis (Units 1 - 4).

In terms of tenure, the scheme comprises 15 private sale homes (43%) and 20 affordable homes (57%).

Of the affordable units, the proposed breakdown of the affordable tenure is 31% London Affordable Rent (11 units) and 26% Shared Ownership (9 units).

10% of homes (4 units) are designed to M4(3) wheelchair user dwelling. These homes have accessible private amenity space and are located close to their blue badge parking space.

The remaining homes have been designed to M4(2) accessible and adaptable dwellings standards, with the only exceptions being three units (nos. 6, 19 and 26), where these homes are at first floor. However, they are still provided with their own front doors directly onto the street to avoid internal communal circulation and activate the street frontage. Despite the primary accommodation being designed internally with reference to M4(2), these units are officially designated M4(1) because of their stepped access (to first floor accommodation).

The schedule of accommodation indicates that the proposal will provide the following residential mixture;

5 x 1 beds
4 x 2 beds
15 x 3 beds
11 x 4 beds

The proposal has adopted a contemporary mews design approach with flat roofs. It has a staggered height of 1, 2 and 3 storeys. They will be constructed adjacent to the perimeters of the site in a circular design enclosing a communal landscaped courtyard area. The rear gardens of the development will provide buffering and set back from the school and the rear gardens of residential dwellings along Well Road and Whitings Road. The front elevations accommodate the entrance that provides access into the homes, most of which overlook the communal landscaped communal garden, with the exception of Units 1-4 which are a terrace of homes and Unit 5-6 which is a flatted block fronting Whitings Road.

It will include amenity space in the form of private rear gardens and a communal centre forecourt, landscaping, parking, servicing access and cycle and refuse store facilities.

The building proposes a material palette of red rustic brick, the applicant is to provide additional detail via a condition.

4. Public Consultation

A site notice was posted on 21.09.2023.

A press notice was published in Barnet Press on 19.09.2023.

Upon validation of this application on 12.09.23, consultation letters were originally sent to 148 neighbouring properties.

6 representation were received, out of which no.4 letters of objection and no.1 letters of support and no.1 representation was received.

The representation received can be summarised as follows:

- Effect on the waste and sewerage drains in Whitings Road.

The objections received against the application as a whole can be summarised as follows:

- Too close to the school for a block of flats. Also Barnet is far too populated already;
- Will also put increased pressure on the school, which is already oversubscribed, so there will be fewer places available for the local children;
- This also increases traffic within the area surrounding the school, which is already significantly congested;
- Looks as though the beautiful oak is being removed and we thought this council were in favour of helping nature and improving air quality;
- There are people in close proximity to the school suffering from lung cancer;
- Would be better to have it as an open space for local people to enjoy this build would put more pressure on local communities parking hospitals and doctors.
- Not enough space is allocated to the parking needed for 35 dwellings. Parking is already a big problem here with blocked driveways on a daily basis.

The letters of support received can be summarised as follows:

- The scheme's strengths far outweigh its weaknesses. In particular, we welcome the offer (in combination with Moxon Mews) of 50% affordable housing and of a high proportion of larger family houses, nearly all of which have gardens. We also like the sensitive, inconspicuous yet convivial way in which 35 homes would be inserted into the neighbourhood.

Responses from External Consultees

The Barnet Society supports this application

For a site so close to the Green Belt, we are also slightly disappointed by an urban greening factor score of 0.3855, below the Mayor of London's target score, and by a net onsite biodiversity habitat loss of 57.93%, albeit offset by a 73.5% gain in hedgerows.

However, we consider that the scheme's strengths far outweigh its weaknesses. In particular, we welcome the offer (in combination with Moxon Mews) of 50% affordable housing and of a high proportion of larger family houses, nearly all of which have gardens. We also like the sensitive, inconspicuous yet convivial way in which 35 homes would be inserted into the neighbourhood. The application should be approved as a model of how other suburban sites could be developed.

Affinity Water

Affinity Water has no comments to make regarding planning application

Thames Water

With regard to Waste Water Network and Sewage Treatment Works infrastructure capacity, we would not have any objection to the planning application.

Metropolitan Police (Secure by Design)

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

Archaeology

The planning application is not within an Archaeological Priority Area, and lies within an area previously impacted by former school buildings. No further assessment or conditions are therefore necessary.

Responses from Internal Consultees

Affordable Housing

The development is supported by the Council's Director of Growth and Head of Housing Strategy, Growth & Development and therefore the development is supported from an affordable housing basis.

