

Location **Intec House 49 Moxon Street Barnet EN5 5TS**

Reference: **23/5219/FUL** Received: 5th December 2023
Accepted: 5th December 2023

Ward: High Barnet Expiry 5th March 2024

Case Officer: **Josh Mclean**

Applicant: Moxon One Limited

Proposal: Demolition of the existing building and redevelopment of the site with the erection of a part-3 to part-7 storey building (including lower ground floor and mezzanine floor), to provide 98no. residential units (Use Class C3), reprovision of 726sqm of employment space (flexible workshop units) (Use Class E) with associated access, parking and cycle parking spaces, refuse storage, landscaping and amenity spaces and supporting infrastructure (AMENDED DESCRIPTION AND PLANS)

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 or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. **Affordable Housing**
Early and late-stage review mechanisms

4. **Carbon Offset**
Contribution of £74,483 towards the Council's carbon offset fund.
5. **Skills and Employment**
On-site or Off-site contribution towards skills and employment.
A contribution of £45,000 towards the loss of employment floorspace.
6. **Restriction of Parking Permits**
Contribution of £5,000 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits. Inform new residents that they are not entitled to a parking permit for any current CPZ.
7. **Travel Plan and Monitoring contribution**
Submission of a full Residential Travel Plan with monitoring contribution of £10,000.
Residential Travel Plan Incentives contribution of £14,700
8. **Car Club Provision**
Provision of one car club space or a financial contribution of £10,000 towards the delivery of a car club scheme.
9. **Pedestrian and cycle improvements in the area**
Contribution of £10,000 towards pedestrian and cycle improvements in the area.
10. **S278 Works**
Complete the Highways Works in accordance with the relevant Section 278 Agreement before occupation.
 - i. Existing footpath along the northern section of Moxon Street to be widened
 - ii. Footpath to be cleared of vegetation and resurfaces and kerb line & footpath reinstated in front of service zone & car club bay
 - iii. Provision of dropped kerb and tactile paving to provide an informal pedestrian crossing between the footpath on the north and south side of Moxon Street in the vicinity of the Application Site
11. **Loss of Street Trees**
Contribution of £45,000 for the loss of street trees removed to accommodate the development.
12. **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.
13. **S106 Monitoring**
A contribution of £6,480 towards the monitoring of the S106.

RECOMMENDATION II:

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

necessary by the Director of Planning and Building Control:

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

00001 - SITE LOCATION PLAN
00002 - EXISTING SITE PLAN
00003 - PROPOSED SITE PLAN
01001 - EXISTING LOWER GROUND FLOOR PLAN
01002 - EXISTING GROUND FLOOR PLAN
01003 - EXISTING FIRST FLOOR PLAN
01004 - EXISTING SECOND FLOOR PLAN
03001 - DEMOLITION LOWER GROUND FLOOR PLAN
03002 - DEMOLITION GROUND FLOOR PLAN
03003 - DEMOLITION FIRST FLOOR PLAN
04000 - DEMOLITION SECOND FLOOR PLAN
04001 P01 - PROPOSED LOWER GROUND FLOOR PLAN
04002 P01 - PROPOSED UPPER GROUND FLOOR PLAN
04003 P01- PROPOSED MEZZANINE FLOOR PLAN
04004 P01- PROPOSED FIRST FLOOR PLAN
04005 P01 - PROPOSED SECOND FLOOR PLAN
04006 P01- PROPOSED THIRD-FOURTH FLOOR PLAN
04007 P01- PROPOSED FIFTH FLOOR PLAN
04008 P01- PROPOSED ROOF PLAN
05001 P01- PROPOSED MOXON STREET ELEVATION
05002 - PROPOSED SOUTH CLOSE ELEVATION
05003 - PROPOSED EAST ELEVATION
05004 P01- PROPOSED SOUTH ELEVATION
06001 P01- PROPOSED SECTION A
06002 P01- PROPOSED SECTION B
06003 P01- PROPOSED SECTION C
06004 P01 - PROPOSED SECTION D

