

**Location** **Whalebones Wood Street Barnet EN5 4BZ**

**Reference:** **23/4117/FUL** Received: 22nd September 2023  
Accepted: 2nd October 2023

Ward: High Barnet Expiry 1st January 2024

**Case Officer:** **Josh Mclean**

Applicant: Hill Residential Ltd and Trustees of the Gwyneth Cowing Will

Proposal: Demolition of non listed structures and construction of a single storey studio building (Use Classes F.1 / F.2) along with associated new vehicular access from Wellhouse Lane. Construction of 115 residential houses and apartments (Use Class C3) ranging from 2 storeys to 5 storeys in height. Associated parking spaces, new vehicular access from Wood Street, new landscaping, public open space, play areas, public realm, ecological enhancements and retained area for agricultural small holding. New pedestrian and cycle access points from Wood Street and Wellhouse Lane and restricted emergency vehicle access from Wellhouse Lane (AMENDED DESCRIPTION AND PLANS - SEE COVER LETTER AND DAS ADDENDUM DATED 29/01/24 FOR SUMMARY OF CHANGES)

## **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Director of Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations 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:**

The application, being one of strategic importance to London, must be referred to the Mayor of London. As such, any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

### **RECOMMENDATION II:**

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. Affordable Housing  
Provision of 47no units (29 affordable rent and 18 intermediate) with early review mechanism.
4. Carbon Offset  
Contribution of £91,390 towards the Council's carbon offset fund.
5. Skills and Employment  
On-site or Off-site contribution towards skills and employment.
6. Open Space Phasing Plan and Landscape Management Strategy  
Provision of open space phasing plan and Landscape management strategy of each area (A,B,C)
7. Offsite Biodiversity and Ecological Net Gain Plan  
Submission of an Offsite and Biodiversity and Ecological Net Gain Plan to set out mitigation measures to be adopted to offset the loss of habitat units with like-for-like replacement in an off-site location within the Council's administrative area or other agreed location.
8. Community Facility  
Re-provision of community facility and submission of management plan..
9. Provision of Small Holding  
Provision of an area of small holding within the application site.
10. Residential Travel Plan and Monitoring  
Provision of Residential Travel Plan with incentive of £300 per unit (max £34,500) and monitoring contribution of £15,000.
11. Restriction of Parking Permits  
Contribution of £5,000 towards the amendment of the Traffic Management Order to restrict future occupiers of the proposed development from obtaining residential parking permits. Inform new residents that they are not entitled to a parking permit for any current / future CPZ.

12. Car Club

Provision of 1 car club space within Area A and record details within the Residential Travel Plan "Welcome Pack".

13. Air Quality Neutral Damage Costs

A contribution of £4,135 towards making the development air quality neutral.

14. S278 Works

Associated highway works under S278.

15. 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.

16. Monitoring of Legal Agreement

Contribution towards the monitoring of the legal agreement.

**RECOMMENDATION III:**

That upon completion of the agreement specified in Recommendation II, the Director of 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:

T91100 P03 - Site Location Plan

Proposed drawings

T120100 P03 - Masterplan - Ground Floor Plan

T120101 P03 - Masterplan - 1st Floor Plan

T120102 P03 - Masterplan - 2nd Floor Plan

T120103 P03 - Masterplan - 3rd Floor Plan

T120104 P03 - Masterplan - 4th Floor Plan

T120105 P03 - Masterplan - Roof Plan

T120201 P03 - Masterplan - Wood Street Elevation

T120202 P03 - Masterplan - Wellhouse Lane Elevation

T120301 P03 - Masterplan - North to South Section

T120302 P03 - Masterplan - East to West Section

T1R20100 P03 - Residential Area - Ground Floor Plan

T1R20101 P03 - Residential Area - 1st Floor Plan

T1R20102 P03 - Residential Area - 2nd Floor Plan

T1R20103 P03 - Residential Area - 3rd Floor Plan

T1R20104 P03 - Residential Area - 4th Floor Plan

T1R20105 P03 - Residential Area - Roof Plan  
T1A20100 P03 - Block A - Ground Floor Plan  
T1A20101 P03 - Block A - 1st to 2nd Floor Plan  
T1A20103 P03 - Block A - 3rd Floor Plan  
T1A20104 P03 - Block A - Roof Plan  
T1A20201 P03 - Block A - North & East Elevation  
T1A20202 P03 - Block A - South & West Elevation  
T1B20100 P03 - Block B - Ground Floor Plan  
T1B20101 P03 - Block B - 1 to 3rd Floor Plan  
T1B20104 P03 - Block B - 4th Floor Plan  
T1B20105 P03 - Block B - Roof Plan  
T1B20201 P03 - Block B - North Elevation  
T1B20202 P03 - Block B - South Elevation  
T1B20203 P03 - Block B - East Elevation  
T1B20204 P03 - Block B - West Elevation  
T1C20100 P02 - Block C - Ground Floor Plan  
T1C20101 P02 - Block C - 1st to 3rd Floor Plan  
T1C20104 P02 - Block C - 4th Floor Plan  
T1C20105 P02 - Block C - Roof Plan  
T1C20201 P02 - Block C - North Elevation  
T1C20202 P02 - Block C - South Elevation  
T1C20203 P02 - Block C - East Elevation  
T1C20204 P02 - Block C - West Elevation  
T1HA120100 P02 - House Type HA1, Floor Plans  
T1HA120201 P02 - House Type HA1, Elevations  
T1HA220100 P02 - House Type HA2, Floor Plans  
T1HA220201 P02 - House Type HA2, Elevations  
T1HA320100 P02 - House Type HA3, Floor Plans  
T1HA320201 P02 - House Type HA3, Elevations  
T1HA420100 P02 - House Type HA4, Floor Plans  
T1HA420201 P02 - House Type HA4, Elevations  
T1HA520100 P02 - House Type HA5, Floor Plans  
T1HA520201 P02 - House Type HA5, Elevations  
T1HA620100 P02 - House Type HA6, Floor Plans  
T1HA620201 P02 - House Type HA6, Elevations  
T1HB120100 P02 - House Type HB1, Floor Plans  
T1HB120201 P02 - House Type HB1, Elevations  
T1HB220100 P02 - House Type HB2, Floor Plans  
T1HB220201 P02 - House Type HB2, Elevations  
T1HB320100 P02 - House Type HB3, Floor Plans  
T1HB320201 P02 - House Type HB3, Elevations  
T1HC120100 P02 - House Type HC1, Floor Plans  
T1HC120201 P02 - House Type HC1, Elevations  
T1HC220100 P02 - House Type HC2, Floor Plans  
T1HC220201 P02 - House Type HC2, Elevations  
T1HC320100 P02 - House Type HC3, Floor Plans  
T1HC320201 P02 - House Type HC3, Elevations  
T1HC420100 P02 - House Type HC4, Floor Plans  
T1HC420201 P02 - House Type HC4, Elevations  
T1HC520100 P02 - House Type HC5, Floor Plans  
T1HC520201 P02 - House Type HC5, Elevations  
T1HC620100 P02 - House Type HC6, Floor Plans  
T1HC620201 P02 - House Type HC6, Elevations

T1HD20100 P02 - House Type HD1, Floor Plans  
T1HD20201 P02 - House Type HD1, Elevations  
T1G20100 P02 - Garage, Floor Plans & Elevations  
T1S90100 P02- Studio Building - Ground Floor Landscape Plan  
T1S20100 P02 - Studio Building - Ground Floor Plan  
T1S20101 P02 - Studio Building - Roof Plan  
T1S20201 P02 - Studio Building - Elevations

#### Landscape Plans

D 9721.001 Issue 01 - Landscape Key  
D 9721.002 Issue 01 - Illustrative Landscape Masterplan  
D 9721.003 Issue 01 - Areas of Management Responsibility  
D 9721.004 Issue 01 - Boundary Treatments Plan  
D 9721.005 Issue 01 - Urban Greening Factor Plan

#### Hardworks Plans

D 9721.101 Issue 01 - Hardworks Plan (Sheet 1)  
D 9721.102 Issue 01 - Hardworks Plan (Sheet 2)  
D 9721.103 Issue 01 - Hardworks Plan (Sheet 3)  
D 9721.104 Issue 01 - Hardworks Plan (Sheet 4)  
D 9721.105 Issue 01 - Hardworks Plan (Sheet 5)  
D 9721.106 Issue 01 - Hardworks Plan (Sheet 6)  
D 9721.107 Issue 01 - Hardworks Plan (Sheet 7)  
D 9721.108 Issue 01 - Hardworks Plan (Sheet 8)

#### Planting Plans

D 9721.200 Issue 01 - Planting Schedule  
D 9721.201 Issue 01 - Softworks Plan (Sheet 1)  
D 9721.202 Issue 01 - Softworks Plan (Sheet 2)  
D 9721.203 Issue 01 - Softworks Plan (Sheet 3)  
D 9721.204 Issue 01 - Softworks Plan (Sheet 4)  
D 9721.205 Issue 01 - Softworks Plan (Sheet 5)  
D 9721.206 Issue 01 - Softworks Plan (Sheet 6)  
D 9721.207 Issue 01 - Softworks Plan (Sheet 7)  
D 9721.208 Issue 01 - Softworks Plan (Sheet 8)

#### Details

D 9721.401 - Tree Pit details (Sheet 1)  
D 9721.402 - Tree Pit details (Sheet 2)  
D 9721.410 - Play Equipment (Sheet 1)  
D 9721.411 - Play Equipment (Sheet 2)  
D 9721.412 - Furniture details A1

#### Trees

Plan 2 of Arboricultural Impact Assessment Report dated 16th January 2024 Ref HRL/WHB/AIA/01b

#### Access

Proposed Southern Emergency Access General Arrangement dwg ref. 172811C\_PD06 Rev B;  
Proposed Eastern Access General Arrangement dwg ref. 172811C\_PD07 Rev B;  
Site Access General Arrangement dwg ref. 172811C\_PD04 Rev G;

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

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

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

- 3 a) Before works above ground, details of the materials to be used for the external surfaces of the buildings, hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) No site works or development (including any temporary enabling works, site clearance and demolition but excluding Investigative Work) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping and a landscape phasing plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out in accordance with the approved landscape phasing plan..

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.

- 6 No development (including Demolition, Ground Works, and Site Preparation Works but excluding Investigative Work) shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority.

Details within the CEMP shall include the precautionary mitigation measures to sufficient protect those habitats, species, and statutory and non-statutory designated site of nature conservation outlined within the Ecological Impact Assessment report (MKA Ecology) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior to works, and Construction Exclusion Zone plan within the CEMP. The CEMP shall include:

- a. Site information (including ecological features)
- b. Description of works, equipment and storage
- c. Programme of works
- d. Temporary hoarding and fencing
- e. Temporary works
- f. Ecological avoidance and mitigation measures (nesting/breeding birds, invertebrates, wild mammals, roosting bats, reptiles, amphibians).
- g. Construction Exclusion Plan

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

7 Prior to the installation of any lighting, a detailed sensitive lighting design strategy including measures to strictly prevent light spill on the Core Sustenance Zone (dark corridor) to the boundary of the site, and confirmed bat roosts, shall be submitted to and approved in writing by the Local Planning Authority. All artificial lighting shall be designed in accordance with the exterior and interior lighting specification and mitigation measures outlined with the Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018). The sensitive lighting strategy document shall contain the following details:

a) A horizontal illuminance contour plan is to be prepared by a suitably experienced and competent lighting professional (member of the Chartered Institution of Building Services Engineers (CIBSE), Society of Light and Lighting (SLL), Institution of Lighting Professionals (ILP) or similar to ensure competency) using an appropriate software package to model the extent of light spill from the proposed and, possibly, existing luminaires.

b) A baseline lighting survey is to be undertaken by a suitably qualified competent person. As a minimum, readings should be taken at ground level on the horizontal plane (to give illuminance hitting the ground), and in at least one direction on the vertical plane at, for example, 1.5m or 2m above ground (to replicate the likely location of bats using the feature or site).

c) All specification of the artificial lighting scheme, including interior lighting and lighting used in construction, their respective location on site, direction of light spill, and luminance details including lux.

d) Appropriate light spill avoidance measures to maintain the integrity of the dark corridor (Core Sustenance Zone) located to the north of the site boundary and avoid any excess increase in lux with retained boundary trees and adjacent woodland beyond the current baseline (to be established during baseline lighting survey).

Upon completed of the proposed development a post-completion lighting surveys will be required to ensure that the proposed lighting levels confirm they are in fact achieved on site and that the lighting specification (including luminaire heights, design, and presence of shielding etc) is as proposed.

The lighting designs shall thereafter be implemented as approved for the duration of the development. No external work is permitted to occur during night-time (after sunset and before sunrise).

Reason: To ensure the development does not adversely affect European protected species utilising the identified Priority Habitat and Core Sustenance Zone along the Brent Siding East in accordance with Policy CS7 of the Local Plan Core Strategy DPD (2012), Policy DM16 of the Local Plan Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021).

8 Prior to the commencement of any works including site preparation and ground clearance works (but excluding Investigative Work), a pre-commencement 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 Ecological Impact Assessment (EclA) (MKA Ecology, [January 2024]) 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 commence 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.

- 9 Prior to the commencement of works (excluding Demolition and Investigate Work), details of an Invasive Species Management Plan shall be submitted to and approved by the LPA and shall be undertaken throughout the hereafter approved works. The document shall include a detailed plan showing the location of invasive species (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended), and details of any avoidance, treatment, removal, and bio-secure disposal measures.

Any removal of Himalayan balsam and cotoneaster from the site is to be undertaken by a third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) or the Invasive Non-Native Specialist Association INNSA. An invasive species removal specialist is to be named responsible for the secure removal/treatment, transposition and disposing of "controlled waste" under the Environment Protection Act 1990 (EPA 1990).

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

- 10 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 of all activities and works that involve the disturbance or loss of habitats that may support protected species 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.

- 11 No removal or disturbance of tree T25 (poplar) tree as identified in the Preliminary Roost Assessment (dated January 2024) is permitted to take place until two updated bat emergence surveys have been undertaken by suitably qualified ecologists during the active bat survey season (May to August inclusive) and the survey report including a strict precautionary method statement is submitted to and approved by the Local Planning Authority.

In the event that no roosting bats are determined to be present then the tree can be thereafter removed in strict accordance with the approved method statement within the updated bat emergence survey. If roosting bats are confirmed to be present within the tree, then a detailed bat mitigation strategy will need to be submitted to and approved by the LPA. The bat mitigation strategy and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the submission of the Bat Class Mitigation Licence (BCML). Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To provide the Local Planning Authority with confirmation that the works will be undertaken legally under a Natural England licence and pursuant to Section 41 and Regulation 53 of The Conservation of Habitats and Species Regulation 2017 and Section 9 of the Wildlife and Countryside Act 1981 (as amended).

- 12 Prior to occupancy the details of the location of all the ecological enhancement features including all outlined within the Ecological Impact Assessment (EclA) (MKA Ecology, [January 2024]) and Landscape and Ecological Management Plan (January 2024, The Environment Partnership) shall be submitted to and approved by the Local Planning Authority.

The approved ecological features must be thereafter installed/constructed in accordance with details shown on the 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.

- 13 Prior to first occupation of a residential dwelling details of the location of at least 3 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing of all residential dwellings are to be submitted and approved by the local planning authority.

The approved hedgehog links must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the gardens.

Reason: To ensure the continued habitat connectivity for hedgehogs, common toads, and wildlife in general through residential gardens. 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.

- 14 a) The studio and residential homes shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. This includes the details of any acoustic boundary treatments to be erected on the site.
- b) The means of enclosure for each building or use shall be implemented in accordance with the details approved as part of this condition before first occupation of that building 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).

- 15 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first residential dwelling occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site and a programme for their implementation shall be submitted to the Local Planning Authority and approved in writing.

The development shall be implemented in full accordance with the details as approved and the agreed programme of implementation.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy S4 of the London Plan 2021.

- 16 a) No development (except Enabling Works, Vegetation clearance and Investigative Work) 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.

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.

- 17 Before each dwelling or the studio hereby permitted is first occupied, the parking spaces associated with the relevant dwelling or studio shall be provided as shown on Proposed Masterplan - Ground Floor Plan - Dwg. No. T120100 Rev. P03.