Commercial Services - Refuse

The waste strategy for this application is acceptable for the Street scene collections team.

Arboricultural Officer

No objection subject to conditions.

Ecology

Ecology would raise no objection to the proposal subject to a unilateral agreement conditions and informatives.

Energy and Sustainability

No objection subject to conditions.

Urban Design

The proposed layout arranged around a courtyard, the overall height, massing, stepped design approach and fenestration strategy are all supported.

Environmental Health

No objection subject to conditions.

Traffic and Development

Highways would raise no objection to the proposal subject to a Unilateral agreement conditions and informatives.

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 National Planning Policy Framework (NPPF) was published on 05th September 2023.

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS12, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

- Affordable Housing (2008)
- Delivering Skills, Employment, Enterprise and Training (SEET) from development through S106 (2014)
- Green Infrastructure (2017)
- Planning Obligation (2013)
- 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:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the setting of locally listed buildings;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking; and
- Other material considerations.

5.3 Assessment of proposals

Principle of development

The site previously contained buildings forming part of a larger Whittings Hill Primary School site. When the site was redeveloped following a grant of planning permission in 2008, the school site was consolidated, and the current plot of land vacated. It has remained empty and unused since and has been surplus to educational requirements since the school was redeveloped.

It is noted that the site received planning approval for 33 residential units comprising 26 houses and an apartment block containing 7 flats under ref. no. 15/03139/FUL, which has set precedence for residential development at this site.

Furthermore, the surrounding area is predominantly residential in character. Therefore, it is considered that subject to relevant planning policy considerations, the principle of new residential development is acceptable on this site.

Housing Tenure and Mix

Barnet Policy CS4 aims to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes.

The pre-ambles to Barnet Policy DM08 in paragraph 9.1.7 states an aspiration for family sized intermediate affordable housing. However, smaller 1 and 2 intermediate tenure homes will be supported as larger sized homes under shared ownership/low cost home ownership may be unaffordable.

Policy DM10 requires 40% of housing provision to be affordable from all new sites providing 10 units. In line with the Core Strategy the tenure mix of affordable housing which will be sought is 60% social rented and 40% intermediate.

The proposal will provide a total of 35 homes out of which 6no. (Units 5,6,18,19, 25 & 26) will be flats. The schedule of accommodation indicates that the proposal will provide the

following residential mixture;

5 units x 1 beds
4 units x 2beds
15 units x 3beds
11 units x 4beds

It is recognised that policy D7 (Accessible Housing) of the London Plan concerning housing choice requires that 10% of new housing should be designed as wheelchair or easily adaptable for wheelchair users. Within the submitted Planning Statement, it states that 10% of homes (4 units) are designed to M4(3) wheelchair user dwelling. These homes have accessible private amenity space and are located close to their blue badge parking space. These comprise of the following;

Unit 05 - 2 Bed 4 Person
Unit 18 - 3 Bed 6 Person
Unit 25 - 2 Bed 4 Person
Unit 35 - 1 Bed 2 Person

The remaining homes have been designed to M4(2) accessible and adaptable dwellings standards, with the only exceptions being three units (nos. 6, 19 and 26), where these homes are at first floor. However, they are still provided with their own front doors directly onto the street to avoid internal communal circulation and activate the street frontage.

Officers are satisfied with the proposed housing Tenure and Mix the proposal would represent.

Affordable Housing

As stated earlier, this application is brought forward by Opendoors Homes, a subsidiary of Barnet Homes providing both social housing and private sector rented housing to help meet the demand for affordable housing within Barnet.

Barnet Homes is responsible for managing approximately 13,000 council homes within Barnet. It also has responsibility for managing the councils homelessness and social housing allocations services on behalf of the council.

Barnet's Strategic Housing Market Assessment Update (October 2018) states that there will be a need to provide additional affordable housing for 17,600 dwellings over the 25 year period 2016-41 (an average of 704 per year)

London Plan Policies SD1.A. 5 and Policies H4 and H5 seek to maximise the delivery of affordable housing. London Plan Policy H4 (Delivery affordable housing) in paragraph 4.4.1 strongly emphasises the need to deliver more genuinely affordable housing, with schemes expected to maximise the delivery of affordable housing and make the most efficient use of available resources.

Policy DM10 requires 40% of housing provision to be affordable from all new sites providing 10 units and above. In line with the Core Strategy the tenure mix of affordable housing which will be sought is 60% social rented and 40% intermediate.