D0464_002 D - LANDSCAPE PLAN UPPER GROUND FLOOR HARDWORKS AND SOFTWORKS PROPOSAL

D0464_003 C - LANDSCAPE PLAN FIRST FLOOR HARDWORKS AND SOFTWORKS PROPOSAL

D0464_004 D - LANDSCAPE PLAN FIFTH FLOOR HARDWORKS AND SOFTWORKS PROPOSAL

D0464_005 D - LANDSCAPE PLAN ROOF PLAN GREEN ROOFS

D0464_006 C - LANDSCAPE PLAN URBAN GREENING FACTOR MASTERPLAN

TRP/IH49MSB/010 B1 - TREE REMOVAL PLAN

TPP/IH49MSB/010 B2 - TREE PROTECTION PLAN

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

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

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

- 3 a) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s), hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance

with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

5 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

This sound insulation shall ensure that the levels of noise generated from the extraction / ventilation equipment as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 7 No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of all the Air Source Heat Pump and extraction/ heating and ventilation plant , and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 8 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref 22-8927 v2 by Syntegra Consulting Ltd dated October 2023 shall be implemented in its entirety before any of the development is first occupied and retained as such thereafter.

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

- 9 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.

- 10 Before any units are occupied, all details of the emergency generator shall be submitted to and approved by the local authority. Where emergency generation plant is installed and requires testing, the noise emitted from this plant should not increase the minimum assessed background noise levels by more than 10 dB for the purpose of testing. This testing period is for up to one hour per month between 09.00 and 17.00 Monday to Friday only and not on public holidays. The emergency generator can only be used for a maximum of 50 hours per year.

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

- 11 The level of noise emitted from any installed ventilation and 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.

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 22003 - CAL-XX-XX-DR-A-04001 P01 (Proposed Lower Ground Floor Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 13 Prior to occupation of the development, the electric vehicle charging points shall be installed as shown on Drawing No. 22003 - CAL-XX-XX-DR-A-04001 P01 (Proposed Lower Ground Floor Plan). For the avoidance of doubt, this should include the provision of 7 active and 29 passive electric vehicle charging points.

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

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

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

Thereafter, before the development hereby permitted is occupied, a minimum of 181 cycle parking spaces (175 long stay and 6 short stay) Cycle parking spaces will seek to accord with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

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

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

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

- 17 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.

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

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

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

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

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

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

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

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

20 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. TPP/IH49MSB/010 B2 and the method statement contained from Section 8 of the approved Arboricultural Impact Assessment & Arboricultural Method Statement, by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

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

Reason: To safeguard the health of existing trees which represent an important

amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012).

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

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

- 23 Prior to occupancy of the development hereby approved, a Biodiversity Gain Plan and supporting plan that demonstrates biodiversity net gain and details of landscape enhancements shall be submitted and approved by the local planning authority.
- A. This document shall include details of habitat creation, enhancement measures for biodiversity gains using an appropriate Defra Biodiversity Metric calculator. This shall be incorporated into the scheme of the hard and soft landscaping, of the development. This scheme will include details of existing trees to be retained and size, species, planting heights, densities, positions of any soft landscaping, and

habitat enhancements such as bird and bat boxes log piles etc appropriate to location 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 and biodiversity enhancements shall be carried at the most optimal time wildlife and plantings. be all works must be completed within 12 months after occupation before the end of the first planting and seeding season and when most optimal for when following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

- 24 No development (including Demolition, Ground Works, and Site Preparation Works) shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. Details within the CEMP shall include the precautionary mitigation measures to sufficiently protect those that habitats, species, and statutory and non-statutory designated site of nature conservation outlined within the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior, and Construction Exclusion Zone plan within the CEMP.

The CEMP shall include:

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

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

- 25 Prior to occupancy of the development hereby approved, at least 2 x Schweglar 1FF Bat Box (or similar alternative) and 2 x sparrow terrace all be installed on the newly constructed building and/or retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. In addition, 1 x purpose built hedgehog home, and

2 x habitat pile are to be installed along the boundary of the site adjacent either retained woodland or planted hedges. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted and approved by the Local Planning Authority.

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

- 26 Prior to the commencement of works details of a Sensitive Lighting Strategy shall be submitted and approved by the Local Planning Authority.

Any artificial lighting scheme designed for project; including during the operational phase, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: 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.

- 27 Prior to the commencement of works, a detailed Precautionary Method Statement for Reptile, Stag Beetle, and mammals (Hedgehog and badgers) is required to be submitted and approved by the Local Planning Authority. The document will need to outline the potential risk of encountering the species present, the required work methods, and what to do in the event that any of these species are encountered during the proposed works as outlined with the submitted and approved Preliminary Ecological Appraisal (Syngerta Consultancy, June 2022).

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.

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

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

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

- 29 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as

approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

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

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

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

31 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

32 a) The non-residential development is required to meet the BREEAM Very Good level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

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

- 33 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

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

- 34 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D7 of the London Plan 2021.