The car parking spaces provided shall not be used for any purpose other than the 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.

- 18 Notwithstanding the approved plans, 6 disabled persons parking spaces shall be provided and clearly marked with a British Standard disabled parking symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose. Details of the disabled persons parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

Such arrangements shall be completed before the relevant 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T6 and T6.1 of the London Plan.

- 19 Prior to occupation of the development full details of the electric vehicle charging points to be installed within the development shall have been submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points shall be implemented in full accordance with the approved details prior to first occupation of the dwelling/use to which it relates 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 policies T6 and T6.1 of the London Plan 2021.

- 20 Before the permitted development is occupied a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall only be operated in accordance with the approved 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6 of the London Plan 2021.

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

For the avoidance of doubt, 290 (281 long and 9 short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 22 Before the permitted development is first occupied a 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T7 of the London Plan 2021.

23 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to first occupation of the development details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

24 Part 1

Before development commences other than for Enabling Works, Demolition, Site Clearance and investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

The site investigation shall be carried out in accordance with the approved details.

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

## Part 2

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

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

25 a) No extraction and/or ventilation equipment shall be installed as part of the development, until full details including a technical report have 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 development shall be implemented to the relevant dwelling in accordance with details approved under this condition before occupation of the relevant dwelling or the use is commenced 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted September 2012) and Policy D14 of the London Plan 2021.

26 The level of noise emitted from the installed ventilation and/or extraction 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.

- 27 The noise mitigation measures against road noise set out in the Noise Impact Assessment (Ref: RP02-17225-R4; produced by Cass Allen; September January 2024) shall be implemented in their entirety prior to the first occupation of the relevant house / block within the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed-use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and D14 of the London Plan 2021.

- 28 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref. J10/12616D/10/1/F1 by Air Quality Consultants dated January 2024 shall be implemented in its entirety before any of any house / block is first occupied and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 29 Prior to first occupation of the studio building hereby approved, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area.

- 30 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.



- 31 a) If piling is required, then 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 .
- b) 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.

- 32 No demolition or development (except for Enabling Works, Vegetation Clearance, Investigative Work) shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development (except for Enabling Works, Vegetation Clearance, Investigative Work) shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. Where appropriate, details of a programme for delivering related positive public benefits; and
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To safeguard the archaeological interest on this site.

- 33 Notwithstanding the details approved, no development (other than site demolition and site preparation works, Investigative Work) shall take place until an updated Flood Risk Assessment & Surface Water Drainage Strategy for the development has been submitted to and approved in writing by the Council. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

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

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

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

- 35 Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

- 36 Prior to the occupation of the development of development, a postconstruction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

- 37 a) Prior to commencement of each building, detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

b) The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

Reason: To support the delivery of full-fibre or equivalent digital infrastructure in accordance with London Plan policy SI 6.

38 a) Prior to occupation of the residential dwellings a certificate shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve at least a Bronze 'Secured by Design' Accreditation.

b) Prior to the first occupation of the non-residential building at least a Bronze 'Secured by Design' accreditation shall be obtained for the building. The development shall only be carried out in accordance with the approved details.

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

39 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 rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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).

40 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the occupation of the relevant new dwellinghouses (Use Class C3) permitted under this consent the relevant dwelling shall 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.

41 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 71.9% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 42 The use of the studio building hereby permitted shall not be open to members of the public before 07.00 or after 23.00.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 43 The studio building hereby approved for purposes falling within Use Class F1 and F2 shall only be occupied for such uses and shall not be used for any other purpose of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floor space within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers in accordance with policy DM01 of the Barnet Local Plan.

- 44 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, D, E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the area of application 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).

- 45 The development must be carried out in accordance with the provisions of the Fire Strategy Statement (Dated 18/01/24 REF: AFF\_20342\_02\_LAND BETWEEN WOOD STREET & WELLHOUSE LANE\_FSS\_05) prepared by Affinity unless otherwise approved in writing by the Local Planning Authority.

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

## **RECOMMENDATION IV:**

That if the above agreement has not been completed by 31 July 2024, unless otherwise agreed in writing, the Director of Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, biodiversity net gain, open space management, replacement community facilities and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS4, CS5, CS9 and CS10 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM09, DM10, DM13 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

## **Informative(s):**

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

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

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

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

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

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

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

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

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

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

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

- 5 Thames Water  
Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1

8DB.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

6 Affinity Water

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

7 GLAAS - Archaeology

Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

8 LBB Highways

The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Highways Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any

relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW.

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

The applicant is required to submit a Street Works Licence application to the Highways Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW weeks before the start of works on the public highways.

For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres. Information on application for a crossover could be obtained from London Borough of Barnet, Highways Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW 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.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition



survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

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.

9 LBB Trees

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."

10 LBB Ecology

All bat species and their roosts are strictly protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019). If roosting bats are confirmed to be present, then the applicant would be responsible for submitting the application for the BMCL to Natural England. They as the statutory nature conservation organisation will determine whether the details outlined within the licence application e.g., bat mitigation and compensation measures, are satisfactory to enable approval of the application and submission of the BMCL. The applicant will then be responsible for discharging all conditions of the licence, as per the methods and work schedule stipulated, and within the time frame of the Natural England licence.

In the unlikely event of any protected species (e.g. hedgehogs, reptiles,

amphibians) being found works must stop and the project ecologist consulted, and the correct level of additional surveys and mitigation applied including any licences to be approved and issued by the Natural England (if required). Following the appropriate level of intervention, the approved works may resume.

Bats are protected from disturbance that bats under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitat Regulation 2017 as amended. Where the risk of offences originating from lighting is sufficiently high, it may be best to apply the avoidance approach in Step 3 of the Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018). Advice from an ecologist and lighting professional will be essential in finding the right approach for your site according to their evaluation.

Soft landscaping should be designed where feasible with areas of planting consisting of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

A purpose-built wildlife friendly pond is recommended to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife ponds / RHS Gardening website.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan

Under the requirements of Section 90 of the Town and Countryside Planning Act (TCA) (inserted as S.90A and Schedule 7a Biodiversity Gain in England) as enacted by Schedule 14 of the Environment Act 2021, this application is subject to the General Biodiversity Gain Condition as obligated under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990; as enacted by Schedule 14 of the Environment Act 2021. No earlier than one day after planning permission is granted an application shall be submitted to discharge the requirement for a Biodiversity Net Gain Plan for approval by the Local Planning Authority.

The Biodiversity Gain Plan shall contain the completed Biodiversity Metric 4.0 (as

amended) and will show the calculation of the pre-development and post-development predicted biodiversity values, a plan detailing the habitat design/s for both onsite and any offsite provision, a detailed maintenance schedule including a description of arrangements for maintenance and monitoring of habitats enhancement in accordance with paragraph 9(3) of Schedule 7A to the 1990 Act applies. The Biodiversity Gain Plan shall deliver a 10% net gain over the baseline value and shall be monitored for 30 years thereafter.

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.

## **1.0 OFFICER'S ASSESSMENT**

- 1.1 This application has been referred to Strategic Planning Committee as it falls within one of the categories which must be referred to the Mayor of London under the London Mayor Order:

**Category 1B:** *“Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprise or includes the erection of a building or buildings – (c) outside Central London and with a total floorspace of more than 15,000 square metres.”*

## **2.0 POLICY CONSIDERATIONS**

### ***Key Relevant Planning Policy***

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.
- 2.3 Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.
- 2.4 A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.
- 2.5 More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

### ***National Planning Policy Framework (December 2023)***

- 2.6 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.

- 2.7 A new version of the NPPF was published on 20<sup>th</sup> December 2023. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.
- 2.8 The NPPF states that, "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. In addition, the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### ***The London Plan 2021***

- 2.9 The London Plan 2021 is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

#### Chapter 1 Planning London's Future – Good Growth

- GG1 (Building strong and inclusive communities)
- GG2 (Making the best use of land)
- GG3 (Creating a healthy city)
- GG4 (Delivering the homes Londoners need)
- GG5 (Growing a good economy)
- GG6 (Increasing efficiency and resilience)

#### Chapter 3 Design

- D1 (London's form, character and capacity for growth)
- D2 (Infrastructure requirements for sustainable densities)
- D3 (Optimising site capacity through the design-led approach)
- D4 (Delivering good design)
- D5 (Inclusive design)
- D6 (Housing quality and standards)
- D7 (Accessible housing)
- D8 (Public realm)
- D11 (Safety, security and resilience to emergency)
- D12 (Fire safety)
- D14 (Noise)

#### Chapter 4 Housing

- H1 (Increasing housing supply)
- H4 (Delivering affordable housing)
- H5 (Threshold approach to applications)
- H6 (Affordable housing tenure)

- H7 (Monitoring of affordable housing)
- H10 (Housing size mix)

#### Chapter 5 Social Infrastructure

- S1 (Developing London's social infrastructure)
- S4 (Play and informal recreation)

#### Chapter 6 Economy

- E11 (Skills and opportunities for all)

#### Chapter 7 Heritage and Culture

- HC1 (Heritage conservation and growth)

#### Chapter 8 Infrastructure and Natural Environment}

- G1 (Green infrastructure)
- G4 (Open Space)
- G5 (Urban greening)
- G6 (Biodiversity and access to nature)
- G7 (Trees and Woodland)

#### Chapter 9 Sustainable Infrastructure

- SI 1 (Improving air quality)
- SI 2 (Minimising greenhouse gas emissions)
- SI 3 (Energy Infrastructure)
- SI 4 (Managing heat risk)
- SI 5 (Water infrastructure)
- SI 6 (Digital connectivity infrastructure)
- SI 7 (Reducing waste and supporting the circular economy)
- SI 8 (Waste capacity and net waste self-sufficiency)
- SI 12 (Flood risk management)
- SI 13 (Sustainable drainage)

#### Chapter 10 Transport

- T1 (Strategic approach to transport)
- T2 (Healthy Streets)
- T3 (Transport capacity, connectivity and safeguarding)
- T4 (Assessing and mitigating transport impacts)
- T5 (Cycling), T6 (Car parking)
- T6.1 (Residential parking)
- T7 (Deliveries, servicing and construction)
- T9 (Funding transport infrastructure through planning)

#### Chapter 11 Funding the London Plan

- DF1 (Delivery of the Plan and Planning Obligations)

#### Chapter 12 Monitoring

- M1 (Monitoring)

*Strategic Supplementary Planning Documents and Guidance:*

- Barnet Housing Strategy 2015-2025
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Housing (March 2016)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- Affordable Housing and Viability (2017)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Mayor's Transport Strategy (2018)
- Play and Informal Recreation (September 2012)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Housing Design Standards LPG (2023)

***Barnet Local Plan (2012)***

2.10 The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

*Core Strategy (Adopted 2012):*

- CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
- CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
- CS3 (Distribution of growth in meeting housing aspirations)
- CS4 (Providing quality homes and housing choice in Barnet)
- CS5 (Protecting and enhancing Barnet's character to create high quality places)
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS9 (Providing safe, effective and efficient travel)
- CS10 (Enabling inclusive integrated community facilities and uses)
- CS11 (Improving health and wellbeing in Barnet)
- CS12 (Making Barnet a safer place)
- CS13 (Ensuring the efficient use of natural resources)
- CS14 (Dealing with our waste)
- CS15 (Delivering the Core Strategy)

*Development Management Policies (Adopted 2012):*

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)
- DM03 (Accessibility and inclusive design)
- DM04 (Environmental considerations for development)
- DM06 (Barnet's Heritage and conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM13 (Community and education uses)
- DM15 (Green belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

*Local Supplementary Planning Documents:*

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2013)
- Sustainable Design and Construction (April 2013)
- Wood Street Conservation Area – Character Appraisal Statement (July 2007)

***Barnet's Local Plan (Reg 24) 2023***

- 2.11 The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 24 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The proposal site is also allocated as 'Site No.45' under the Draft Local Plan and is proposed for residential led development with publicly accessible open space and community uses.
- 2.12 As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th 2023 has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in Spring 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.



- 2.13 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.

### **3.0 PLANNING ASSESSMENT**

#### ***Site Description***

- 3.1 The application site, known as land adjoining The Whalebones, comprises a largely green and undeveloped area of land located between Wood Street and Wellhouse Lane, within the ward of Chipping Barnet. The site is private land and has no public right of access.
- 3.2 Overall, the application site measures approx. 4.37 hectares and is divided into two land parcels, between which lies 'The Whalebones', a Grade II Listed single dwelling and its associated private vehicle driveway which is accessed from Wood Street. These fall outside of the application site boundary and are not proposed to be altered as part of this application. The site also contains a building currently used as a studio by the Barnet Guild of Artists and the adjoining stable block is used by the Barnet Beekeepers' Association. There are also a series of outbuildings used in association with the smallholding use of the site. The former stables and the whalebones arch are curtilage listed structures to the main house.
- 3.3 The site parcels are bound by Wood Street (A411) to the north and Wellhouse Lane to the south. To the east of the site is a dwelling house (2 Wellhouse Lane) and its associated garden. To the west of the site is Elmbank, a residential redevelopment of 114 homes. Further to the south of the site lies the Barnet Hospital and associated hospital parking, as well as a public bus interchange.
- 3.4 In terms of local designations, the site is wholly located within the Wood Street Conservation Area, is located within Flood Zone 1 and has a Public Transport Accessibility Level (PTAL of 2). There are a number of trees throughout the site, including trees which are subject to Tree Preservation Orders.
- 3.5 There is a very significant fall across the site, with a drop of approximately 13.8m across the main development area, i.e from the northern part of Area A to the southern part of Area A.

#### ***Proposed Development***

- 3.6 This application seeks planning permission for the demolition of non-listed structures and construction of a new single storey studio building (Use Class F1/F2) and construction of 115 new residential dwellings (Use Class C3) ranging from 2 to 5 storeys in height.

- 3.7 The proposal comprises of 42 houses and 73 apartments of which 35.1% by habitable rooms is provided as affordable housing, equating to 47 units of both social and intermediate tenure.
- 3.8 A main vehicular access is proposed to be created from Wood Street to the north and a restricted secondary emergency vehicle access off Wellhouse Lane to the south. A further vehicular access point will be created off Wellhouse Lane to the east to serve the studio building and provide improved access to existing smallholding tenant.
- 3.9 The scheme would provide a total of 130 residential car parking spaces which would be provided at surface level for the houses and undercroft levels for the apartment blocks. 10 car parking spaces are proposed for the studio building. There would also be secure cycle parking spaces for 284 spaces for residents and 6 spaces for the studio visitors.
- 3.10 The scheme provides a total of 2.05ha of public open space on site (accounting for nearly 50% of the site area), comprising of play areas, sensory meadows, woodland walk and formal/informal paths and other publicly accessible areas including the ponds and meadows. In addition to the above, private and communal gardens are proposed to the residential houses and apartments throughout the development area.
- 3.11 An area to the east of the site (0.12ha) will be maintained for continued agricultural smallholding for the existing tenant.
- 3.12 The proposed scheme is divided into distinct sub-areas; A, B and C which evolved from the original heritage baseline appraisal which first identified and appraised the different qualities of the site:

Area A:

- 3.13 Area A is the largest area and is located on the western side of the site and will comprise all of the residential development. Two and three storey houses are proposed within the northern and central areas of the site with three apartment blocks, ranging from three to five storeys located in the southern part of the site.
- 3.14 A new site access would be created from the north of the site, off Wood Street and would have a main spinal route to the south. The access proposed along Wellhouse Lane to the south serves for emergency vehicle access only but would also provide pedestrian and cycle access.
- 3.15 A number of 'doorstep' play areas would be strategically located throughout the residential area, with dedicated communal gardens for each of the apartment blocks. In addition, a Woodland Walk – a 'meandering' footpath would run along the

eastern boundary of Area A.

- 3.16 This area also includes the provision of a new sub-station which is to be sited adjacent to the existing sub-station (along the northern-most boundary) which is to be retained. Maintenance vehicle access /arrangements will be unaltered.

Area B:

- 3.17 Area B is located at the central north area of the site and will provide new, public open space (approx. 1ha), together with a network of footpaths to allow direct pedestrian and cycle connections to Wood Street. It would also provide ecological and biodiversity enhancements through the provision of a refurbished pond, installation of a boardwalk and central grassed areas.