Affordable housing will be delivered by the applicant at this site concurrently with a sister

scheme at Moxon Street ('Land at 1-7 Moxon Street and at 44 Tapster Street including land to the rear of 1-11 Moxon Street and opposite The Old Printworks, Barnet, EN5 5TY'). Both schemes will be delivered by Opendoor Homes and will achieve 50% affordable housing across both sites.

At this site the proposal comprises 15 private sale homes (43%) and 20 affordable homes (57%). Of the affordable units, the proposed breakdown of the affordable tenure is 31% London Affordable Rent (11 units) and 26% Shared Ownership (9 units).

This will be secured by way of a unilateral agreement, which will require both proposals to be brought forward together at approximately the same time.

Design, Layout and height

The proposal comprises of a 'Circular' shaped footprint with a centralised landscaped courtyard, breaking down the massing and creating a sense of openness within the site. Whilst the row of houses will be constructed along the perimeters of the site, it is set back from the boundary with adjacent neighbouring residential dwellings and the school.

The centralised landscaped courtyard and the proposed parking spaces along the access road to the front of the houses, along with the proposed landscaping/trees will provide buffering between the front gardens of the new houses.

The development has been informed by the building heights and form of adjacent dwellings, which are generally 2 storeys with hipped roof. It is acknowledged that the proposal would be more contemporary in style than the existing neighbouring residential buildings, however, in this context, the principle of a contemporary approach to design is not misplaced. The simple forms of the houses and their flat roofs would reflect the adjacent school building. Furthermore, the proposed houses are stepped in height from 1 storey to a maximum of 3 storeys, with the shortest height being adjacent to the school and the residential buildings.

The mass and bulk of the building has been broken up and reduced at the north east and south west wings, to allow for a gradual transition in building height between the adjacent school / residential dwellings and the proposed development.

The building proposes a material palette of red rustic brick. This is acceptable, however additional material details will be secured via condition.

Officers consider that the proposed layout, height, scale and bulk and external appearance have been carefully considered in terms of the site's constraints, wider context and urban form. Overall, the proposal is considered to be of a high quality in terms of form and detailed appearance.

Impact on the amenity of adjacent occupiers and surrounding area

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Furthermore, the adopted Local Plan (2012) and draft Local Plan (2021) policy CDH01 promotes high quality design by requiring development not to result in any adverse impact on the amenity of neighbouring occupiers in relation to overlooking and privacy.

Privacy, overlooking and outlook

In terms of recommended separate distances, the Barnet Residential Design Guidance SPD principally concerns residential overlooking from habitable room to garden and between habitable rooms, which is a recommended distance of 10.5 metres between a new development and a neighbouring garden and a distance of 21 metres between habitable windows. Shorter distances may be acceptable between new build properties where there are material justifications. However, there is no stated guidance for commercial / community uses to residential properties etc.

The site is located within a residential area. In terms of potential impact there are existing residential properties to the northeast of the site and to the south west is the Whittings Hill Primary school.

Given the constraints of the site, the proposal is unable to strictly maintain the required distance to its boundary with neighbouring properties. Notwithstanding this, the proposal has been designed with an adequate set back from these properties, with staggered heights, breaking down the massing and creating a sense of openness within the site. The design of the buildings within the site has been carefully considered with respect to neighbouring properties. The nature of the building has been designed to help counteract concerns around amenity and outlook.

In terms of overlooking, concerns were raised with regards to the overlooking, particularly into the playground of the adjacent Whittings School. The proposal has been designed to mitigate any overlooking into the school playground.

A 1.8m high brick boundary with a 0.5m high trellis separates the site from the school playground. Therefore, no overlooking is envisaged from the rear gardens and rear windows at ground floor level. In addition, the proposed building has been orientated in a way which ensures that any sightlines are positioned/angled away from the neighbouring properties and into landscaped areas. It is designed so that their primary outlook at first floor is into the public street or private courtyard / garden. Small windows are provided in rear elevations to activate the elevations but these either serve non habitable spaces only, or are above head height.

Furthermore, a number of existing trees along the boundaries have been retained, in addition to the new trees and landscaping that has been proposed. This will help to mitigate any concerns with regards to overlooking and loss of privacy. It is considered that the scheme does not harmfully impact the amenities of neighbouring residents.

Daylight / Sunlight

The application is accompanied by a Daylight & Sunlight Study (ref. 2959), prepared by Waldrams, which has analysed the impact of the proposal on a total of 16 properties (include Whittings School), 86 windows and 58 rooms.