- 35 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% in carbon dioxide emissions of the domestic element and 28% of the non-domestic element when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

the approved details.

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

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

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

- 38 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 39 The employment floorspace shall be used for Use Class E (c) or (g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 40 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.

41 Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause waterquality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

42 If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

43 Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

44 The development must be carried out in accordance with the provisions of the Fire Engineering Gateway One Planning Statement (Revision 02 - 13 September 2013 prepared by Hoare Lea and Hoare Lea Letter dated 09 February 2024 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.

45 A Noise Management Plan (NMP) for the noise from the use of the outdoor terrace areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The NMP shall identify measures to reduce the impact of the noise on the surrounding residential properties.

The NMP shall be fully implemented and operated at all times in accordance with the approved details.

Reason: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.

RECOMMENDATION III:

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

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, skills and employment, highways mitigation and loss of street trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

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

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

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

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

5 Thames Water

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-scaleddevelopments/planning-your-development/working-near-our-pipes>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local

watercourses.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption (<https://www.thameswater.co.uk/developers/larger-scale-developments/sewers-andwastewater/adopting-a-sewer>). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.

6 Affinity Water

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 in chalk stream catchments. 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 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. In this location Affinity Water will supply drinking water to the 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. 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. Please note that charges may apply.

7 Ecology

Biodiversity Net Gain

No works shall be undertaken during outside of the species-specific activity period. Guidance can be found within BS 8683: 2021 A process for designing and

implementing biodiversity net gain and BS42040:2013: Biodiversity Code of practice for planning and development, and documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

Ecology Toolbox Talk

It is advised prior to commencement of works, an Ecology Toolbox talk be given by the project ecologist outlining the relevant legislation relevant to bats and other protected species e.g., reptile, nesting birds, hedgehogs, stag beetles), areas and actions to be avoided and what to do in the event that such protected species are discovered during the works.

Species rich plantings and seeding

It is advised that any landscaping for the site include native species rich plantings and night scented plants and species rich hedges and trees which would attract invertebrates and thus provide benefit to foraging bats and nesting birds. 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 proposed hedgerow planting on the east and west side of the new building is advised to 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. These recommendations are in line local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan 2021.

Nesting Bird Check

Avoid all vegetation clearance during the active nesting bird season. 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.

There is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

Protected Species

In the event of any protected species (e.g. hedgehogs, reptiles, badgers, bats) being found works must stop, an suitably qualified ecologist be consulted immediately and the correct level of additional surveys and mitigation applied

including any licences that are required to be approved and issued by the Natural England (if required). Following the appropriate level of survey and or surveys approved by the LPA, the works may resume.

Non-native Plant Removal

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

8 Highways

Refuse

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

Works on public highway

For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.

9 Environmental Health

Construction Method Statement

The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank

Holidays. Bonfires are not permitted on site.

- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

Contamination

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

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

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

Qualified Acoustic Consultant

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;

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

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

10 Trees / Landscape

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."

OFFICER'S ASSESSMENT

1. Site Description

The proposal site comprises of circa 0.2 hectares and consists of a part-three storey building to the front, dropping down to a warehouse space to the rear. The area around the building is covered in hard standing with car parking to the front and side. The land falls travelling east on Moxon Street towards the site.

The site and the approach to it, benefits from a verdant character. To the immediate north is a dense row of trees which runs up Moxon Street to the west and also to the east into St George's Fields, which is a Site of Importance for Nature Conservation (SINC), designated Green Belt and a Registered Historic Battlefield. To the south is a two-storey commercial unit (named Fortune House) currently occupied by Howdens Joinery and finished in brick. To the west set behind the row of trees are the rear gardens of the residential properties which front onto South Close which runs parallel to Moxon Street. There are also residential properties to the north on South Close.

The Site is situated within a Locally Significant Industrial Site (LSIS) known as Hadley Manor Trading Estate. On the south side of Moxon Street within the trading estate are also 50 Moxon Street which has received permission through ref: 21/6488/FUL for a Special Education Needs School and Hadley Wood Hospital. 350m to the west is Chipping Barnet High Street and 250m is Wood Street Conservation Area which starts just beyond Tapster Street and extending westwards across the High Street. Whilst the western end of Moxon Street adjacent to the town centre is a mix of residential and business use, the central section of Moxon Street is predominantly residential. In addition, Hornbeam Court and Blackthorn Court are four storey apartment buildings located to the south and accessed from Laburnum Close. Also to the immediate south are the 3 storey residential terraces located on Snowberry Close.