Area C:

- 3.18 Area C, to the eastern part of the site, is proposed to comprise of a mix of community and open space uses. Open space up to 1ha in size is proposed, including an equipped play area and a network of footpaths to connect pedestrians and cyclists to Wood Street and Wellhouse Lane, as well as ecological and biodiversity enhancements. Also proposed in this area, is a 'Healing Garden' which aims to provide a peaceful garden setting with users of the adjacent hospital in mind.
- 3.19 A new purpose-built, single-storey, studio building (comprising 177sqm) for the existing artist and beekeeping groups is proposed along southern part of the boundary. It will also be available for public use. A dedicated visitor parking area is proposed to the east of the building, accessed from Wellhouse Lane.
- 3.20 Along the eastern edge of the Site in Area C, it is proposed to maintain an area of land (approx. 0.12ha) to maintain as an agricultural smallholding for poultry with stock proof fencing for the existing tenant. The new Wellhouse Lane access will also serve the smallholding and Wellhouse Cottage.

***Revisions and additional information***

- 3.21 During the lifetime of the application, in response to consultee comments (namely the GLA), the applicant submitted updated plans and documents to address their comments. The main changes comprised of:
- Increasing the number of total habitable rooms to 35.1% which has resulted in an increase of one additional (affordable rent) apartment. Therefore, the total number of homes has been amended from 114 to 115;
  - Associated minor design changes to the form and footprint, as well as the internal layouts of Blocks A and B and associated amenity space provision, car and cycle parking spaces;

- minor adjustment to the red line to show the red line next to the existing Studio building, which has marginally increased the site area.

### **Relevant Planning History**

- 3.22 The most recent and relevant site history comprises of the below application and appeal:

**Reference: 19/3949/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Refused

Decision Date: 09.03.2021

Description: Demolition of non-listed structures and construction of a new single storey building to be used as an artists'/bee keepers' studio building (Use Class D1) with 14 associated parking spaces and new vehicular access point off Wellhouse Lane. Construction of 152 new residential dwellings (Use Class C3-40% affordable) consisting of 53 single family dwellings and 99 flats ranging from 2 storey to 4 storeys in height with 179 parking spaces and 4 visitor parking spaces. New landscaping, public open space, play areas, public realm, ecological enhancements and private agricultural land. Creation of new vehicular access points off Wood Street and off Wellhouse Lane. New pedestrian and cycle access points off Wood Street and Wellhouse Lane, restricted emergency vehicle access off Wellhouse Lane.

**Appeal Reference: APP/N5090/W/21/3273189**

Appeal Decision: Dismissed

Appeal Decision Date: 01/11/2021

- 3.23 In November 2020, the Strategic Planning Committee resolved to refuse the application with the committee approving the draft reasons for refusal in December 2020. In March 2021, the GLA advised that the Mayor was content for LBB to determine the application itself. The decision was issued on 9<sup>th</sup> March 2021.

A public inquiry was held from 31<sup>st</sup> August to 3<sup>rd</sup> September 2021 which following a decision notice on 1<sup>st</sup> November 2021 which dismissed the appeal. The appeal Inspector concluded the following key matters:

- *“The amount and extent of housing proposed within this valuable greenspace would result in substantial harm to the character and appearance of the area, including the WSCA”*
- *“whilst I consider the harms to heritage significance to be less than substantial, the scale of these fall above the middle of the spectrum, edging towards the upper end of the scale.”*
- *“Whilst the benefits of the appeal scheme are clearly significant, collectively these would not overcome the cumulative weight I attach to the identified harms.”*

3.24 Other planning history on the site includes:

**Reference: 19/2880/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/07/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 19/2881/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/07/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 19/0414/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Withdrawn

Decision Date: 03/04/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 19/0415/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Withdrawn

Decision Date: 03/04/2019

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping

**Reference: 18/4994/HSE**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: refused

Decision Date: 16/10/2018

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping.

**Reference: 18/4995/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Refused

Decision Date: 16/10/2018

Description: Single storey rear extension following removal of the rear storage lean to. New hard and soft landscaping.

**Reference: 18/0786/RCU**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 24/04/2018

Description: Construction of vehicular and pedestrian access gates set within 3no brick clad piers (Retrospective Application)

**Reference: 18/0787/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 24/04/2018

Description: Construction of vehicular and pedestrian access gates set within 3no brick clad piers (Retrospective Application)

**Reference: 17/6993/FUL**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/02/2018

Description: Removal of an existing timber storage shed and replacement with oak framed/timber clad barn style store/hobby room

**Reference: 17/7039/LBC**

Address: Whalebones Wood Street Barnet EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 22/02/2018

Description: Removal of an existing timber storage shed and replacement with oak framed/timber clad barn style store/hobby room

**Reference: B/01924/11**

Address: The Studio, Whalebones, Wood Street, Barnet, Herts, EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 05/09/2011

Description: Provision of new access ramp and handrails to existing Art studio.

**Reference: N09123K/00**

Address: Land at Whalebones Wood Street Barnet Herts EN5 4BZ

Decision: Approved subject to conditions

Decision Date: 08/06/2000

Description: Erection of bio treatment tank to replace chemical toilet.

**Public Consultation**

- 3.25 As part of the consultation exercise, 552 letters were sent to neighbouring properties and residents. In addition, the application was advertised in the local press and a site notice posted.
- 3.26 Following the submission of revised plans, a period of re-consultation was undertaken on the 31/01/24.

3.27 Overall, 429 responses have been received, comprising 398 letters of objection and 30 letters of support. This does include multiple letters from the same household as a result of the re-consultation period.

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

- Scale contradicts Barnet, London Mayoral and national planning policies;
- Conflict with Wood Street Conservation Area Character Appraisal Statement;
- Inconsistent with Barnet's declaration of a climate and biodiversity emergency;
- Overdevelopment;
- Building materials and style of architecture are not at all in keeping with the local conservation area;
- Out of keeping with area;
- Loss of rural character;
- 5 storey is out of character;
- Inappropriate height in residential area;
- Impact on Listed Whalebones House;
- Green belt;
- Impact on conservation area;
- Overall design and quality are still of poor quality;
- Development should be directed towards brownfield sites;
- Revised scheme does not address underlying issues;
- Loss of site's rural character and links with the green belt and open country;
- Unclear about the long-term ownership and management of the public spaces or smallholding;
- Lack of affordable housing in the plan;
- Unsuitable proposed amenity spaces;
- Children's play area is not big enough;
- Type of accommodation is unbalanced;
- Loss of green space;
- Increased traffic;
- Pressure on road network and public services;
- Parking;
- Insufficient parking provision;
- Entrance on Wood Street;
- Disruption to residents due to construction;
- Impact on privacy;
- Increased noise pollution;
- Increased air pollution;
- Block out light;
- Damage to wildlife /biodiversity and environment;
- Net gain report shows net habitat loss of 24.08%;
- Destroy natural areas;
- Loss / removal of trees;

- Very little green space left;
- Stress on infrastructure;
- Conflict with Council Net Zero ambition;
- No information regarding who will be responsible for the maintenance and security of the proposed public space;
- Increased flooding;
- Water shortage; and
- Safety issues next to Barnet Hospital.

3.29 The letters of support received can be summarised as follows:

- Alignment with Barnet Core Strategy;
- This current plan may well be the best we are going to get so it should be approved;
- More housing needed;
- Current housing crisis;
- New application is much improved;
- Provision of 40% affordable housing is welcomed;
- The benefits of new homes and a new public open space outweigh the downsides;
- Proposals seem sensitive to the surroundings and wildlife;
- Provide much needed housing;
- Minimal damage to the green area;
- Plans are considerate of the local area;
- The proposal to retain around half the space as public green space;
- Design of new housing is of high quality and sympathetic;
- Do appear to address a lot of the objections we had;
- The outcome is a harmonious well thought out plan that is to be recommended;
- Support the application of reduced number of dwellings;
- Retention of the beekeeping and artist facilities at Whalebones;
- Great to give the public access to this beautiful green space;
- Good local resource for the artists and bee keepers;
- It offers other community benefits, including public open space, a long-term home for the Beekeepers and the Barnet Guild of Artists, and many affordable dwellings which are sorely needed by public service workers;
- Currently the land is of little use to anyone;
- Provision of usable green space;
- Benefit to the hospital;

*Elected Representatives:*

3.30 **Rt Hon Theresa Villiers MP, Julian Teare, former councillor for High Barnet ward and Dan King, Conservative candidate in High Barnet ward 2022**

We write to object to the above planning application for the fields at Whalebones. We would urge the planning committee to reject it as they did the last one brought forward for this very sensitive site. The changes made in the current proposals do not rectify the sound planning reasons given by the Inspector Jonathan Price for



turning down the appeal in the previous application in 2021. The application still contravenes Barnet and London planning policies.

Whalebones has left us some of the very last agricultural fields in the London suburbs. As a local landmark, they are rightly protected by the Wood Street Conservation Area. As the Barnet Society have pointed out, the fields are integral to the history and character of that conservation area and their loss would seriously harm it.

Building over some of the last remaining fields in Barnet would contradict several statements in Wood Street Conservation Area Appraisal Statement and result in substantial harm. This was acknowledged the Planning Inspector's dismissal in 2021 of Hill's appeal against refusal of their previous application.

The developers maintain that the flaws of the earlier application are mitigated by setting back the building line from Wood Street, to try to make it less visible from the road. But this change is not sufficient to remedy the problems identified by the inspector. For example, it would still not provide a visual break between the new houses and Elmbank. The separate identities of Chipping Barnet and Arkley would disappear. So key purpose of the conservation area would be undermined.

### Character

A fundamental aspect of Barnet's Local Plan is that development should be in keeping with the character of the surrounding neighbourhood.

Barnet planning policy DM01 provides that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Policy CS5 seeks to ensure that all development in Barnet respects the local context and distinctive local character and improves the quality of landscaping and in turn enhance the experience of Barnet residents.

The character of the land under consideration in this planning appeal is agricultural. Constructing over 114 new dwellings on these green fields is inconsistent with the character of agricultural land and the leafy, open nature of Whalebones. Reducing the number of units proposed from 152 to 114 is not a big enough change to remedy the problems with character which were an important reason why the council turned down the previous application.

A comment made by Historic England in response to the previous application was "...development across the site would collectively represent a visible urban hardening to this western part of the conservation area."

They concluded that the prominence of the land's open natural landscaped character and views out into Dollis Valley would be reduced, harming the character and appearance of the conservation area. We believe that this point also applies to this new application.

Although the number of units has been reduced, it is proposed that the buildings will range from two to five storeys, even higher than the previously refused application. The development is too dense for such a sensitive site.

It is inconsistent with the rest of the conservation area which is predominantly one and two storey buildings. The development would be visually overbearing, especially for residents in Collison Avenue.

### Public access

We understand that Gwyneth Cowing, the previous owner, allowed access by means of a permissive path. So providing a Woodland Walk (as envisaged by this current application) would only be replacing what has been withdrawn. It is also concerning that the application does not provide clarity about the long-term ownership and management of the proposed new public space. Nor is there certainty on how this park will be properly separated from the neighbouring property, Whalebones House.

### Nature and biodiversity

Just as was the case with the previous rejected application, this latest proposal would see the loss of wildlife habitats which make an important contribution to local biodiversity. The site, together with neighbouring Whalebones Park, currently supports bats, badgers, and deer. Birdlife includes species on the Red List such as Grey Wagtails. Local residents tell us that the fields are a feeding ground for a colony of swifts.

While it is proposed by the developers that part of the site will be open space, this would be in the form of an urban park. This cannot replicate the rural character or natural value of the land as it is now. The rich biodiversity of the fields would be replaced by areas of grass of limited ecological value.

Barnet Local Plan policy DM16 states that where the council is considering development, it will seek retention, enhancement or creation of biodiversity.

Concreting over a significant part of the fields would have the opposite effect. Moreover, this development on greenfield site would hinder the achievement of the purposes of Local Nature Recovery Strategies which are a requirement of the Environment Act. These strategies are expected to play a key role in achieving the Act's legally binding target to halting species decline by 2030, as set out in the Environmental Improvement Plan published by the Government in January.

In an era where it is becoming ever more apparent that we must act to prevent the disastrous loss of habitats after a record decline in biodiversity, this is not the time to build over precious fields which have survived London's expansion for so long. If the council is serious about its declaration of a climate and biodiversity emergency, we hope it will turn down this application.

Further detail on the ecological value of the site can be found in the objection submitted by Patrick Shanahan of Whalebones House, Wood St, Barnet EN5 4BZ.

#### Transport and infrastructure

The considerable distance from local shops and the nearest station inevitably means this would be a car-dependent development. As the main access to the development is in Wood Street, this would intensify traffic problems which already exist in Barnet Road and Wood Street.

The location has recently absorbed an increase in population with the construction of Elmbank and local facilities such as GP surgeries are already over-subscribed. We are campaigning to expand GP capacity in Barnet but new flats and houses at this location will intensify pressure on GP practices and availability of appointments.

#### Conclusion

In summary, if allowed these building plans would amount to a serious breach of conservation area policy which was put in place to protect a location of significant historical and environmental importance.

The scale, massing and density of the proposals are inappropriate for an open greenfield site of this sensitivity and would amount to an overdevelopment. Building over these fields would contravene planning policy on protecting biodiversity, as well as making it harder to meet legally binding targets set on nature recovery and conservation. The Whalebones site provides a green lung which helps to fight pollution and the loss of trees and open space will hamper efforts to improve local air quality. These green fields should not be sacrificed to meet excessive London Plan targets for building new homes.

It would contradict other Council, London Mayoral and national planning policies which value open space, the environment and farming.

#### Neighbouring / Residents Associations and Local Amenity Groups

### **3.31 Hendon and District Archaeological Society**

This application is for the same site as the refused 19/3949/FUL - a large site on the edge of the ancient settlement of Barnet which may well contain remains of

archaeological importance, most of which has not been built on in recent times. In 2019 Historic England advised that an archaeological condition should be attached to any permission granted (Laura O'Gorman's letter CLO29507 of 13th August 2019, subsequent to, and more precise than, her letter CLO28679 of 26th March 2019 included in the Archaeological Assessment document for 23/4117/FUL). The Society asks for such a condition to be attached if 23/4117/FUL is approved.

### 3.32 **The Barnet Society**

The Barnet Society objects to this planning application on three main grounds: (1) overdevelopment, (2) harm to the Conservation Area, and (3) breaches of policy on open space, the environment and farming.

#### Overdevelopment

The 114 homes proposed far exceed what is necessary to fund re-provision for the artists, bee-keepers and farming by tenants, and for maintenance of the estate. We accept that some enabling development may be necessary to fund re-provision and maintenance of the estate, but that need only be a small fraction of the number of units proposed.

This is a large development on land which the Inspector described as a 'valuable undeveloped area of greenspace'. The remaining open space would have the character of an urban park, not the rural character it has now – part parkland, part agricultural smallholding. There would be greater encroachment into the central area than was proposed in the 2019 application. Some buildings would be of 5 storeys, i.e. the same as the tallest of the hospital buildings. Setting back the building line from Wood Street would not be sufficient a visual break between Elmbank and the new buildings on the south side of Wood Street and would blur the current separate identities of Chipping Barnet and Arkley.

#### Harm to the Conservation Area

The resulting loss of green space would seriously harm the Wood Street Conservation Area (WSCA) and set a very bad precedent for Barnet's other conservation areas.

The Whalebones fields are integral to the history and character of the WSCA, and so must be preserved or enhanced. The WSCA extends this far west specifically to take in Whalebones and defines its 'open rural character' and 'views in and across the site' as key. Building over the last remaining fields would brutally contradict several statements in Barnet's WSCA Appraisal Statement and result in major harm. The Planning Inspector's dismissal of Hill's appeal against refusal of the previous application in 2021 recognised that the harm both to the Conservation Area and the setting of the listed house 'is of considerable importance and great

weight, sufficient, in my view, to strongly outweigh the public benefits which would flow from the development.'