The analysis shows that the impacts of the proposed development on the sunlight available to amenity spaces at Whittings Road are in line with the 'BRE Guidelines' recommendations and therefore acceptable.

The report states that the results for the VSC method of the assessment show that 10 out of 12 windows of Whittings School will fully comply with the suggested target values. All

rooms analysed meet the target daylight distribution value. All windows analysed face within 90° of due north and so do not require analysis for sunlight.

The two windows that experience reductions beyond 20% are within a room that contains three further windows. As such, the daylight impact is within the 'BRE Guidelines' recommendations and is therefore acceptable.

With respect to the internal daylight & Sunlight Analysis, 139 out of 141 rooms across the proposed scheme meet their target daylight value. The two remaining rooms are single bedrooms in units 03 and 04 that achieve their target lux level to 44% and 45% of their area compared to the target 50%. In sunlight terms, all units meet the target value.

The report concludes that all surrounding residential properties meet the target daylight and sunlight values with the proposal in place, as well as Whittings Hill Primary School. Internally to the Proposed Development, 139 out of 141 (99%) of rooms meet their target daylight value and all units meet the target sunlight value. The rooms that do not meet their target daylight value are both secondary bedrooms within units where all other rooms meet their target value. As such, all units are considered well-lit overall and so the scheme is acceptable.

In terms of sunlight received to the rear amenity space and overshadowing, the BRE Guidelines recommend that an outdoor amenity space receives at least 2 hours of sunlight on March 21st to at least 50% of its area in the proposed situation or retains at least 80% of its former value with the proposal in place. All four of the neighbouring amenity spaces analysed met the target for overshadowing with the proposal in place, indicating that all neighbouring spaces will also meet the target value.

Residential amenity within the proposed development

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments.

The current Local Plan requirements are 5sqm per habitable. However, the emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

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

It is noted that the proposal does not meet the space standards set out by the Authority, however the scheme still achieves over 7.5 times the GLA London Plan requirements for private amenity.

The proposal will provide outdoor amenity in the form of a range of options, including private and shared communal outdoor space. Furthermore, the shared amenity in the proposed scheme totals 603m² in the Communal Green, a share of which is allocated as dedicated Child play (400m²) space as per the GLA Population yield for this scheme. Together, the total amenity for the scheme is 10 times the GLA requirements. The shared amenity space is considered in this instance to be an acceptable form of providing amenity space as it is a large space that would be very usable, and the concept of the development

has been built around this communal space in order to create a sense of community. The amenity space would achieve a good amount of light and have good surveillance. It is considered that the space has been designed to cater for different age groups. The specific design of the scheme means that it would be actively used, being available throughout the year and would help to create a sense of community. and be a very good replacement for more private individual amenity spaces. The provision of external spaces is therefore compliant.

The development benefits from adequate amount of outlook and privacy. Overall, the proposed layout and siting of the proposed dwellings are considered to be acceptable.

Highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The proposed development is located in the London Borough of Barnet. It is located on land that used to form part of Whitings Hill Primary School but is now not in use. The site is to be accessed via a new crossover on Whitings Road. The site is bounded by Whitings Road to the south, open fields to the north, the rear fences of the residential properties facing Well Road, and Whitings Primary School to the west. The site is not in a CPZ and it lies in an area with a PTAL score of 1b (poor). Two bus routes (384 & 184) can be accessed from stops within 5 minutes walking distance from the site. High Barnet tube station is 2.3km to the east of the site.

Parking

Based on Policy DM17 of Barnet's Development Management DPD, the provision of 30 - 50 car parking spaces would be acceptable for the proposed development. The development will provide 29 parking spaces including 4 disabled bays. This means that up to 20 vehicles could be displaced on-street. However, the applicant has carried out an overnight parking survey and the results indicate that there are 123 spaces with 69 vehicles parked and 54 unoccupied spaces. Highways would therefore accept the proposed parking provision but recommend that residents of the development be denied the right to purchase a CPZ permit should a CPZ be introduced in the area in the future. While the number of units (35) proposed as part of the development falls below the travel threshold, the applicant has provided a travel plan statement. Given the potential parking displacement from the site, Highways would recommend that the applicant prepare a full travel plan for the development and that this is secured by way of a s106 agreement.