Intec House itself is divided into two areas, the eastern part which is a light industrial warehouse space; and the western part, 3-storey office building with a mezzanine level. The applicant has confirmed that the building comprises 1,682 sqm of useable employment floorspace - Net Internal Area (NIA). In addition, it is also stated that the building currently provides on-site employment for approximately 20 people at any one time, whilst the building is also used for storage and ancillary purposes.

The site has a PTAL of 3 (moderate) as calculated by the TfL WebCAT tool with High Barnet underground station located approximately 950m walking distance to the south.

2. Site History

Reference: 22/4526/FUL

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

Decision: Approved following legal agreement

Decision Date: 28 November 2023

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

Reference 19/3994/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 27 September 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 39 dwellings (Class C3). Provision of 22 car parking spaces (including 4 electric parking spaces & 2 wheelchair accessible spaces) and 40 cycle spaces.

Reference 19/3117/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference 19/3083/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference B/00465/11

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 11 April 2011

Description: Continued use of premises as B1/B2 mixed use including opening hours of 08:30 to 13:00 on Saturdays for a period of 5 years.

Reference B/00147/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year.

Reference B/00146/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year together with the extension of the hours of use to include 08:30-13:00 on Saturdays.

Reference B/00113/09

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 March 2009

Description: Retention of change of use from Class B1 to a mixed use comprising B1

(offices) and B2 (car servicing and repairs including use of one bay for MOT Testing) (Sui Generis)

Other relevant Planning History

Reference: 23/2741/FUL

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

Decision: Pending Decision

Decision Date: N/A

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

Reference: 21/6488/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 30 May 2022

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

3. Proposal

The proposal comprises the demolition of the existing building and redevelopment of the site to a mixed-use development, consisting of 726sqm of employment space (Use Class E) and 98no. residential units (Use Class C3).

Due to the sloping topography of the site, the proposal would read as 6-storeys with a recessed 7th floor from the front of the site and 7-storeys at the rear. The proposal comprises of a lower and upper ground floor, mezzanine, 1st - 5th storeys and a recessed 6th storey. The proposed employment space would be located at upper ground and mezzanine levels.

The proposed footprint takes the form a 'H-shape' which encloses a courtyard / external amenity area to the south at upper ground and first floor levels. At the upper levels, the built form reduces and steps back becoming 'L-shaped'.

Pedestrian access into the site would be from Moxon Street leading into an opened-top courtyard / lightwell. 36 parking spaces are proposed within the lower ground floor level which would be accessed via a ramp along the southern boundary.

Additional Information

During the lifetime of the application, in response to Officer requests, the applicant submitted revised plans, comprising of:

- Removal of residential accommodation at the upper ground floor facing onto Moxon Street and relocating it to Mezzanine level with addition of 2no. new units;
- Relocation of proposed employment space from Mezzanine level to Upper Ground

- Floor Level; and
- Submission of daylight and Sunlight statement to respond to neighbour comments at 21 South Close.

4. Public Consultation

Following the issuing of the decision notice relating to application ref: 22/4526/FUL dated 28 November 2023, the Council received a Pre-Action Protocol (PAP) Letter from No.21 South Close, which raised the following grounds of challenge:

1. Unlawful reliance on a flawed PTAL score;
2. Flaws in the Daylight / Sunlight assessment; and
3. Reliance on tree screening.

These matters have been responded to within each relevant section of the report and summarised at the conclusion of this report.

Consultation letters for this application were sent to 178 neighbouring properties. Following the receipt of revised plans, the application was subject to a period of re-consultation.

Overall, 105 responses have been received, comprising 105 letters of objection.

The objections received can be summarised as follows:

- Committee were misled in approving the 1st application with incorrect information in the officer's report
- Query loss of commercial space
- Excessive density, height, scale and massing
- Poor design
- Overdevelopment
- Not in keeping with the two and three-storey area
- Impact on Green Belt
- Cumulative impact with adjacent development at Fortune House
- Inappropriate housing mix
- Properties of an insufficient size
- Quality of internal residential accommodation
- Inadequate access for disabled people
- Removal of and absence affordable housing
- Overlooking
- Impact on privacy
- Loss of daylight / sunlight to neighbouring properties
- Conflict with BRE guidance
- Daylight/Sunlight report assessed against out-of-date BRE guidelines
- Overshadowing
- Overbearing impact
- Noise impact
- Significant impact on local air quality
- Impact on daylight / sunlight on existing properties
- Outdoor disturbance from outdoor play area
- Inadequate parking provision for residential and employment space
- Flawed PTAL rating
- Cumulative traffic impact with new SEN school