#### Breaches of policies on open space, the environment and farming

A development of this type and scale would contradict other Council and national planning policies in relation to open space, the environment and farming. It would also be contrary to New London Plan policies G4.B.1 (no loss of protected open space), G6.D (secure net biodiversity gain) & G8, 8.8.1 (encourage urban agriculture), as well as the Mayor's Environment & Food Strategies.

Disregarding all these would send Barnet residents a most unfortunate message about the Council's understanding of the increasing value we increasingly attach to the natural environment – not to mention other issues such as healthy eating and food security. It would also be inconsistent with Barnet's own declaration of a climate and biodiversity emergency.

#### Other matters

We support public access to at least part of the estate and enhancement of its natural qualities. But the previous owner Gwyneth Cowing allowed access by means of a permissive path, so providing a Woodland Walk is only replacing what has been withdrawn.

The application is unclear about the long-term ownership and management of the public space.

Notwithstanding the technical reports, we remain concerned about the poor ground conditions and the possible impact of the development on the drainage of neighbouring areas.

#### Conclusion

This site is precious: a unique historical survival and a living reservoir of biodiversity. Not only would the current proposals severely harm it, their approval would expose the eastern part of the site to further development. Their implementation would be a humiliating reminder of the Council's failure to protect its past and plan constructively for its future. Please refuse the application.

For the avoidance of doubt, none of the amendments proposed by the applicants since the Barnet Society submitted its comments on 8 December 2023 cause the Society to alter its views.

### **3.33 Barnet Residents Society**

In our decision to support this scheme we are mindful that the Whalebones site is

an open space and in the Wood St conservation area, so there are significant sensitivities surrounding any proposals for redevelopment. There is no bar in principle to development in a conservation area, but we appreciate that any development must 'protect and enhance' the area and there must be 'less than significant harm'. We are however conscious that the site has no public access and any direct benefit to the community is limited.

We supported the previous application. This application is very similar but with a number of improvements: a reduction the number of homes, buildings moved back from boundaries and the publicly accessible green space increased. Arrangements for the parties currently using the site, named in the original application, are much the same. The scheme is architecturally of a good standard, well laid out, and demonstrates considerable sensitivity to environmental issues. The proposal for a public park is in stark contrast to current absence of public access to this large green area.

Though not a planning consideration, we are mindful that The Trustees have said a failure to secure planning approval will lead to the sale of the site on the open market. A third party purchaser is most unlikely to be possessed of local sensitivities and efforts to respect Gwyneth Cowing's legacy. This could very possibly lead to a much denser development of the entire site, more limited access to green space and no assurances for the artists or beekeepers.

A further consideration is the emerging new Barnet Local Plan where the Council has identified the site as suitable for a mix of housing and green space and the Planning Inspectorate has commented the site should be developable with an indicative capacity up to 100 homes.

Change is inevitable. It is a matter of whether the current application is as good as might be achieved against the uncertainty of what might emerge from a future development proposal.

Especially considering the threat of sale to a new owner, most likely a developer, we have decided to support the revised scheme. The following aspects of the scheme would be beneficial to the community:

- 1 - There is no current public access to the site so it does not directly benefit the community - other than the sense of having a green 'lung' within a built-up area and knowing it supports wildlife
- 2 - The housing would occupy some 50% of the site but would be spaciouly laid out with a lot of greenery included
- 3 - Approaching 50% of the site would become a public open space including landscaping, a wooded walk and children's play area. Add in the privately owned Whalebones House and its woodland (not part of the scheme) then over 60% of the overall site would remain undeveloped, providing extensive wooded and parkland areas including public access

- 4 - Greening of the site would include extensive planting of 200 additional trees
- 5 - Views to the south towards Totteridge will be retained
- 6 - The Guild of Artists occupies a rapidly decaying building on the site. They, along with the beekeepers would be housed in a purpose-built replacement building which should guarantee their long-term future
- 7 - The architecture is of a good quality with pitched roofs and a maximum height is four storeys
8. - Two-thirds of the frontage facing Wood St would be parkland and tree planting along the boundary would make the site invisible from Wood St except at the entrance, and maintain a visible green separation between High Barnet and Arkley
9. Tenure would include 40% affordable, potentially a positive for workers at Barnet Hospital

We conclude the scheme should meet the 'protect and enhance criteria' and any harm to the listed building or the conservation area would be less than substantial.

### 3.34 **Barnet & District Beekeepers Association (BDBKA)**

BDBKA is an association with a current membership of 114 members and has been benefiting the Barnet and District communities since 1911. Gwyneth Cowing and subsequently the trust has supported BDBKA by providing us facilities on the site. Whilst we are saddened by the circumstances bringing about the application to develop the site we have been grateful for the constructive communication and consideration of the Hill Group. The site and available buildings are currently in poor condition. Hill Group has been sensitive to and understanding of the need to ensure the site continues to support BDBKA and the Barnet Guild of Artists for the benefit of the local community and the need to maintain open space at the site. The Hill Group plans make appropriate provision for bespoke facilities for both BDBKA and the Barnet Guild of Artists. This includes providing a communal meeting place and storage for BDBKA as well as appropriate open space for maintaining a training apiary which is of vital importance to the association and its ability to operate in the local Barnet area. Our concern is the trust will sell the land regardless and without the trust these vital considerations will be lost and with it our local presence in the community.

### 3.35 **The Gwyneth Cowing Foundation**

We again write as the trustees of The Gwyneth Cowing Foundation which is the charity set up by Miss Cowing in 1973 and the owner of the land immediately to the east of the land in respect of which this application has been made. While we are also the trustees of her Will Trust and of her 1968 Settlement, who are with Hill parties to the application as the landowners, we are an entirely separate legal entity.

Mindful of our three different capacities we have continued to be at pains in the continuing discussion between us, with our advisers and with Hill to ensure that the

charity is not adversely affected by the proposals and we have concluded not only that is so but that there are also significant advantages to it.

So the purpose of this letter is once more to indicate our total support for what is proposed both as to the principle and the detail. A huge amount of time had been spent by the trustees of the Will Trust and 1968 Settlement and their advisers in consulting various interested parties and modifying the original proposals accordingly where appropriate and possible to do so and more has since been spent on further modifying them since the loss of the appeal.

There was one specific matter we drew to your attention last time although not one of planning. This related to the treatment of the agricultural tenant of most of the area the subject of the application, Peter Mason about which there had been adverse uninformed comment. The truth of the matter is that he and his wife had been and have continued to be kept fully informed throughout the process and The Foundation Trustees are agreed that they may in future continue to live in the cottage on our land they presently rent for the lifetime of the survivor of them but rent free. In addition an area of land, "The Mason Plot", will be transferred to us to enable the Masons to continue keeping poultry immediately adjacent to their cottage.

While the present agricultural use of the land the subject of the application is no longer practicable we as the Foundation Trustees are pleased that on a smaller scale it will continue on our land. Miss Cowing would have been delighted that this will happen. We also are delighted to see significant parts of the land opened up for public access as open space with a commitment that this will be protected into perpetuity for this purpose, making a long lasting positive contribution to the amenity of this part of High Barnet. Furthermore, High Barnet is an expensive place to live and the proposal of 41% affordable housing will also be a significant local benefit.

We are also delighted that the proposal includes the provision of a new studio for The Barnet Guild of Artists and The Barnet Beekeepers which has been designed with their input to ensure it meets their needs and provides significantly more and better space than they currently have access to. Miss Cowing was a supporter of both groups. Initially this will be by a gift of the relevant land to us as trustees of The Cowing Foundation with a view to granting a 99 year lease to a recently formed artists' charity. There are some 200 local artists and beekeepers.

We do hope the committee will grant the permission.

#### Summary Responses from External Consultees

### 3.36 **Greater London Authority (GLA)**

Strategic issues summary



*Principle of development:* Given the advanced stage of the draft Local Plan, the proposed redevelopment of the site to provide new housing, publicly accessible open space and a new community/educational building as well as the retention of agricultural activity, is acceptable (on balance) in line with London Plan policies G4, G8, H1 and S1 and Objective GG1.

*Affordable housing:* The scheme would deliver, 34.6% affordable housing (by habitable room) comprised of 60.9% affordable rent and 39.1% London Shared Ownership units and therefore does not qualify for the Fast Track Route (FTR). The applicant is strongly encouraged to make the necessary changes to meet the FTR given the marginal percentage increase required and acceptability of the tenure mix.

*Urban Design:* The layout, scale, height, typology and materials of the buildings appropriately respond to the existing context and are broadly supported.

*Heritage:* Less than substantial harm has been identified; however, this harm could be clearly and convincingly outweighed by the public benefits of the scheme and GLA officers will consider the heritage harm in the balance at Stage II.

*Transport:* A reduction in car parking is required, as well as additional information/action on dedicated footpaths, crossing facilities, cycle parking design, maintenance of pedestrian routes and the travel plan. Various transport-related plans are to be appropriately secured as well as s278 works, parking for disabled people and ECVP provision.

Other issues on *Sustainable* and *Green Infrastructure* also require resolution prior to the Mayor's decision making stage.

*Recommendation:* That Barnet Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 95. Possible remedies set out in this report could address these deficiencies.

### 3.37 **Affinity Water**

#### Water Quality

We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation

methods will need to be undertaken.

For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

#### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

#### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures.

### **3.38 Historic England**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

### **3.39 Historic England Greater London Archaeological Service (GLAAS)**

The planning application is not in an Archaeological Priority Area.

Although not within an Archaeological Priority Area, the application envisages major development on a greenfield site implying potential for new archaeological discoveries as noted in the applicant's archaeological desk-based assessment. The relatively modest level of existing archaeological information from the site and its surroundings, and the historic land use as a common, are consistent with an overall

low to moderate potential. In my view the northern part of the site alongside the historic ridgeline road Wood Street on the permeable Stanmore Gravel would have moderate potential whilst the London Clay to the south has low potential. The western side of the site was historically used for allotments but the rest appears to have seen little or no cultivation suggesting good preservation potential.

If you grant planning consent, paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

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

#### **3.40 Metropolitan Police - Designing Out Crime**

Should any planning permission be granted for this proposal then I would respectfully request that its approval contains a relevant formal planning condition 'whereby the development must achieve Secured by Design (SBD) accreditation, prior to occupation'.

#### **3.41 NHS London Healthy Urban Development Unit (HUDU)**

The HUDU Planning Contributions Model has been used to calculate the contribution. The HUDU Planning Contributions Model calculates a healthcare capital s106 requirement of £353,420.

#### **3.42 Thames Water**

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

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

## Summary Responses from Internal LBB Consultees

### 3.43 **Affordable Housing**

Satisfied with the proposed mix and tenures.

### 3.44 **Drainage**

Further information required.

### 3.45 **Ecology**

Subject to final comments and approval from Greenspaces in relation to the proposed Offsite BNG offsetting the proposed development could be approved on ecological subject to planning obligations, conditions and informative.

### 3.46 **Energy and Sustainability**

The application has clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, as per the London Plan: Policy SI 2, 9.2.2. Therefore, a Section 106 agreement is recommended for the development to meet the policy requirements.

### 3.47 **Environmental Health**

No objection subject to S106 obligation and conditions being attached.

### 3.48 **Greenspaces & Leisure**

No objection. Greenspaces has agreed in principle to the feasibility of delivery of off-site net gain on the Land North of the Dollis Brook. A S106 obligation will be required to secure the creation and management of the agreed neutral grassland and mixed scrub.

### 3.49 **Heritage**

The proposed development has been designed to reduce, minimize and mitigate harm to the character and appearance of the Wood Street Conservation Area and on the setting of the grade II listed Whalebones House. The improvements to the design and layout are beneficial to that purpose and welcomed. They will reduce the degree of harm to the designated heritage assets. However, as acknowledged by the applicant, there will inevitably be harm arising from the development as a result of the change in character of the site from one which is open/pastoral to one that is developed. This change will harm the existing qualities of the site and consequently its contribution to the wider conservation area and setting to the listed building will be diminished.

In comparison with the appeal scheme the amount of harm has been reduced and the harm that remains is considered to be less than substantial to the significance of the designated heritage assets and at the middle of the spectrum, edging towards the lower end of the scale.

In coming to a decision on the proposed development and in accordance with the NPPF, it will need to be considered whether there are sufficient public benefits which result from the scheme to outweigh the harm caused to the significance of the designated heritage assets.

### **3.50 Transport and Development**

No objections subject to appropriate planning obligations and conditions. The provision of 128 spaces for the residential element of the scheme is acceptable. The priority junction arrangement with the access on Wood Street was agreed with LBB officers for the previous application will remain unchanged. This is acceptable. An assessment of the impact of the additional vehicle trips from the development has been carried out. The results show that the junctions tested on Wood Street and Wellhouse Lane would have spare capacity. With this level of trips, it is unlikely that the additional trips from the development will have a noticeable impact on the local highway network.

### **3.51 Trees**

The scheme of itself and the proposed landscaping around the development is broadly acceptable.

### **3.52 Urban Design**

The scheme is considered to respond sensitively to its landscaped context and the Wood Street Conservation Area. The buildings have been thoughtfully designed and would contribute positively to the local area with a distinctive character. It is noted that consideration has been given on reducing the visual impacts of the scheme and also considerable efforts have been made to minimise impacts on the neighbouring buildings.

We are supportive of the approach to design, layout, scale, massing and architectural expression. The proposals will transform the site and provide a well-designed residential scheme of contemporary approach within a sensitive setting. Good quality materials and detailing is essential to realise the concept of the proposal. A well-considered palette of materials would engage positively with the existing context. Buildings are intended to be finished with a high-quality brick.

## **4.0 OFFICER'S ASSESSMENT**

### **Principle of development / Land Use**

#### ***Agricultural Use***

- 4.1 The site is currently tenanted under an Agricultural Holdings Act tenancy and is used for the keeping of poultry and growing of hay.
- 4.2 Whilst Barnet has no specific policies relating to protection/loss of agricultural land, in order to demonstrate that the land could not be viably used for agricultural purposes, the applicant previously provided an Agricultural Viability Report (2018) which scopes whether the land could viably continue in the event that the current tenancy agreement ceases. An update to that report has been resubmitted for this application.
- 4.3 The conclusions of this report state that following a survey and analysis, any form of agricultural enterprise based at the site would be limited by several factors inherent to its soil type, location, size and the poor-quality infrastructure and facilities on site. The update states that there is no material difference to alter the previous conclusions drawn in relation to the agricultural viability of the site.
- 4.4 The update also reviews the potential of the site to be used as a community farm. The conclusions of this remain that a community farm model for the site would not realistically be sustainable viable to the gross margin figures and are low when set against the establishment costs, ongoing fixed costs and labour / drawings.
- 4.5 The GLA Stage 1 is accepting of the report submitted in terms of London Plan policy G8.
- 4.6 Therefore, Officers remain satisfied that it has been suitably demonstrated that the land could not be viably used for an agricultural use. With regards to the current tenant, the proposals have committed an area of land (approx. 0.12ha) at the eastern end of the application site, adjoining Wellhouse Cottage, to be retained for continued use of the existing tenant as an agricultural small holding. This is secured by a specific obligation in the planning legal agreement.

#### ***Open Space***

- 4.7 The existing site is privately owned and there is no right of public access. The site comprises of elements of open land and vegetation but also areas of developed land, such as the studio and outbuildings. The site is not designated as open space / public open space within the Barnet Local Plan but it is evident that the site provides significant visual amenity value to the surrounding area. In addition, Map 10 of the Core Strategy illustrates that the majority of the site (areas A and B) lies within an area as being deficient in public open space.