Cycle parking is to be provided in accordance with the minimum London Plan standards. For the proposed development, a total of 70 spaces comprising 68 long-stay and 2 short-stay spaces would be acceptable. 68 long stay and 4 short stay spaces are proposed which is acceptable. However, where cycle parking has been provided in rear gardens that have no direct access from the street, this is not supported as cyclists will have to push or carry their bicycles through the building to get to the rear garden. Long-stay cycle parking should be provided in a secure, sheltered, and fully enclosed compound. While short-stay cycle parking should be provided in a secured, lockable, and sheltered environment. Details of cycle parking are to be secured by way of a planning condition.

Electric vehicle charging points are to be provided by minimum London Plan standards. For the 29 parking spaces proposed, 6 active and 23 passive points are required. These are to be secured by way of planning conditions.

Internal Layout

Pedestrian and vehicle access to the site is taken from Whitings Road. The internal road begins as a two-way road for a short section before it merges into a one-way loop around a central green with vehicles traveling in a clockwise direction around the green. The internal road is designed as a shared surface with parking mainly on one side of the road. There is a pedestrian path adjacent to the parking bays which provides a buffer/separation between the parking bays and the frontage properties. In principle, Highways do not have any significant concerns about the internal site layout but recommend that a 10 mph speed limit be imposed. Also, a safety audit of the site access and internal layout has been carried out and the applicant has accepted the recommendations of the audit. However, more clarification is needed on the issue of the disabled bay opposite the site entrance and how this impacts on vehicles turning into and out of the development. A revised plan showing the changes made to the drawings as a result of the recommendations of the audit is requested. This can be secured by way of a planning condition.

Swept path drawings have been submitted by the applicant and these demonstrate that emergency and refuse vehicles can enter and exit the site safely.

Trip Generation

The development comprises 35 units and it is expected to generate about 9 two-way vehicle trips during the AM peak and 7 two-way vehicle trips during the PM peak. The development will generate 26 two-way person trips and 19 two-way person trips during the AM and PM peak period respectively. This level of vehicle trip generation is unlikely to have an impact on the local highway network.

The development is expected to generate 4 servicing trips per day with about 23 servicing trips per week.

Servicing

Deliveries and servicing including refuse collection are expected to take place on-street. It is estimated that there will be 4 servicing trips daily with about 23 servicing trips per week. Highways have no concerns about the proposed servicing arrangements. Elevations of the refuse stores are requested. A delivery and servicing plan is requested and this can be secured by way of a planning condition.

Travel Plan

A residential travel plan has been submitted by the applicant. A travel plan statement has been submitted by the applicant. Officers are currently reviewing the plan but request that a full residential travel plan is submitted. It is recommended that the travel plan is secured via a s106 agreement and a contribution of £5,000 is sought towards travel plan monitoring.

Car Parking Management Plan and Construction Management and Logistics Plan

A car parking management plan has been submitted by the applicant and this is acceptable in principle. However, clarification is sought on whether the leasing of the spaces will be undertaken on a first come first served basis. Also, given the sensitive nature of the site, a construction management and logistics plan is requested. It will be acceptable to secure the Plan by way of a planning condition. In addition, a before and after highway condition survey must be carried out to ensure that any damage to the highway directly resulting from the construction works is fully recorded.

Road Safety

A Personal injury collision data has been obtained for the period 2017 to 2021 (inclusive) for Whitings Road from CrashMap, an accident database. The results show that there have been 2 slight accidents on Whitings Road in the 5 year period ending 2021. One occurred at the junction with Minera Close and the other close to the school site access. None involved pedestrians. Based on the accident history, road safety is not considered to be a major concern but given the number of additional family homes proposed, pedestrian safety improvements are recommended in the vicinity of the site. These may include a tactile paving and waiting restrictions.

Off-site Highway works

The following off-site highway works are requested to mitigate the impact of the development. The applicant is therefore required to enter into a s278 agreement with the council to implement these works (All off-site highways works must be completed to the satisfaction of the local highway authority prior to first occupation of the development) :

- a) Provision of new vehicle access to the site on Whitings Road
- b) Re-positioning and upgrading the existing access to Whitings Hill Primary's car park
- c) Renewal of the footway along the site frontage and in front of Whitings Hill School car park
- d) Introduction of dropped kerb/tactile paving at the site entrance and tactile paving at the junction of Whitings Road and Mineral Close
- e) Introduction of waiting restrictions on Whiting Road (locations to be agreed)
- f) Reinstatement of any redundant crossovers along the site frontage.

A plan of the proposed off-site highways works is requested prior to determination

Highways would raise no objection to the proposal subject to imposing a s106 CPZ permit restrictions, a contribution of £5,000 towards travel plan monitoring, the off-site highway works set out and planning obligations, conditions and informatives.