- Safety impact on SEN school
- Increased traffic movements and congestion
- Impact on trees and woodland
- Loss of screening through removal of existing trees on South Close
- Impact on ecology and wildlife
- Drainage and sewer impact
- Impact on local infrastructure
- Disturbance during construction
- Application provides inadequate and/or misleading information

Internal Consultee Response

Commercial Services Street Scene

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

Ecology

No objections to the proposed works on ecological grounds as the scheme does not differ significantly from the previously consent scheme 22/4526/FUL, only in the uplift of residential units from 92 to 96 residential units (Class C3) and 798sqm NIA employment floorspace (Class E) with associated access, hardstanding, parking and supporting infrastructure. These changes do not present a material alteration to the existing onsite or offsite ecology and so the findings of the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) and the Bat Activity Report (Syntegra Consulting, August 2022) remain valid.

Environmental Health

No objections subject to conditions.

Sustainable Drainage

Further information required but can be secured via condition.

Traffic and Development

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

Trees

No comments were received as part of this application. As comments were received as part of the previous applications, these have been carried forward into this application.

External Consultee Response

Affinity Water

The proposed development site is located near an Environment Agency defined groundwater Source Protection Zone 2 (SPZ1) corresponding to our Pumping Station (NORM). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. Provided that the suggested conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

Greater London Archaeological Services (GLAAS)

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of

archaeological interest.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified in the Local Plan: [77418] Chipping Barnet

Although just within the Chipping Barnet Archaeological Priority Area the site was actually in fields outside the historic town until the twentieth century. Whilst earlier remains could have been present there are few recorded finds in the immediate vicinity and modern development will have caused disturbance. On balance I consider the site to have low archaeological potential. Barnet's Archaeological Priority Areas are outdated and due for review.

No further assessment or conditions are therefore necessary.

Health and Safety Executive (HSE): Planning Gateway One

HSE raised a concern in the previous substantive response, regarding the access to the fire-fighting shaft by fire service personnel. It is noted that the corridor on the upper ground floor, used to access the fire-fighting shaft, is an 'open-air' access space, forming part of an external courtyard. The internal Fire Service entry route is less than 18m. Therefore, the access to the fire-fighting shaft is compliant with fire safety standards recommendations. Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

Metropolitan Police: Secure by Design

I have reviewed the applicant's design and access statement (DAS) and proposed plans - these do not appear to have changed significantly from a crime prevention perspective over what was previously commented upon on planning reference 22/4526/FUL. Although there is no objection to this submission, I would respectfully request that any approval of this application contains a planning condition for Secured by Design (SBD) accreditation, prior to occupation.

Transport for London (TfL)

This application is a revised version of the previous and recently consented application number 22/4526/FUL. The addition of 4 residential units and 70sqm of employment space is not anticipated to have a strategic impact. It is assumed that any consent will have a slightly amended legal agreement to reflect the proposed changes. Subject to this TfL does not object to the proposals.

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.

The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object. Notwithstanding this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that an informative is attached to the planning permission.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above

planning application, based on the information provided.

Urba

Instructed by LBB to undertake an independent viability review of the applicant's submitted viability report.

Based on our assessment of current day costs and value, the scheme is more viable than the applicant is demonstrating, but not to the extent to generate a surplus to fund affordable housing.

Neighbouring / Residents Associations and Local Amenity Groups

Barnet Society

The Barnet Society objects to the scale and design of this proposal, particularly its density, 8-storey height and minimal outdoor amenity space. Our reasons were set out fully in our letter dated 27 October 2022 commenting on the previous application for this site (22/4526/FUL).

We do not accept the applicant's reasons for increasing the number of residential units in this over-development from 92 to 96 and refusal to provide any affordable housing.

Although we do not object to the proposed increase in employment floor area from 728 to 798m² per se, the effect will be to reduce the already constrained lightwell and lose the generous volumes of the workspace, which were mitigating features of the original design.

Apart from adding to the neighbourhood's stock of residential units and workspace, it is hard to discern the 'vast majority of public benefits' listed in the Planning Statement (1.7), and its claim that the design is 'landscape-led' is frankly absurd.

Barnet Resident's Association

On the previous application I pointed out that this location was rated as PTAL 3 and not PTAL 4 as claimed in the application (only the top end of Moxon St is PTAL 4). The decision to approve was based on officer advice that PTAL 4 was correct. This error was material as the density guidelines for PTAL 3 are lower than the density of the approved scheme.