- 4.8 Policy DM15 expects that in areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises, the Council will expect on site provision in line with the standards set out in the supporting text (para 16.3.6). This text places success and value of an open space on quantity, quality and accessibility. In deficient areas, the Council expects new open space to be provided in line with the following standards; parks, Children's play, sports pitches and natural green spaces.
- 4.9 Whilst the land is not protected public open space, London Plan policy G4 does states that all types of open space, regardless of their function, are valuable in their ability to connect Londoners to open spaces at the neighbourhood level. However, as the site is not publicly accessible, it is considered that it offers limited benefits currently to the wider community in terms of open space.
- 4.10 The supporting Landscape Design and Access Statement has undertaken a study of existing open spaces within the surrounding area and has produced a series of diagrams to illustrate the existing and proposed effects. The scheme will provide a provision of 2.05ha of publicly accessible open space which would be principally provided in two areas either side of the Whalebones curtilage. This provision would be considered as "Local Parks and Open Spaces", as defined in Table 8.1 of The London Plan. The GLA in their Stage 1 comments advise that the proposed open space provision meets the London Plan requirements and is supported. They comment that if permission is granted, it is expected that the provision and maintenance of the proposed open space will be robustly secured via the Section 106 agreement with public access to the open space secured in perpetuity.
- 4.11 The new public open space strategy will provide a series of spaces including open space, a sensory meadow, woodland walk, and children's play areas. In addition to this, the proposal includes the provision of agricultural land for the existing tenants, which is located to the east of the site, adjoining Wellhouse Cottage.
- 4.12 Having reviewed the submitted open space study, Officers consider that in comparison to the existing site position, the proposal will provide significant benefits in the provision of public open space in an area of deficit and also provide a range of social, health and educational benefits. Whilst there are other small open spaces nearby, the provision of this open space in this area will allow the areas of deficit around the application site to the north, south and west, the ability to access open space within the recommended walking distance. The density of built development outside of the proposed 400m bubble decreases and therefore officers are satisfied that this is an appropriate open space provision.
- 4.13 Officers consider that the quality of the proposed open spaces is very high and is of considerable quantity which has only increased within this application compared to the previous scheme. The proposal will create new pedestrian and cycling routes through the site, providing enhanced accessibility between Wood Street and

Wellhouse Lane. In terms of satisfying the Barnet policy criteria of quantity, quality and accessibility, it is considered that these 3 elements are strongly met by the proposed development.

- 4.14 Overall, 2.05 ha of open space represents 47% of the total site area. When the re-provision of agricultural land is combined with the proposed publicly accessible open space and blue infrastructure, the retained green cover equates to in excess of 50% of the total site area.

### ***Community facilities***

- 4.15 The existing site contains a building currently used as a studio by the Barnet Guild of Artists. The beekeepers utilise the adjacent former stables building which does lie outside of the application site boundary. These are currently accessed via The Whalebones driveway.
- 4.16 A new purpose-built building is proposed within Area C and will provide 177sqm of new floorspace, which will have separate spaces for each group at each end of the building with a central foyer/community space which can be used by either group or the public. All the different spaces would have their own independent entrances.
- 4.17 Barnet Policies CS10 and DM13 outline the Council's expectations for the provision of community facilities. Policy DM13 states that the loss of a community use will only be acceptable in exceptional circumstances where *"New community use of at least equivalent quality and quantity are provided on the site or at a suitable alternative location."*
- 4.18 The proposed replacement building will provide a purpose-built building with the relevant groups having been engaged in the design of the building and their future needs. Whilst the footprint of the building has been reduced from the appeal proposal, the proposal still provides a slightly increased of floorspace compared to the existing position.
- 4.19 The replacement building will be re-provided within the application site and as such the proposal is considered to be fully compliant in terms of policies CS10, DM13 and the relevant London Plan policies. The GLA comment that provision of a larger new building for community/educational use is strongly supported in line with London Plan Policy S1 and that the building's availability for all community groups/members should be secured through the S106 agreement.
- 4.20 Whilst the building has been designed primarily to accommodate the Artists and Beekeepers, the use of the building could also be utilised by other public groups or for exhibitions, events, functions etc.



## **Housing Delivery**

- 4.21 Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 – 2028/29.
- 4.22 Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.
- 4.23 Barnet's proposed Local Plan seeks to deliver to 2036, a minimum of 35,460 new homes equal to 2,364 new homes per annum.
- 4.24 Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24).
- 4.25 The Reg 24 lists the application as 'Site No.45' for residential led development with publicly accessible open space and community uses. A Statement of Common Ground (SoCG) between the applicant and the Council was agreed and submitted as part of this process and set out an indicative capacity of 100-120 residential units. As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. The Inspectors have described the site as 'developable'; though recommending a Main Modifications that would "*provide certainty that the indicative residential capacity contributing to housing supply in the Plan is reduced to 100 dwellings...[and] also make clear that a design-led approach in accordance with Policy D3 of the London Plan will be necessary at application stage for a proposal for up to 100 dwellings or any uplift to that number to ensure that the development responds appropriately to the historic character of the site and its surroundings.*"
- 4.26 Therefore, given that the draft Local Plan has undergone an Examination in Public and the acceptance of the site as developable, the draft Local Plan can be afforded increasing weight given its advanced stage.

## **Housing Quality**

- 4.27 A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the design-led approach), D5 (Inclusive design), and D6 (Housing

quality and standards). It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance SPD.

### **Unit Mix**

- 4.28 Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.
- 4.29 The emerging Local Plan identifies that 3-bedroom (4 to 6 bedspaces) properties are the highest priority, homes with 2 (3 to 4 bedspaces) or 4 bedrooms (5 to 8 bedspaces) are a medium priority for market sale homes.
- 4.30 The application development proposes the following unit mix across the application site:

<b>Total Unit Mix</b>		
<b>Flat Unit Mix</b>	<b>No. of Units</b>	<b>Percentage Mix (%)</b>
1B2P	26	23
2B3P	3	3
2B4P	37	32
3B5P	7	6
<b>Total No. of Flats</b>	<b>73</b>	<b>64%</b>
<b>House Mix</b>		
<b>House Mix</b>	<b>No. of Units</b>	<b>Percentage Mix (%)</b>
2B4P	16	14
3B6P	4	3
4B8P	22	19
<b>Total No. of Houses</b>	<b>42</b>	<b>36%</b>
<b>Scheme Total</b>		
	115	100

- 4.31 Overall, it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need. The proposed provision of 42no. two, three and four bed houses is considered to be a significant benefit of the proposed scheme. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Barnet Local Plan.

## **Affordable Housing**

- 4.32 Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.
- 4.33 The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.
- 4.34 The emerging Barnet Local Plan seeks to align with the London Plan requirements but still maintains the 60/40 tenure split.
- 4.35 The application as originally submitted proposed (by habitable room) 34.6% affordable housing comprised of 60.9% affordable rent and 39.1% London Shared Ownership. The GLA advised that whilst the tenure mix is acceptable, the proposed provision does not qualify for the Fast Track Route, being below the 35% threshold.
- 4.36 The applicant has sought to address the above comments and revise the scheme in order to increase the number of affordable habitable rooms to 35.1%. This has resulted in an additional unit to the overall scheme.
- 4.37 The scheme proposes the following affordable housing provision:

<b>Tenure</b>	<b>No. Units (%)</b>		<b>No. Habitable Rooms (%)</b>	
Shared Ownership	47 (40.9%)	18 (38.3%)	172 (35.1%)	65 (37.6%)
Affordable Rent		29 (61.7%)		108 (62.4%)

- 4.38 The proposal would deliver 35.1% by habitable room with a tenure split of 62.4% social rent and 37.6% Shared Ownership. By unit, the scheme would deliver 40.9% by units with a split of 61.7% social rent and 38.3% shared ownership.
- 4.39 Therefore, the proposed affordable mix is compliant with London Plan policies H4, H5 and H6 and Barnet Policy DM10. The Council's Affordable Housing team is therefore satisfied with the number of units proposed and has worked with the applicant on the tenure provision.

### ***Standard of accommodation***

- 4.40 Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.
- 4.41 All the dwellings in the detailed element of the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit sizes and also meet the minimum areas for bedrooms, bathrooms w/c's and storage and utility rooms.
- 4.42 All the houses are either dual or triple aspect. Whilst some of the apartments are single aspect, these apartments will not be directly north facing. Officers are satisfied that the residential quality of these units will provide a good standard of amenity for future occupiers.
- 4.43 The GLA confirm that all units would meet the London Plan and Mayor's Housing SPG internal space standards...[and] The proposed cores for the apartment blocks are efficient, with a maximum of eight units per core.

### ***Wheelchair Access Housing***

- 4.44 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessibility and inclusive design, whilst policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan Policy D7.
- 4.45 A total of 12 homes will be wheelchair user/adaptable dwellings (M4(3)) which equates to 10% of the total number of homes. Whilst these are all currently arranged within Block B and designated for Social Rent units, it is advised that they should be spread across unit typologies and tenures. However, this can be re-considered at a later stage and further details / provision of M4(3) units will be sought via condition.

### ***Amenity space***

- 4.46 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.
- 4.47 Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and

habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
For Flats: 5m <sup>2</sup> of space per habitable room	Minor, major and large scale
For Houses: 40m <sup>2</sup> of space for up to four habitable rooms 55m <sup>2</sup> of space for up to five habitable rooms 70m <sup>2</sup> of space for up to six habitable rooms 88m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, major and large scale

- 4.48 The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in paragraph 4.48 above.
- 4.49 Each of the apartments in Blocks A, B and C are provided with private external balconies, with each of the 1B2P units having balconies comprising of 5sqm, the 2B4P units with 7sqm balconies and 3B5P apartments with 8sqm. The combined areas of the private external balconies and communal gardens would provide 1,559sqm, exceeding the Barnet requirement.
- 4.50 Each of the houses are provided with private external gardens, starting from 44sqm. The combined total of garden area is 5,236sqm.
- 4.51 In addition to the above, all the residents will have access to the 2.05 hectares of landscaped public open space.
- 4.52 Overall, it is considered that acceptable levels of high-quality outdoor amenity space are afforded to all future residents, in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

### ***Children's Play Space***

- 4.53 Policy S4 of the London Plan seeks to ensure that development proposals incorporate good-quality, accessible play provision for all ages. At least 10m<sup>2</sup> of suitable playspace should be provided per child.
- 4.54 Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London

Plan. In addition, Barnet's emerging Local Plan (Reg. 24 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

- 3.55 Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 78. The development would therefore need to provide 780m<sup>2</sup> of children's play space, broken down as follows:

<b>Age</b>	<b>Play Requirement (m2)</b>	<b>Play Provided (m2)</b>
0-4	370	400
5-11	260	300
12+	150	100
<b>Total</b>	<b>780</b>	<b>800</b>

- 3.56 The proposed development would provide 800sqm of play space in the form of Local Area of Play (LAP), a Locally Equipped Area of Play (LEAP) and a variety of opportunities for natural play features. The Landscape Design and Access Statement sets out the proposed play provision with equipped play areas would be provided in the eastern portion of the site (Area C) for children of all age groups. Within the development area (Area A) there would be three LAPS providing doorstep play for under 5s.
- 3.57 Adults and the over 12+ age group would be further provided for by the play and outdoor sports facilities at Old Court House Recreation Ground which are within 800m walking distance of the site.
- 3.58 The GLA comment that "The application proposes to provide 800 sq.m. of play space and the play elements appear to be diverse and inclusive; this is welcomed. Additionally, the spaces would allow for passive surveillance and be accessible by all households regardless of tenure. The proposed quantum of play space is acceptable in line with Policy S4."
- 3.59 Overall, Officers are satisfied that the proposed development would make satisfactory provision for Childrens' playspace in accordance with policy, in accordance with Policy DM02 of the Barnet Local Plan Development Management Policies DPD (2012) and Policy S4 of the London Plan (2021).

### ***Privacy and overlooking of future residents***

- 3.60 Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.
- 3.61 The Council's Sustainable Design and Construction SPD (2016) sets that in new

residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new builds properties where there are material justifications.

- 3.62 The Design and Access Statement provides a design response into the positioning of buildings within the development to ensure that there is adequate provision of privacy. Officers consider that the scheme is well designed so to ensure that future occupiers of these units would be likely to enjoy good levels of privacy.

### ***Noise impacts on future residents***

- 3.63 In relation to noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment. This assessment sets out to validate the existing noise data collected in 2017 for the previous long-term noise data. The attended survey confirmed that the existing long-term noise data are still valid. The report therefore draws upon a combination of existing and new data for its assessment.
- 3.64 The noise survey revealed that noise levels are dictated by road traffic noise emissions from Wood Street and Wellhouse Lane. No significant noise was identified from The Arkley pub to the northwest of the site. There is noise identified from the Barnet Hospital at the southern edge of the site as ambulances pass and also some low-level noise from mechanical plant. However, the report concludes that it was not significant in comparison to road traffic noise.
- 3.65 The report concludes that the design of the proposed development is considered to be acceptable with regard to noise, subject to the adoption of acoustically upgraded glazing and ventilation, along with acoustic screening around gardens. The proposed design of the development has taken into account the impact of noise on internal areas by setting back dwellings from the edge of the site boundary and minimising the number of habitable rooms that are orientated towards the roads.
- 3.66 In regard to noise in external amenity areas, the report predicts that noise levels in the majority of gardens across the development will be within the recommended levels. However, noise levels in the gardens at the northern edge of the site and the balconies of Block A and Block B are predicted to slightly exceed the upper recommended levels by virtue of their closer proximity to main roads. For the house gardens, it is recommended that 1.8m high close-boarded timber fencing be installed between and around the perimeter of gardens where levels exceed the recommended noise levels. For the balconies, whilst this is not ideal, it is not uncommon for noise levels on balconies in urban areas to be higher than the recommended level
- 3.67 The potential noise impact of domestic ASHPs in gardens of houses has been assessed as 'low impact', and the report finds that the units are acceptable with

regard to noise.

- 3.68 A separate assessment of the noise impact of the proposed F1/F2 single storey studio building was undertaken to address consultee comments made by the London Borough of Barnet Environmental Health Team. The assessment concluded that no adverse noise impacts are expected given the proposed use of the building and the distances to surrounding sensitive receptors.
- 3.69 The submitted Noise Impact Assessment has been reviewed by the Council's Environmental Health team and satisfied with the information provided, subject to conditions relating to the associated noise mitigation measures.

### ***Air Quality impacts on future residents***

- 3.70 An assessment has also been undertaken on the potential impacts on air quality during the construction and operation of the proposed development. It concludes that the overall effects, with appropriate mitigation through a range of best practice can applied during construction, are judged to be not significant. During the construction works, a range of best practice mitigation measures will be implemented to reduce dust emissions.
- 3.71 The London Plan requires new development to be air quality neutral. Barnet also requires that all relevant planning applications meet the Air Quality Neutral benchmarks. The assessment concludes car trips generated by the proposed development exceeds the air quality neutral benchmark derived for an average development in outer London mitigation will therefore be required to account for the excess transport emissions above the air quality neutral benchmark. This is a result of the higher provision of car parking spaces within the development compared to London Plan standards. Therefore, the applicant has provided a technical note relating to the damage cost calculation. The note sets out a total damage cost of £4,135 in combination of a range of mitigation measures such as EV charging points, improvements to pedestrian crossings, and car club. This will be secured as a S106 obligation.
- 3.72 The submitted air quality assessment was reviewed by the Council's Environmental Health team who have advised that the proposed development is acceptable in terms of air quality.

### ***Overheating***

- 3.73 London Plan Policy SI 4 (Managing heat risk) seeks to reduce the impact of the urban heat island effect in London and encourages the design of places and space to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate changes and the urban heat island effect on an area wide basis.



3.74 The Council's Energy and Sustainability Officer has reviewed the application in respect of overheating and advised that *"Overheating has been analysed, via a Domestic Overheating Assessment, using the Chartered Institute of Building Services Engineers (CIBSE) TM59 methodology, as required by London Plan Policy SI 4... The proposed development utilises a range of appropriate measures to avoid overheating and follows The London Plan's Cooling Hierarchy. Measures include:*

- 1. Reducing the amount of heat entering the building (improved building fabrics)*
- 2. Minimal glazing with low G-Values*
- 3. Minimising internal heat generation*
- 4. Exposed thermal mass*
- 5. Natural ventilation through fully openable windows in most cases.*
- 6. Some solar shading via balconies and overhangs*
- 7. Mechanical ventilation with heat recovery to apartments"*

3.75 The Council's Officer finds that the development is policy compliant in terms of overheating risk.

### ***Secure by Design***

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

### **Design**

3.77 High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

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

### ***Masterplan concept***

- 3.79 The submitted Design and Access Statement (DAS) and Landscape Design and Access Statement begins by noting the key observations from the appeal decision and then outlines the evolution of the masterplan in order to address the heritage harms. The concept continues to be heritage and landscape led, retaining the 3 distinct sub-areas parcels: A to the west, B to the north and C to the east.
- 3.80 Within the original appraisal, Area A was identified as offering the most potential for development given the lower landscape quality of two over-grown fields. Area B was considered to have little development potential other than the site of the existing agricultural buildings and artist studio. The Parkland character with mature trees and pond in grassland was identified as potential public open space. Area C was identified as having an important 'parkland' landscape character, especially in the northern half with hedge and tree screening to the grassland setting. The southern site adjacent to the hospital has lower quality planting and opportunity for sensitive development.
- 3.81 The DAS illustrates the evolution of the masterplan principles following the extensive pre-application discussions, public and stakeholder engagement.