Trees, landscaping and ecology

Trees

The application is accompanied by an Arboricultural Impact Assessment Survey, Arboricultural Method Statement and a Tree protection Plan. The site has been previously developed and cleared then left unmanaged for many years. Since then, a multitude of

young sapling trees have established on the site. The site does not have any mature trees within the boundary. There are however three large mature protected oak trees on the boundaries of the site and shown as T1, T4 and T7. The design of the development has progressed through pre application meetings and most of the issues have been resolved at this stage.

To facilitate the proposal all trees within the boundary will be removed, the loss these trees has been assessed using the Defra biodiversity metric and compensatory habitats replacement developed off site. The loss of these trees is considered acceptable under these assessments and agreements.

The submitted arboricultural method statement "ARBORICULTURAL METHOD STATEMENT Land Adjacent to Whittings Hill Primary School, Whittings Road, EN5 2QY Report Reference: BG22.167.13 REV1 - August 2023" provides sufficient measures to ensure that most important trees are protected through the development phases. There is a risk of post development pressure to prune/remove these trees (T1, T4 and T7) however these are all protected by Tree preservation orders and the risks can be managed to some degree.

The application has been reviewed by the Council's Arboricultural Officer and further information and details have been submitted by the applicant. This is considered to be acceptable now, subject to conditions.

Landscaping

The proposed landscape design seeks to deliver a high-quality resident focused environment through the provision of well-considered spaces and carefully identified planting and materials.

The LPA welcomes the inclusion of a Wildlife Corridor connecting the existing open space and green infrastructure link to the rear pavement (External Work Layout, Peter Barber Architects, WH_L30) (see below). This will positively contribute to providing suitable habitat for nesting birds and foraging mammals around the site and is in line with London Plan Policy G6 and Local Plan DM16.

The LPA welcomes the composition of native and species rich tree, hedgerow, woodland, and nectar rich wildflower mix included within the submitted Planting Plan (W_L02, November 2022, Staton Cohen Landscape Architecture, see below). No Schedule 9 listed plant species (Wildlife and Countryside Act 1981 (as amended)) nor Species of Concern under the London Invasive Species Initiative are included within the planting schedule.

The species selected are anticipated to provide ideal pollinating opportunities onsite for invertebrates, suitable foraging, and commuting opportunities for wild mammals such as hedgehogs and nesting birds.

Ecology

The ecologist has reviewed the documents and has no objections subject to conditions and the monetary contribution set out below, which will be secured via a unilateral agreement.

1. Prior to commencement of the development a detailed Biodiversity Net Gain Plan which outlined the details, timing, and responsibility for all required habitat creation,

enhancement, and management and monitoring of the 1 ha of other neutral grassland (3.22 units) within the Whiting's Hill Open Space hereafter referred to as the "offset site" to be approved prior. The document shall be produced in accordance with approved Biodiversity Impact Assessment (Brindle & Green, BG22.167.5 Rev 3, November 2023).

2. Securing payment habitat creation - the creation of 1 Ha of Moderate Condition Other Neutral Grassland at a total cost of £40,650 (index linked) in accordance with thereafter approved Biodiversity Net Gain Plan. The payment will need to be secured upon completion of built phase of the development.

3. Securing the payment for habitat management and maintenance (30 years) - 3.22 units X £47,003.26 per unit = £151,350.48 (index linked) in accordance with thereafter approved Biodiversity Net Gain Plan. The payment will need to be secured upon completion of built phase of the development.

Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The scheme has an urban greening factor of 0.38 indicating over development of the site, as a site of this size should be able to deliver and exceed on the 0.4 UGF score required.

The development is built up to the boundary of the school which is imposing and there is no opportunity to soften this impact on the school grounds within the development boundary. Therefore, subject to agreement with the school new tree plantings should be provided within the school grounds to soft the architecture. This tree planting would also provide long term benefits for the school and its general setting.

Energy and Sustainability

Energy Statement

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

An Energy Strategy has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 34% CO2 reduction for the domestic elements. The proposal has provided sufficient evidence to prove that the development will achieve zero carbon.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy S15 of the London Plan (2021).

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

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Below Ground Drainage Strategy. This is currently being assessed by the Council's appointed drainage specialists who and an update will be provided in due course. However, it is fully anticipated that this matter will be addressed.

6. Equality and Diversity Issues

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

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

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

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

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

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

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

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

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

7. Conclusion

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