The transport assessment for this scheme repeats the previous error again claiming the site is in PTAL 4. As the approved scheme has a density in excess of the recommended guidelines there should be no question of yet a further increase in the density of this development.

This is yet another example of a developer seeking to remove the affordable housing element of an approved scheme. Affordable housing is a vital component of future provision in the Borough. Losing this should be resisted and if necessary the developer asked to redesign the scheme to enable affordable housing to remain.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was updated in December 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS7, CS8, CS9, CS13, CS14, CS15

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan - 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). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant

material consideration in the Council's decision making on planning applications.

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

Supplementary Planning Documents

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

Principle of Development

Employment Provision

The site is located within the Hadley Manor Trading Estate, which is a Locally Significant Industrial Site (LSIS) under Barnet DM14. The existing building is currently vacant. It is acknowledged that previously the prior approval application (Ref: 19/3994/PNO) was refused on the grounds that there was insufficient information that the site was in a lawful office use (b1a) at the time of the application under the previous Use Class Order. However, since that decision, it has been demonstrated to Officers that the building has a lawful use of B1a which then transferred to Use Class E(a) under the new Use Class Order legislation.

Barnet Policy DM14 states under a: i) *"Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted."* Normally these sites would be associated with a B2 or B8 use class. However, as the lawful use has been established as formerly B1(a) and now transferred to E(a), it could freely transfer within the E Use Class without the need for permission and outside of the LSIS B Use Class restrictions.

The application is supported by an Economic Statement which advises that the building comprises approx. 1,700sqm of useable employment space and at a time in 2021, the employment level in the building was approx. 20 people. It concludes that a long-term industrial use of the site is unlikely to be successful, due to its location (away from main industrial and logistics hubs) and its poor access. It does state that a small number of local or start-up businesses may be attracted to the location if it contains flexible small-scale units. It continues that the level of demand is likely to be low and the amount of re-provision should reflect this.

The proposal provides circa 726sqm of employment floor space which is supported on the basis that a wholesale replacement of an industrial or office use would be unlikely to be appropriate or successful. Furthermore, the provision of a series of small scale commercial or industrial units would meet existing needs. The employment provision would be

provided across the upper ground floor and mezzanine levels. The Council's Planning Policy Team are accepting of this principle, with the loss of employment floorspace needing to be mitigated through a contribution to employment training in accordance with Barnet's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Looking at the wider LSIS, Hadley Manor Trading Estate extends to 0.5ha and represents one of the smaller LSIS designated industrial estates in the Borough. There are four existing buildings comprising the estate, one of them being the application site (Intec House), the adjacent Fortune House (currently occupied by Howdens), Hadley Wood Hospital and 50 Moxon Street which most recently obtained permission to convert to a SEN school. As the proposal still retains a meaningful level of employment floor space at the site, it is considered overall to be acceptable in regard to this element and compliant with Barnet Policy DM14. This approach was accepted in the previous application ref: 22/4526/FUL and also the adjacent Fortune House proposal ref: 23/2741/FUL.

Residential

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

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

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

It is situated in an area with a PTAL rating of 3 (Moderate) making it sustainably located in terms of access to public transport also.

Therefore, the proposal site would meet the principal criteria set out by London Plan policy H1 B(2) that seeks the optimisation on all suitable and available brownfield sites for potential housing delivery.

Agent of Change

As a mixed-use development site located within an LSIS, the application needs to demonstrate that the introduction of residential uses in this location will not harm the ongoing operation of existing employment uses (which in this instance is only Howdens).

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

Furthermore, the design of the scheme has been sensitive to the operation of Howdens by

avoiding the location of any habitable room windows on the southern elevation. The access of the site remains unchanged and safe pedestrian routes are provided within the local area (and commitments to additional crossing points provided within the Heads of Terms).

Housing Quality

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

Unit Mix

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

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

Unit Type	No. of units
1 bedroom	54 (55%)
2 bedrooms	38 (39%)
3 bedrooms	6 (6%)
Total	98

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

The scheme provides a large number of one and two properties. As established in previous precedents set in the Borough, the Council's policy does not dictate the delivery of only three and four bedrooms uses. A decision needs to be made on a case-by-case basis. In this instance, the application site is located circa 300m from a District Town Centre and has a PTAL of 3. As such, it is a location where the density of the scheme should be optimised and where low car ownership flatted development is encouraged by

the London Plan.