### ***Layout***

- 3.82 Area A to the west of the site, comprises all of the proposed residential development, comprising of 115 houses and apartments. The layout takes the form of a more uniform grid which seeks to increase visual permeability across the site. Across this area, the residential zone has been further reduced and set back from the boundaries to minimise the perceived and actual impact from the views the north and south, Whalebones House and Collison Avenue.
- 3.83 There have been a number of key amendments made across the site to enhance the scheme from the previous appeal:
- Along the Wood Street boundary, the housing zone has been pushed further back from the frontage with an enhanced landscape offering in-between;
  - Apartments on the northwestern boundary replaced with 2 and 3 storey houses, with increased separation distance from Collison Avenue;
  - Increased separation distance from Whalebones House;
  - Retention of building line along Wellhouse Lane with increased planting;
  - Reduced floorspace of the Studio building within Area C;
  - Removal of houses within Area C, maintaining the openness in the view across the site from Wood Street
  - Homes north of the Whalebones House pushed northwards to reduce impact on setting.
- 3.84 Officers are supportive of the proposed layout approach across the site with three

distinct land parcels. The layout provides for an improved and enhanced relationship between built elements and open landscape and provides good connections and visual permeability across the site. In terms of the Inspector's comments, it is considered that the proposed layout makes positive improvements to reduce, minimise and mitigate the harm previously identified.

- 3.85 Within their Stage 1 response, GLA officers "*welcome the building layout as it allows for more generous distances between the buildings facing Wood Street and significantly slender elevations. Compared to the previous scheme, the proposed buildings and the distances between them result in a more legible and less 'cluttered' experience which is also illustrated in the emerging skyline. By freeing up 'Area C' next to the studio building from housing, the proposal retains the openness of the landscape and does not hamper the Whalebones House. Keeping this part of the scheme open allows for appreciation of the studio, which sits comfortably in the landscape.*"

### **Scale and massing**

- 3.86 The proposal consists of a number of building typologies throughout the proposal, comprising of 2 and 3 storeys houses and 3 to 5 storey apartments blocks.
- 3.87 Houses are modest in scale with gable fronted elevations and pitched roofs. The footprint and height of these are considered to be entirely appropriate and reflective of the surrounding context. The differing typologies provide an interesting and high-quality scheme which are considered to sensitively merge into the surrounding landscaped area. In light of the previous appeal, the scale and massing has been appropriately addressed with 2 and 3 storey houses along the western boundary with Collison Avenue and 2 storeys along the eastern area of Area A, closet to Whalebones House.
- 3.88 As the land slopes downwards from Wood Street, the typologies transition in the lower central part of the site from 3 storey houses to part 3 to 5 storey apartment blocks. The southern most part of Area A has been accepted as having the least sensitive character and is able to support increased height / density. Officers continue to support this approach. The blocks are considered to have been successfully designed to reduce their scale by breaking the facades into more residential scale, using various details, stepped elevations, material changes and gable ends to separate the facades. The pitched roof articulation on the fronting elevations also helps break down the mass, resulting in a more domestic appearance. Overall, it is considered that there is an appropriate transition of the apartment block's scale and bulk. The scale of these proposed blocks are comparable to the adjacent Elmbank development and therefore would not be visually out of the character with the surrounding area.
- 3.89 In order to accommodate the increase affordable housing provision, there have been minor adjustments to the form of Blocks A and B and a minor adjustment to

the footprint of Block B. The changes to the overall massing, whilst relatively minor are considered to have actually improve the visual perception of end gable elevation of Block B.

- 3.90 The Studio building in Area C has been kept to a single storey in scale and this is supported.
- 3.91 The Council's Urban Design Officer comments that the scheme is considered to *"respond sensitively to its landscaped context and the Wood Street Conservation Area. The buildings have been thoughtfully designed and would contribute positively to the local area with a distinctive character. It is noted that consideration has been given on reducing the visual impacts of the scheme and also considerable efforts have been made to minimise impacts on the neighbouring buildings."*
- 3.92 GLA Officers find the proposed height zones to be broadly supportive. The slight variation in height and typologies moving down the site *"allows for a smooth transition between a somewhat more urban character to the south towards a more landscape-led, lower rise to the north."* GLA Officers are supportive of the proposed studio building.
- 3.93 The applicant has submitted a Landscape and Visual Impact Assessment which illustrates the proposed development with a series of wireframes from a number of viewpoints. The conclusions of this assessment find that the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape or townscape character beyond the site boundary. Officers are in agreement with these findings. Whilst it is noted that the effects of the proposed development will affect some aspects of the openness of the site, these are not considered to result in significant harm as they will be seen from less sensitive parts of the area (south along Wellhouse Lane) or from private space. The proposal along all boundaries provides for enhanced open green frontages and landscaped area which will limit views into the development.
- 3.94 For the reasons set out above, Officers consider that the proposed scale and mass/bulk is appropriate and in keeping with the surrounding character and appearance of the wider area. In terms of the Inspector's comments, it is considered that the proposed scale and massing makes positive improvements to reduce, minimise and mitigate the harm previously identified.

### ***Character and Appearance***

- 3.95 The Design and Access Statement sets out that the proposed architectural style seeks influence from the site's history and surrounding area. A simple vernacular form is proposed which utilises a palette of materials of differing brick colours and roof tiles which are considered reflective of the surrounding area and appropriate to integrate the development within the conservation area.

- 3.96 The Council's Urban Design Officer supports the overall architectural style and comments that *"the proposal will transform the site and provide a well-designed residential scheme of contemporary approach within a sensitive setting"* and the *"Buildings are intended to be finished with a high-quality brick."*
- 3.97 The GLA Officers welcome the simple material palette and façade articulation and consider it a sensitive approach in keeping with the context,
- 3.98 Overall, Officers consider that the architecture presents a high-quality appearance which responds to its surroundings. It is considered that the scheme provides an attractive development which is contemporary in appearance and reflects the traditional features of the conservation area and neighbouring built form. For these reasons, the proposed development is considered to be appropriate and acceptable.

### **Conservation and heritage**

- 3.99 London Plan Policy HC1 requires development proposals to conserve significance by being sympathetic to the assets' significance and appreciation within their surroundings and avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Barnet policy DM06 indicates that all heritage assets will be protected in line with their significance and development proposals must preserve or enhance the character and appearance of Barnet's conservation areas.
- 3.100 Under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory duty to consider the impacts of proposals upon listed buildings and their settings. Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Officers note that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

### **Wood Street Conservation Area**

- 3.101 The Wood Street Conservation Area (WSCA) runs east to west from the junction with the Great North Road at the top of Barnet Hill along the ridge towards Arkley. The conservation area was designated in 1969, and subsequently extended in 1979. It includes the historic shops coming up Barnet Hill and surrounding the St. John's Church, Union Street to the north, the villas facing Ravenscroft Park, and Wood Street itself westward as far as The Whalebones, with its land and the detached houses opposite.
- 3.102 In accordance with paragraph 201 of the NPPF and DM06 (c. point 1), in terms of its significance, the Character Appraisal divides the WSCA into five character areas, which the application site lies within '*Area 5: Bells Hill (includes the south side of Wood Street).*' Key characteristics of this area include a mixture of mid-19<sup>th</sup> century

small scale domestic development in a variety of vernacular styles and materials and a good collection of locally listed buildings. Predominant materials are red brick and clay tile, render and clay tile, yellow stock brick and slate.

- 3.103 The appraisal identifies Whalebones Park to be an extensive area of private land with very heavy tree screening around the boundary so views in and out are limited. It states that it is formally laid out and partly interspersed with more natural open areas. It sets out that trees make a very important contribution to the character and appearance of the conservation area and identifies that the tree boundary to Whalebones Park, amongst others, is one of the most notable tree groups within the conservation area. There are open views into Dollis Valley from Whalebones Park. The Appraisal also highlights Whalebones House, a Grade II listed building.
- 3.104 Paragraph 201 of the NPPF and C. point 2 of DM06 requires consideration of the impact on the significance of the heritage asset. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 3.105 The applicant has undertaken and submitted a Heritage Statement by SmithJenkins in support of the application. The Statement acknowledges that the site is a notable feature in the character area and contributes to character and appearance of the wider conservation area. In terms of impact, the report concludes that the proposed development would result in some less than substantial harm to the character and appearance of the conservation area through the development of open land, principally in Area A. The development of Area A will be experienced in views along Wood Street and Wellhouse Lane.
- 3.106 The Appraisal finds that views of Area A from Wood Street are limited, due to the dense boundary vegetation and there will be some impacts, such as from creating vehicle access into the site. The impact of this introduction of suburban built form is considered by the Appraisal to have been mitigated in the design through an increase in the distance between the development line and the road, retention of existing trees and hedges, enhanced new landscaping, and reduction in height of the houses and greater permeability between their forms.
- 3.107 In contrast to Area A, Areas B and C will have limited development as part of the application proposals given that these areas are visible on the approach to Whalebones, forming part of the experience of the asset. The proposed studio as well as some landscaping, pathways and new entrances across these areas will have a slight change to their appearance but largely their contribution to the conservation area through their openness and agricultural and parkland character will be preserved as currently experienced.
- 3.108 The Council's Conservation Officer has reviewed the scheme and associated heritage report and comments that "*various changes to the proposed development have been made since the dismissed scheme to mitigate the harm to the heritage*

*significance of the conservation area. Not least a reduction in the quantum of development, but also re-siting and re-designing the housing to reduce its impact and prominence. This is particularly evident to the north of the site fronting Wood Street. Further, removal of the 5 houses fronting Wellhouse Lane is proposed, along with a re-design and re-siting of the community building, a reduced size of car park and the removal of a vehicular entrance. There is also increased landscaping, particularly boundary planting to supplement the existing vegetation. All these changes will be of benefit in reducing the harm to the heritage significance of the conservation area, whilst acknowledging that harm remains. Design changes have been made in each of the three areas within the site, A, B and C. A series of 6 comparative views provided in the Heritage Statement illustrate the current proposals, the appeal scheme and the existing situation. In Area A, at the western end of the site, the houses facing Wood Street have been set back from the road and are more widely spaced to reduce their visual impact and improve openness. Improvements have also been made to the design of the houses which have been reduced in size and to landscaping with increased greenspace. The comparative viewpoints 1, 2 and 3 show the evolution in design and reveal the mitigated impact from Wood Street and the reduced prominence of the buildings. Viewpoint 4 shows the positive impact that removing the housing from Area C has had on the view towards the whale bones on Wood Street, where there is now an absence of new development. Viewpoint 5 is taken from the hospital car park on Wellhouse Lane. The Planning Inspector considered this lower lying area of Area A to have a less mature parkland character and comparatively reduced sensitivity to the visual change brought about by the proposed housing. The image shows that the development has not changed significantly in bulk and massing and thus still has a dominant visual impact from this viewpoint. The applicant acknowledges that the development here is of a similar scale to the refused scheme and would have a similar effect. Viewpoint 6 is taken from the eastern part of Wellhouse Lane close to the bus terminus. The omission of the housing and changes to the community building have had a highly beneficial effect on this part of the site and a substantial reduction in harm to its character.*

3.109 Historic England have decided not to offer any comments for this application.

### ***The Whalebones***

3.110 The Whalebones is a Grade II Listed building and is characterised by Historic England as follows:

*“Early C19. Two storeys, stucco. Three sash windows, the outer ones very slightly bowed in a bowed section of the walling. Central solid stuccoed porch with hipped slate roof and curved headed windows in sides. Plain overhanging eaves. Hipped slate roof. The ground floor windows are French casements.”*

3.111 The Whalebones House also includes two curtilage listed structures comprising the adjacent stable block and the whalebone ‘arch’ on Wood Street at the entrance to

the Whalebones House site. The proposals do not directly affect this building and so the key assessment is to the setting of the heritage asset.

- 3.112 In assessing its significance, the submitted Heritage Statement identifies that the building has high architectural and historic interest. The setting of Whalebones House makes a contribution to its significance through the preservation of historic ancillary features of the house, the surviving features of its landscaped garden and the surrounding land. The immediate setting comprises the area which forms the surrounding garden and is a formal part of the listed building, enclosed by mature trees which limit visibility out to the surrounding area. The Heritage appraisal finds that proposed development will result in some 'less than substantial harm' to the setting of Whalebones House through erosion of its open surrounding character, principally to the west of the listed building, which contributes to its setting. In conclusion, the scheme has no direct impact on the listed Whalebones House. Whilst the proposed scheme would result in less than substantial harm to the significance of Whalebones, through changes to its wider setting, the Appraisal considers the impact to have been substantially reduced when compared to the appeal scheme. Whilst the development of Area A erodes some of the open character of the landscape, the preservation of Areas B and C, which are considered to contribute to its setting to a greater degree, preserve the key areas of its setting and therefore its significance. In its conclusions, the Heritage Statement finds that the degree of harm to the surrounding designated heritage assets would be "less than substantial" and at the lower to middle end of the spectrum.
- 3.113 A number of comments have been received in relation about the potential for impact on the existing curtilage listed structures of the Stable Block and Whalebones Arch. There is no considered impact to the 'Arch' and the scheme has been positive improvements to the appeal scheme by introducing smaller scale buildings which are also located further away from these structures.
- 3.114 The Council's Conservation Officer notes that *"the applicant has also made a number of changes to the development to address the harmful impact of the housing on the setting to Whalebones House in the dismissed scheme. These include, re-siting the housing further away from the listed building and providing a wider buffer to the west, whilst reducing their height, and re-aligning and re-designing the houses to the north to be more barn-like in appearance. Removal of the 5 houses to the east and re-designing the community building are also proposed. These revisions are welcomed and will reduce the impact of the new development on the setting of Whalebones House. However, the housing development will still adversely impact on the secluded setting of the listed building and the way in which it is experienced, albeit this would be reduced from the substantial harm identified in the appeal decision."*



### ***Non-designated heritage assets***

- 3.115 No. 2 Wellhouse Lane is a Locally Listed heritage asset, it was added to the London Borough of Barnet's Local List in 2022. It is located on Wellhouse Lane adjacent to the eastern boundary of the Site.
- 3.116 The Heritage Report recognises that No. 2 Wellhouse Lane is of architectural significance as a well-surviving example of a workers cottage from the early-19th century. Their former purpose is reflected in their simplistic design which has little decoration. The setting of 2 Wellhouse Lane makes a contribution to its significance through its immediate and wider setting. The development of Area C has the potential to affect the significance of the non-designated heritage asset through change within its setting with the proposed Artists and Beekeepers studio visible as well as the change on the character of the landscape from a pastoral one to a more managed landscape. Whilst these introduce new built elements in to the extended setting of the non-designated heritage asset they would be seen some distance from the locally listed building and the architectural and historic significance of the locally listed building would remain appreciable. Its significance would therefore be preserved.
- 3.117 No harm is considered to result to the setting of this non-designated heritage asset from the proposals.

### ***Conclusion on the effect of nearby designated heritage assets***

- 3.118 Part c of Barnet Policy DM06 sets out a number of criteria which proposals should demonstrate, including amongst other matters; the impact of the proposal in the setting of the heritage asset, how the significance and/or setting of a heritage asset can be better revealed and how the benefits outweigh any harm caused to the heritage asset.
- 3.119 The significance of the heritage assets has been identified above and it has been found by all parties (applicant's Heritage consultant, LBB Conservation Officer and Appeal Inspector) that the proposed development would cause '*less than substantial harm*' on the designated heritage assets of the Conservation Area and Listed Building.

The proposed scheme has made a number of amendments which seek to reduce, minimise and mitigate the harm previously identified:

- reduction of the overall number of residential units proposed within the site;
- the location, layout, form, height and detailed design of the buildings has overall reduced the level of harm compared to the previous application;
- the reduction in scale of built development drawing back development from the Wood Street frontage and reductions in height adjoining Elmbank, with the majority of development contained within one area of the site i.e. most of Area A
- the removal of houses within Area C help retain the openness along Wellhouse Lane and removes built form from the backdrop view to the Whalebones Arch and

provides for increased new public open space in order to maintains its parkland character.

- 3.120 Criterion c. point four of Policy DM06 refers to how can the setting of the asset can be better revealed. In terms of The Whalebones, it is already noted that the house is barely visible from the public realm due to the mature trees and established planting. The site and its entrance is not directly affected by the proposed development and as such the setting of the heritage asset will remain as it is currently. The residential zone within Area A has been moved further away from Wood Street and with the removal of houses within Area C, these combined measures with the significant new landscaping proposals as part of the scheme so its isolated feeling will be enhanced and the limited public view retained. In terms of the conservation area, it is noted that the site is currently private and therefore opening up the site with a number of new open spaces with significant landscaping will better reveal the immediate context along Wood Street and Wellhouse Lane. The significant additional landscaping will reinforce the verdant character of this part of the conservation area.
- 3.121 The applicant has submitted a Landscape and Visual Impact Assessment which illustrates a series of wireframes of the proposed development from a number of viewpoints. It is considered that these wireframes illustrate that the proposed development would not be out of context with the surrounding area in terms of scale and bulk.
- 3.122 The larger apartment buildings are set within the southern part of Area A where they have a lesser visual impact. Due to their positioning within this site, the proposed height and the topography of the site, the height is not considerable to be overly harmful. Whilst the adjacent Elmbank development does not lie within the conservation area, the scale of these proposed blocks are comparable to this adjacent development.
- 3.123 The WSCA Appraisal Statement notes that there are open views into Dollis Valley from Whalebones Park. There are some glimpsed views along Wood Street where the hedgerow is lower in height. It is acknowledged that these views would be eroded by the proposed development and that these open views would be reduced. It is agreed with the consultee comments that this will result in harm to the conservation area. However, views from within the site are not considered to have significant weight as it is private land and not enjoyed by the wider public.
- 3.124 Officers acknowledge that the proposed development will cause a degree of harm to the designated heritage assests and that this amounts to 'less than substantial harm.' As required by paragraph 208 of the NPPF, applications that directly or indirectly affect the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy DM06 also requires a balancing of harm with identified benefits.

3.125 The applicant has identified the benefits of the schemes, which include the provision of newly-accessible public open space, natural open space, provision of new community facilities, provision of new housing and affordable housing. The benefits of the proposal and the balancing of these will be made within the 'Planning Balance' section at the end of the report.

### **Archaeology**

3.126 The application is supported by a desk-based Archaeological Assessment, prepared by Heritage Network. The report finds that the site lies in an area with a Low potential for the survival of buried remains of Early Prehistoric to Early Medieval date, increasing to a Low to Moderate potential for remains of Medieval date and a High potential for remains of Post-medieval and Modern date. The potential significance of such remains, should they be present on the site, may be considered to be Major for all periods up to the Early Medieval, reducing to Moderate for the Medieval and Post-medieval periods and Negligible for the Modern period. Any remains that might survive are, however, likely to have been affected by the 19th and 20th century activity on the site.

3.127 The Greater London Archaeological Advisory Service (GLAAS) has reviewed the report and comments that *"Although not within an Archaeological Priority Area, the application envisages major development on a greenfield site implying potential for new archaeological discoveries as noted in the applicant's archaeological desk-based assessment. The relatively modest level of existing archaeological information from the site and its surroundings, and the historic land use as a common, are consistent with an overall low to moderate potential. In my view the northern part of the site alongside the historic ridgeline road Wood Street on the permeable Stanmore Gravel would have moderate potential whilst the London Clay to the south has low potential. The western side of the site was historically used for allotments but the rest appears to have seen little or no cultivation suggesting good preservation potential...I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.* However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

3.128 GLAAS have suggested the wording of a suitable condition to attach should planning permission be granted.

### **Amenity Impact on Neighbouring Properties**

3.129 Part of the NPPF's (2023) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions

result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

### ***Privacy, overlooking and Outlook***

- 3.130 The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.
- 3.131 The nearest neighbouring properties are The Whalebones House, the Elmbank residential blocks along Collison Avenue located to the west of the site, the residential houses located along Wood Street (north side), and No.2 Wellhouse Lane to the east of the site.
- 3.132 The DAS illustrates the critical and overlooking distances with a clear marked diagram.
- 3.133 Along the northern boundary of the site, the proposed houses have been set back considerably from Wood Street, ranging from 27.8m to 33.4m. There is also a large area of proposed open space with enhanced landscaping and boundary enhancement. With all existing residential dwellings sited on the opposite side of Wood Street, there no overlooking / privacy concerns along Wood Street.
- 3.134 Along the western part of the site, the proposed buildings will be offset from the Collison Avenue boundary by 7.8 metre to 19 metres. The separation distances between the Collison Avenue blocks and the proposed new buildings would be between 16.7 metres and 31 metres. The majority of the western part of the proposal is occupied by detached and semi-detached houses. Only the rearmost building within Collison Avenue will face onto a proposed apartment block. Whilst it is acknowledged that in some locations the separation distance is less than set out in guidance, direct impacts have been reduced due to the careful placing of recessed balconies and the positioning of core / service area at the nearest points. Officers are satisfied that the proposal does not result in any adverse sense of enclosure or overlooking, or perceived sense of overbearingness.
- 3.135 With Whalebones House, there is a significant level of landscaping around the boundary and the nearest buildings are located 50m to 56.7m to the house. As such, there is not considered to be a detrimental impact on Whalebones House in terms of overlooking.
- 3.136 The other neighbouring dwelling house is located at No.2 Wellhouse Lane to the east, beyond Area C. There are no dwellinghouses proposed in this area.

3.137 Accordingly, Officers are satisfied that the development would not compromise the privacy of existing residential occupiers living in neighbouring properties.

### ***Noise and General Disturbance***

3.138 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area.

3.139 In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment and plant noise. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

### ***Air Quality***

3.140 Policy SI1 of the London Plan (2021) states that development proposals should not lead to deterioration of existing poor air quality or create new areas that exceed air quality limits. Therefore, development proposals must be air quality neutral and use designed solutions to prevent increased exposure to existing air pollution. An air quality assessment should be submitted with major applications. Policy DM04 of the adopted Barnet Local Plan Development Management Policies DPD (2012) states that where there is a localised source of air pollution, buildings should be designed and sited to reduce exposure to air pollutants; and that development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments, where appropriate.

3.141 An Air Quality Assessment has been submitted in support of the application and concludes that the construction and operational air quality effects of the proposed development are judged to be 'not significant' and that suitable mitigation measures can be implemented to reduce dust emissions during construction works.

### **Transport, highways and parking**

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

make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

### ***Residential car parking***

3.143 London Plan Policy T6.1 states that new residential development should not exceed the maximum parking standards set out in the table below:

<b>Location</b>	<b>No. of beds</b>	<b>Maximum parking provision</b>
Outer London PTAL 2 – 3	1 – 2	Up to 0.75 spaces per dwelling
Outer London PTAL 2 – 3	3+	Up to 1 space per dwelling

3.144 Barnet DM17 car parking standards for residential development are higher than those set out in the London Plan as it pre-dates it. However, emerging Local Plan policies would seek to align with the London Plan. Parking requirements for different types of units with the range of provision as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

3.145 The development proposes a total of 130 residential parking spaces for the 115 new homes, which equates to an average of 1.13 spaces per home. The Council's Highways Officer is accepting of the proposed residential car parking provision.

3.146 Whilst the GLA comments are to reduce the level of car parking in line with London Plan Standards, it is considered that the higher level of proposed provision of parking is appropriate in this instance and is supported by Barnet's Highways service. It is acknowledged that this exceeds the maximum standards, however taking into account public comments on this issue and the need to avoid overspill on nearby streets, it is considered there is sufficient justification in seeking to depart from London Plan policy.

3.147 In terms of blue badge parking, this will be provided in line with the London Plan with 3% of the dwellings from the outset and space for additional 7% will be allowed for within the design.

3.148 Electric vehicle charging points will be provided at all spaces if possible but will be confirmed via condition. This would exceed the London Plan standards.

### ***Non-residential parking***

3.149 There are no car parking standards for D1 use (studio/event/community space) and thus provision is assessed on a case-by-case basis. Assuming a ratio of 1 space

per 10 people, the provision of 10 spaces means that the maximum number of people that the studio/community hall can accommodate must be around 100 people. The proposed parking provision for the community use element of the development is considered to be reasonable.

### ***Cycle Parking***

- 3.150 The development will provide a total of 284 cycle parking spaces for the residential units and 6 for the studio building. The Council's Traffic and Development service has confirmed that this quantum of cycle parking exceeds the London plan requirements and is therefore acceptable.

### ***Internal layout, Access and servicing***

- 3.151 Area A will benefit from two vehicular accesses, one on Wood Street at the northwestern end of the site and the other which will be for emergency access only, at the southwestern end of the site on Wellhouse Lane. A third access point is situated further north along Wellhouse Lane and it serves the Studio building and small-holding in Area C.
- 3.152 As part of the access proposal, a crossing facility is proposed over Wood Street through a dropped kerb and tactile paving arrangement. New pedestrian access will be created across the northern boundary with Wood Street which will connect onto the footpath which runs along the southern side of Wood Street. A network of paths are then provided within the site which connects to Wellhouse Lane to the south.

### ***Access on Wood Street***

- 3.153 A crossroad junction with dedicated right turn lanes is proposed and is acceptable by the Council's Traffic and Development service. The access itself will be designed with a bell mouth arrangement connecting directly to Wood Street and will benefit from footway provision along either side of the access road before transitioning to a shared surface arrangement which is consistent with the principles of the previous application on the site.
- 3.154 A Stage 1 safety audit has submitted in support of the application. It identifies that additional right turn conflict may lead to collisions associated with crossroad junctions. However, Highways consider this risk to be low and further any residual risk could be sufficiently mitigated by regular maintenance of the line markings at the junction. Since the proposed junction layout has been unaltered and the number of units reduced since the previous scheme, Highways remain of the same opinion.
- 3.155 The development proposal includes the provision of a new sub-station which is to be sited adjacent the existing substation which is to be retained. It is proposed that maintenance vehicle access / arrangements will be the same as that of the existing sub-station.

### ***Access on Wellhouse Lane***

- 3.156 Access to Area C will be via Wellhouse Lane which will take the form a simple priority-controlled T-junction. This is consistent with the design for the previous application which was accepted by the Council's Traffic and Development Service.

### ***Refuse / Servicing***

- 3.157 In terms of servicing, the Highways Officer confirms that the submitted swept path analysis demonstrates that refuse vehicles and emergency vehicles can enter and exit the site in a forward gear. The location of refuse stores across the site is considered to be acceptable and ensures that vehicles can reach locations within 10m of the collection point.

### ***Road Safety***

- 3.158 The Highways Officer comments that given the scale of development and anticipated trip generation from the site, it is inevitable that there will be additional traffic on Wood Street which could potentially increase vehicle/vehicle and vehicle/pedestrian conflicts, particularly on Wood Street. However, it is considered that this could be mitigated by improved pedestrian and road safety measures which would reduce any potential impacts.
- 3.159 Active Travel Zone (ATZ) audit was undertaken as part of the transport assessment and covered four key destinations in the area. For each route, the main recommended improvements were proposed as follows:

*a) Route 1 - From the site to Barnet High Street*

Mainly to clear hedgerow and overgrown vegetation along Wood Street in the vicinity of the site order to increase footway width and improved pedestrian safety and usability of the path.

*b) Route 2 - From the site to Barnet Hospital*

To provide dropped kerbs and tactile parking on Wellhouse Lane on the southern boundary of the site to create uncontrolled pedestrians crossing points on Wellhouse Lane.

*c) Route 3 - From the site to Foulds School*

Resurfacing the footway at the junction of Wentworth Road/ The Avenue

*d) Route 4 - From the site to High Barnet Underground Station*

Provision of additional wayfinding signage on the path leading to the station.

- 3.160 The Highways Officer comments that the scope of the ATZ audit is acceptable.



### ***Trip generation***

- 3.161 The Highways Officer has confirmed that an analysis of the potential trip generation from the site has been undertaken using industry standard database called TRICS. The results show that the development will generate a 33 two-way vehicle movements during the AM peak (8-9am) and 34 two-way vehicle movements during the PM peak. The corresponding person trips for the AM and PM peak hours are 60 and 71 respectively.
- 3.162 The impact of this level of trip generation on the surrounding highway network has been assessed by the Highways service. The site will generate 32 - 33 trips on foot during the peak hour. The submitted Transport Assessment indicates that the pedestrian network is of good quality and sufficient to accommodate the additional pedestrian trips.
- 3.163 There will be an additional 1 bicycle trip per hour and this is considered to have a minimal impact and can be safely accommodated within existing facilities.
- 3.164 The development is forecasted to generate an additional 6 bus trips and in the AM peak and 6 additional trips in the PM peak. With a service of 18 buses per hour, this will result in approximately 1 extra trip per 2 buses in the peak hours.
- 3.165 A similar assessment for the underground train indicate that there will be 17 and 18 underground trips during the AM and PM peak hours respectively. This level of trip generation will result in 1-2 extra passengers per service in the peak hours which is not considered to have a material impact on the service.
- 3.166 An assessment of the impact of the additional vehicle trips from the development has been carried out. The results show that the junctions tested on Wood Street and Wellhouse Lane would have spare capacity. With this level of trips, it is unlikely that the additional trips from the development will have a noticeable impact on the local highway network.
- 3.167 Overall, the Council's Traffic and Development service are satisfied that the proposed development does not raise any significant highways issues, subject to the mitigation measures being secured by S106 agreement and conditions. Whilst, it is accepted that the proposal exceeds the maximum car parking standards set out by the London Plan, however, Officers consider there is appropriate justification to depart from this requirement.

### **Landscaping, trees and biodiversity**

- 3.168 Paragraph 131 of the National Planning Policy Framework (2023), Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012) all recognise the importance of green infrastructure in the enhancement of biodiversity, sustainable urban drainage,

responding to climate change, and enhancing both character and amenity of places, collectively delivering sustainable development. Policy G6 (Biodiversity and access to nature) of the Mayor's London Plan (2021) requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain.

### ***Landscape and Open Space***

- 3.169 As previously mentioned, the application proposes the creation of several areas of open space within the development site. The submitted Landscape Design and Access Plan provides a comprehensive and detailed breakdown of the proposed landscaping and open space provision.
- 3.170 The proposal will deliver multi-functional open spaces which include (amongst other things):
- 2.08 ha publicly open space;
  - 800sqm children's play space
  - Doorstep play and communal gardens within the residential areas;
  - Play on the way within the Wood Street open space and the Woodland Walk;
  - Sensory meadow;
  - Woodland Walk
  - Refurbished ponds and existing areas of grassland to be diversified;
  - Enhanced boundaries to the public realm;
  - Artists' and Bee Keepers garden;
  - Creation of direct pedestrian and cycle routes between Wood Street and Wellhouse Lane;
  - Agricultural small holding
- 3.171 As assessed earlier within the report, Officers consider that the provision of new publicly open space is appropriate in terms of its size and consider that the proposed landscaping is of a high quality and will result in highly valued open space for existing and new residents. New pedestrian accesses are to be provided from Wood Street which onto a network of paths are then provided within the site which connects to Wellhouse Lane to the south. This enhanced permeability and connectivity is considered to be a benefit to the surrounding area.
- 3.172 In terms of management, it is anticipated that the ownership of new public open spaces and children's play area within the park area will be transferred into an Open Space Trust who will be responsible for the management and maintenance of these areas in perpetuity. This will be secured by a S106 obligation.
- 3.173 London Plan policy G5 expects major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The policy expects Boroughs to identify an appropriate amount of urban greening but in the interim recommends a target score of 0.4 for predominately residential developments.