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

Affordable Housing

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, with schemes which meet or exceed these thresholds, not having to submit viability information. Schemes that do not meet this threshold, or require public subsidy to do so, will be required to submitted detailed viability information under the Viability Tested Route.

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

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

The application has been submitted on the basis of the viable tested route and is supported by a Viability Report by Quod. This report concludes that the proposed scheme is in deficit of -£3,958,470 and cannot viably support the delivery of any affordable housing.

The LPA instructed Urba to undertake a viability review of the submitted Viability Report. The purpose of this report is to review the Quod statement and to assess whether their assumptions and appraisal inputs used are reasonable and whether the conclusions formed are appropriate and justified. Based on Urba's assessment, they have found the scheme to be more viable than the applicant is demonstrating (-£3,245,327), but not to the extent to generate a surplus to fund affordable housing. Both reports have been reviewed by the Council's Viability Officer and is satisfied that a robust assessment has been undertaken by Urba. The conclusions that the proposed development cannot contribute towards affordable housing is accepted. An obligation within the legal agreement will secure the inclusion of early and late stage review mechanisms.

Standard of Accommodation

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

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

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

Daylight and Sunlight

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

With regards to daylight and sunlight access, the applicant previously provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines. The purpose of this report was for Officers to understand whether the lower sited units on the eastern elevation facing onto King George's Fields would receive adequate light. Considering the layout / orientation of the upper level units, Officers were satisfied that that these would receive adequate levels of daylight / sunlight and provide good quality accommodation.

The report tested 15 rooms (a mix of LKD rooms and bedrooms) using the average daylight factor (ADF) and projected that 47% (5 bedrooms and 2 LKD) would achieve or exceed the BRE target values. Of the four LKD rooms which fell short of the guideline, two rooms achieved values of 1.56% and 1.61% which would exceed the 1.5% ADF guideline value for a living space. The remaining two LKD rooms projected narrow fails of achieving the guideline values for living spaces, achieving values of 1.41% and 1.48%, respectively. The report advises that all four of the LKD rooms are single-aspect rooms and configured such that the kitchen is located toward the back of a fairly deep room and naturally will contain artificial task lighting. These kitchens will then lead on to what is considered a well-daylit living. These units also include at least one well-daylit bedroom. In seeking to improve these units, the LKD rooms have been designed to have an unblinkered view of the sky by not having windows that sit underneath projecting balconies on the floor above. Units at this level are also provided with direct access to an outdoor private amenity space.

For sunlight, as these units face east, they will naturally have reduced levels of sunlight compared to rooms served by windows which are south facing and to which the BRE suggest have a more realistic expectation of sunlight. The report advises that it is likely that these units will only have access to sunlight for around half of the day.

It should be noted that BRE Guidance is not a mandatory standard and is used as an indicator of performance. It is extremely rare for flatted development to deliver a scheme which delivers full adherence against the guidance. Officers were aware of the limitations of these units as the proposal evolved and have sought to mitigate any failures as far as practically possible. The scheme has sought to try to design out any limiting factors such as considering the size / positioning of upper floor balconies. There are 6 dwellings across the level, and when considering this against an overall scheme of 98 units, the overall performance of daylight and sunlight across the scheme when considered as a whole, is considered to be acceptable.

Wheelchair Accessible Housing

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

allowed and planning permission is granted, to ensure compliance with these policies.

Amenity Space

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

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

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

The development delivers amenity space through the provision of private balconies (771sqm) and a shared courtyard and communal spaces (281 sqm) at first and fifth floor levels. It would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

Children's Play Space

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

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

The scheme delivers 190sqm of playspace within the shared central courtyard and at the proposed fifth floor level. Officers are satisfied with the principle and quality of play provision proposed. It is noted that King George's Field is immediately to the rear of the site and Old House Playground is circa 500m to the south-west of the site.

Secure by Design

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

from a safety and security perspective.

Fire Safety

The application is accompanied by a Fire Statement produced in line with the requirements of London Plan (2021) Policy D12 (Fire Safety). Whilst the detailed information on materials and product types are not yet available, the statement confirms that the material performance to fire will be in accordance with Regulation 7 'Materials and Workmanship' (Building regulation 2010), ensure that all materials are non-combustible.

The HSE Planning Gateway One have confirmed that they are content with the proposed fire safety design.

A planning condition will be recommended to ensure that the development is constructed in accordance with the mitigation and safety measures prescribed by the fire statement.