- 3.174 The scheme provides a high level of greening in and around the site for both public and private use, which will both enhance and soften the built forms. The landscape design proposals have demonstrated that the development will achieve an Urban Greening Factor 0.514 – as detailed in the Landscape Design and Access Statement. This is in exceedance of the London Plan Policy. The Council's Tree Officer has considered the landscape design submissions and comments that landscape is broadly acceptable subject to a number of amendments with regards to planting specification. The landscape design will in time help soften the impact of the buildings.
- 3.175 As such, subject to conditions requiring final details of landscaping specification and maintenance, Officers are satisfied that the development would align with the urban greening objectives of London Plan (2021) Policy G5 and the character and appearance aspirations of Barnet Local Plan Policy DM01.

### **Trees**

- 3.176 There is considerable tree coverage across the site with a number of trees present subject to Tree Preservation Orders (TPO). Trees are also offered protection by virtue of the site's location within a conservation area.
- 3.177 London Plan Policy G7 (Trees and woodlands) sets out that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, an appropriate valuation system.
- 3.178 The application is supported by a Tree Survey, Arboricultural Impact Assessment (AIA), Tree Constraints Plan and AIA Plan.
- 3.179 The survey assessed 223 trees across the site, of which 6 are Category A (High Quality), 64 are Category B (Moderate Quality), 121 are Category C (Low Quality) and 32 are Category U (Poor Quality). To facilitate the development, it is proposed to remove 31 individual trees and 6 small groups of trees. Those to be removed, predominantly fall within Category C/U (33 trees), with 4 Category B trees. Based on the tree survey, it is estimated that the tree groups to be lost have c. 30 identified stem. The AIA concludes that the impacts of tree removal are generally of little individual significance and their loss will not affect the visual character of the area.
- 3.180 The replanting scheme will be substantial and offer considerable enhancement and replaces mainly low / poor quality trees. The replanting scheme comprises of a total of 215 new trees which represents a net increase in excess of 150 trees.
- 3.181 The Council's Tree Officer has reviewed the arboricultural submissions and comments that the loss of trees within Area A and C can be mitigated in the long

term with replacement tree planting.

- 3.182 The applicant has submitted a Tree Valuation Report at the request of the Council's Tree Officer which assess public amenity loss using primarily a depreciated replacement cost appraisal methodology, namely Capital Asset Value for Amenity Trees (CAVAT). CAVAT allows the value of a tree to be assessed by extrapolation from the cost of a newly planted standard tree, using the ratio between their respective trunk areas as the critical measurement.
- 3.183 Overall, Officers are satisfied that in terms of trees, the removals will have a limited impact on the site / wider area and the proposed replanting and landscaping scheme will provide significant benefits. The report concludes that the temporary loss in value is mitigated adequately in the landscape proposals purely by the single stemmed trees with the multi-stemmed specimens and shrub planting adding to this.

### ***Ecology***

- 3.184 Paragraph 180 of the NPPF (2023) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021 seek to ensure that development proposals manage impacts on biodiversity and aim to secure net biodiversity gain. Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012) broadly aligns with these policies in principle, as does Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 24).
- 3.185 The Council's Ecologist has reviewed the submission documents and surveys and comments as follows:

#### **Roosting bats**

- 3.186 The submitted Nocturnal Bat Roost Survey (MKA Ecology, January 2024) reiterated that the previous nocturnal bat surveys confirmed the presence of four trees supporting common pipistrelle roosts. The trees on site were subjected to a Ground Level Tree Assessment in 2023, of these trees 70 were found have suitability to support roosting bats. Of these 8 trees were subject to further bat emergence surveys including those four previously confirmed roosts. No bat emergences were recorded during surveys in 2023. None of the four building (buildings 1 – 4) were found to have roosting bats and so the buildings were deemed to be absent of roosting bats. No further mitigation will be required in relation to these structures. It is noted that Tree 25 (popular) will be removed to facilitate the development, while the remaining trees which previously had confirmed roost will be retained.

#### **Foraging and commuting bats**

- 3.187 The submitted Bat activity survey (MKA Ecology, January 2024) determined through the combined transect and static recorder surveys between August 2022

and May 2023 confirmed the presence of low diversity of species with bat activity were occasionally recorded. Bat commuting routes were confirmed along hedgerow, and foraging activity were confirmed around hedgerows and mature trees throughout the site. All boundary trees and hedgerows will be maintained to ensure that there is no distribution to the habitat connectivity for bats on site.

- 3.188 The Council's Ecologist welcomes the proposed inclusion of 50 purpose-built bat roost boxes to be included as part of the ecological enhancement for the site. He advises that a strict dark corridor along the boundaries of the site and adjacent woodland must be secured by means of a Bat Sensitive Lighting Strategy.
- 3.189 The Council's Ecologist welcomes the amended EclA report which outlines the proposed enhancements of the existing hedgerows and acid grassland, and provision of wildflower meadows to provide ideal pollinating plant species and log piles for the benefit of invertebrates and the species which predate them. These enhancements will be secured by means of the ecological enhancement plan. The retention of dead log piles on site and the provision of additional hibernacula and log piles within key habitat area onsite will increase the overall coverage of egg laying habitat onsite e.g. woodland, acid and meadow grassland.

#### Priority Habitats

- 3.190 The Council's Ecologist accepts the findings and assumption of the Botanical Walkover Survey report (MKA Ecology, January 2024) that the out of two core areas of acid grassland confirmed to be present on site. He is confident that no priority habitat will be negatively impacted by the proposed scheme and the remaining area of other lowland acid grassland in the eastern section of the site will be sufficiently safeguarded.

#### Non-native plant species

- 3.191 The submitted PEA report revealed the presence of a number of non-native plant species. A detailed Invasive Non-Native Species Management Plan would need to be conditioned (subject to planning approval) to deal the necessary avoidance/treatment, removal, and disposal measures by a suitably experience third-party invasive species removal specialist to prevent such invasive species spreading offsite.

#### Great Crested Newts

- 3.192 There was no confirmed evidence of Great Crested Newts within the ponds surveyed.

### Badgers

- 3.193 Due to the confirmed presence of moderate suitable foraging and sett building habitat for badgers within the site, it is recommended that a pre-commencement badger survey would need to be conditioned.

### Invertebrates

- 3.194 Due to the low likelihood of protected stag beetles being present on site and breeding within the dead wood piles onsite a Precautionary Working Method Statement would be required to reduce the risk of injuring or disturbing these Schedule 5 listed invertebrate species and their larvae.

### Breeding birds

- 3.195 The submitted Breeding Bird Survey (MKA Ecology, September 2023) confirmed the presence of 38 species of birds, 14 species holding territory with the site, 17 species of conservation concern and four species confirmed to be breeding (woodpigeon, wren, dunnoek, and tawny owl). The retention of key breeding habitat for these four species must be secured throughout any approved development with vegetation clearance being restricted to only being undertaken outside of the active nesting bird season which occurs March to August inclusive. The enhancement of existing lowland acid grassland and the provision of purpose built and species-specific nest boxes including tawny owl nest boxes, swift bricks, and bird bricks would need to be implemented subject to planning approval.

### Reptiles

- 3.196 The Council's Ecologist raises no objections to the findings and recommendation of the Reptile Survey (Reptile Survey Report, MKA Ecology, March 2023) as no reptiles were recorded onsite during the seven reptiles visit between 22/09/2022 and 16/10/2022. The proposed provision of hibernacula, log piles and tussocky grassland as part the wider ecological enhancement of the site is welcomed as these measures would provide suitable foraging, sheltering and hibernating habitat for reptiles that were to be present onsite.

### Biodiversity Net Gain

- 3.197 The Environment Act 2021 introduces a statutory requirement for biodiversity gain to be achieved on new developments. However, this only came into effect from 12 February 2024. Whilst the application was made well before this date and therefore exempt from BNG requirements, the applicant has nonetheless, sought to provide BNG within the proposal.
- 3.198 The applicant has produced a revised Biodiversity Net Gain assessment (Biodiversity Net Gain Assessment 4.0, January 2024, V6, and Defra Metric 4.0

spreadsheet) for both the onsite and offsite areas. The proposed post-development onsite BNG score including all habitat retention, enhancement and creation will be 35.34 habitat units and 7.10 hedgerow which equates to a Net Loss of -13.07 Biodiversity units onsite, and net gain of +1.25 hedgerow unit onsite. This loss will be principally from the reduction of other neutral grassland and other acid grassland (17.77 units onsite)

3.199 To address the significant onsite Net Loss MKA Ecology have proposed the following offsetting scenario as outlined in the attached PDF (MKA Ecology, January 2024).

- 2.6ha of the existing modified grassland in poor condition to be enhanced to other neutral grassland in good condition.
- 0.48ha of mixed scrub in good condition to be created to replace an area of the existing modified grassland

3.200 The Council's Greenspaces department has agreed in principle to the feasibility of delivery the necessary of site habitat enhancement the existing modified grassland to other neutral grassland (medium distinctiveness, good condition) and creation of mixed scrub (medium distinctiveness, good condition) to delivery 4.03 and 14.28 units (18.31 units). The proposed offsetting would ensure that the proposed development results in a Net Gain of 10.78% (habitats) and 21.33% (hedgerows).

3.201 A site on the Land North of the Dollis Brook has been agreed between the Council and the applicant for providing offsite enhancements.

3.202 The Council's Ecologist is satisfied with the findings of the ecological submissions subject to planning obligations, conditions and informatives.

3.203 Overall, subject to conditions, Officers are satisfied that the scheme would accord with Paragraph 180 of the NPPF (2023) and Policy G6 (Biodiversity and access to nature) of the London Plan 2021; Policy DM16 (Biodiversity) of the Barnet Local Plan Development Management Policies DPD (2012); and Policy ECC06 (Biodiversity) of the emerging Barnet Local Plan (Reg 24).

## **Energy and Sustainability**

### ***Energy***

3.204 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.

3.205 An Energy Strategy has been submitted in support of the application which has been reviewed by the Council's Energy and Sustainability Officer. The energy

statement outlines a series of measures, through air source heat pumps for the houses and exhaust air heat pumps for the apartments.

3.206 The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean, Be Green and Be Seen. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO<sub>2</sub> 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 71.9% CO<sub>2</sub> reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A contribution of £91,390 will be required to be secured via planning obligation.

### ***Water Consumption***

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

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

### **Flood Risk / SuDS**

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

3.210 The application is accompanied by a Flood Risk Assessment & Surface Water Drainage Strategy. This has been initially assessed by the Council's appointed drainage specialists who require further details / information to be submitted. However, as this matter has been resolved in previous applications, Officers consider that this can be satisfactory addressed through condition.

### **Fire Strategy**

3.211 London Plan Policy D12 (Fire safety) states that all development proposals must achieve the highest standards of fire safety. Developments should be designed to



incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire.

3.212 A Fire Safety Strategy Report, prepared by Affinity, has been undertaken to demonstrate that the development proposals comply with local and regional planning policy. The Fire Strategy sets out for the proposals functional objectives relating to means of egress; suppression; combustibility and content control; structural resistance and passive systems; fire service access and facilities; and management. The report provides a holistic overview of the proposed fire safety strategy principles for the development, which is in conformity with the London Plan standards. The report has been updated to reflect the comments made by the GLA in their Stage 1 comments.

### **Other Materials Matters**

#### ***Access to Health***

3.213 As noted in the consultee comments section of this report, the NHS London Health Urban Development Unit (HUDU) provided comments on the application. They have requested a sum of £353,420 towards the estimated capital costs of mitigating the impacts of the development on local health services. However, Officers consider the request to be disproportionate and unnecessary as it is considered that the infrastructure impacts of this development on the health are best addressed through the Community Infrastructure Levy (CIL). The Council has recently revised the amount of its Community Infrastructure Levy charge from £135 to £300 per sqm for residential development. The intention of this increased amount was to simplify the Section 106 process and ensure that a greater sum of money can be secured to address the infrastructure impacts of development, instead of securing a large and complex range of financial contributions towards each matter. Contributions towards health impacts have been taken into account in the CIL charge, and for that reason Officers consider that the contribution requested is unjustified.

#### ***Public Toilets***

3.214 The GLA Stage 1 response advised that in line with London Plan Policy S6, public toilets should be provided and be appropriately secured by the Council. The policy expects that large-scale developments that are open to the public, such as shops, sport, leisure and health care facilities, transport hubs, cultural and civic buildings and large areas of public realm should provide public toilets. It advises that Boroughs should define 'large-scale' for their local circumstances and where no local definition is given, 'large-scale' should be taken to mean developments that come under Category 1B, Part 1 of The Town and Country Planning (Mayor of London) Order 2008.

3.216 Barnet's emerging local Plan glossary defines 'Large scale' as residential development over 200 units or a site of 4 hectares or more. Whilst the proposal

includes large areas of public realm, it is not considered appropriate for public toilets to be included in this scheme for a number of reasons. Mainly, there are heritage constraints across this site and the proposal seeks to minimise the built form, particularly within Areas B and C. It is considered that the close proximity of Barnet Hospital could help serve this need.

### **Planning Balance**

3.217 As stated earlier, after an assessment of the proposed development, Officers find that less than substantial harm will be caused to the designated heritage assets of the WSCA and The Whalebones. In accordance with Barnet policy DM06 and paragraph 208 of the NPPF, the harm should be weighed against the public benefits.

3.218 The proposed benefits of the scheme are:

- Provision of 115 new homes
- 35.1% of affordable housing by habitable room (41% by unit)
- 2.05 hectares of new, publicly accessible open space;
- Enhanced landscaping and biodiversity measures;
- Purpose built studio for the existing artists and beekeepers;
- New pedestrian and cycle routes; and
- Economic benefits through direct and indirect jobs and increased household expenditure.

3.219 For the reasons given in the assessment sections above, it is identified that there would be less than substantial harm to the significance of the designated heritage assets by virtue of the proposed development being within its setting and resulting in provision of built form in an area of undeveloped land.

3.220 The Appeal Decision relating to the Previous Application is also a material consideration. The proposed scheme has made a number of positive amendments which seek to reduce, minimise and mitigate the harm previously identified:

- overall reduced quantum of homes and built form;
- increased gap between Wood Street frontage and the northern part of Area A, thereby reducing the built development that is visible. There is now a more substantial landscaped boundary, and this area fronting Wood Street acts as a natural buffer between the proposed built development form and Wood Street itself, reducing the visual intrusion of the new residential houses;
- the design of the proposed development along the western boundary of the site shared with Collison Avenue is now predominantly houses rather than apartment blocks;
- removal of all of the five homes in Area C, and therefore no longer encroaches closely to the Whalebones House, and also improves the views/background to the Whalebones Arches;

- In Area A, along the eastern boundary with the listed building Whalebones House, the homes have been moved eastwards, reduced in height and the proposed 'Woodland Walk' has been retained and increased in width, providing a natural buffer between the two boundaries; and
- The separation distance between Whalebones House and the homes to the north has increased, along with these homes being reduced in scale and being re-designed in a "barn style".

3.221 Officers consider that above measures positively address the concerns raised by the Inspector in the dismissed appeal.

3.222 In this case, Officers acknowledge there would be a package of benefits that would arise from the development which have been maintained and enhanced from the previous appeal scheme.

3.223 Barnet's Reg 24 Local Plan has now been through an Examination in Public, with the Inspectors Interim findings stating that that the site is developable subject to agreed modification. This is now considered to have increasing weight in the decision-making process. It is considered that the scheme has followed a design-led approach which focuses on heritage and landscape and also provides a high-quality architectural scheme. It is considered to respond to the EiP Inspectors who sought to ensure that any scheme brought forward responds appropriately to the historic character of the site and its surroundings.

3.224 In applying paragraph 208 of the NPPF and Barnet policy DM06 c, it is considered that the package of public benefits is of considerable importance and it would outweigh the harm that would arise through the impact on the setting of the designated heritage assets in this case.

3.275 Subject to mitigation, measures relating to landscaping, highways, noise, contamination, air quality, transport impacts and sustainability will be secured via S106 obligations and relevant conditions.

#### **4.0 Equality and Diversity Issues**

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

- “(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.”

4.2 For the purposes of this obligation the term “protected characteristic” includes:

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

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

4.4 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.

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

4.6 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.

4.7 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.

## **5.0 Conclusion**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to a Stage 2 referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