Design

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

Design Concept

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

Layout, massing and scale

The proposed footprint occupies the majority of the ground coverage with a stepped along the north-western boundary where there are existing trees. Whilst the proposed development occupies the majority of the site, this in itself is not necessarily seen as an issue. Within this LSIS, the building footprints are larger than the surrounding neighbouring streets. Even the newer constructed flatted developments in Laburnham Close have large footprints compared to their respective plots. Therefore, in terms of footprint, the proposed development is seen to be acceptable.

The proposed scheme varies in height from 3 storeys up to 7 storeys. When approaching the site from Moxon Street, the proposal has a lower and stepped footprint, with the taller element screened behind the existing trees. This elevation would read as six-storeys with a recessed top floor. This is considered to be acceptable. The lower mass here corresponds to the two-three storey massing of Moxon Street but also provides a natural end to the descending view down the hill.

With the steep sloping topography across the site, the massing / bulk of the proposal is increased towards the rear of the site. Along South Close, there will be varying screening by existing trees and proposed tree retention. Whilst it is accepted that there will be increased visibility of the proposed building, it is considered that proposal with its layout, stepped elements along the façade, recessed upper floor levels and differing materiality, is acceptable in mitigating the overall scale / bulk.

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

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

Discussions were held around suitable viewpoints of shorter and longer views in order to seek confirmation of the visual impact of the proposed development. The submitted Townscape Assessment considers the impact from a variety of short and long range views and these demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

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

Appearance and materials

The architectural expression follows a series of horizontal and vertical emphasis with light and dark brick bays. The Council's Urban Design Officer is supportive of the development and the proposed architecture.

The predominate material is a brown brick of varying light, medium and dark colouring with a green coloured metal cladding on the stepped back top floor. The proposed palette of materials is welcomed and is considered to help stitch the proposal within the context of the surrounding area.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies.

Impact on Green Belt

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

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

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

The proposal should be seen in the context of the top of the trees and should not be dominant on the skyline or protrude significantly above the existing buildings lines or tree canopy line. The majority of views of the proposed development from St George's Field would be largely screened and views unimpacted and only glimpses of the upper level of the proposed development may be visible from some views. Therefore, Officers are satisfied that the openness of the Green Belt from within St George's Field would be maintained and unimpacted by the presence of the proposed development.

When viewing the proposed development in context, its overall height is experienced against the top levels of the tree canopies, again with the green metal cladding helping blend the proposal into the landscape context.

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

In order to respond to this, the proposal has a recessed top floor, and it is considered that the proposal would not be dominant within this skyline and would have an acceptable impact in terms of the setting of the Green Belt.

Heritage

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

The Site is not within or does not contain any designated or locally listed heritage assets. However, the Site is located within the vicinity of the Monken Hadley Conservation Area, Wood Street Conservation Area, a Registered Battlefield and several locally listed buildings. As demonstrated by the Heritage Statement, the application would not impact on any significant views of any statutory heritage assets. It is considered that there will be no harm to the settings of the conservation area, Registered Battlefield or other heritage assets.

Amenity of Impact on Neighbouring Properties

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

Privacy, overlooking and outlook

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

South Close - the scheme achieves in excess of the required 21m when measuring between facing elevations. The closest elements are the two corner elements of the north-west elevation which measure 22m with the middle section being further recessed by a couple of metres. The north-western corner of that elevation also steps back considerably from third storey upwards. The only exception is the property immediately to the west (no.1 South Close) which is 16m away from the proposed development. This elevation facing the application site is a flank elevation, which is usually blank, but it appears two bathroom or hallway windows have been inserted, as well as a living room window which would give an existing living room a second aspect. However, there is a thick row of trees screening the existing property and the proposed development and there is no proposal to remove these in the application. Whilst the scheme would introduce a considerable magnitude of change and perception of overlooking compared to the existing position, it is not considered that this impact is demonstrably harmful due to factors such as the separation distances mentioned above, intervening tree screening and orientation of neighbouring properties.

Snowberry Close: Fortune House (Howdens) lies between the application site and Snowberry Close which measures circa 35/36m. It is not considered that the proposals would result in any demonstrable loss of privacy to the neighbouring properties in this street.

Objection comments have raised concerns about the proximity / use of the proposed fifth floor external terrace. As similar to above, the terrace would achieve the recommended separation distances between neighbouring properties. The submitted landscape plan for this element illustrates that the useable amenity area will be further set back from the building edges by approx. 1.5m with planting proposed in the area in-between. Officers are satisfied that these elements will help reduce any potential amenity impact.

To the south-west of the site, lies Hadley Wood Hospital and Blackthorn Court (within Laburnham Close). However, due to the use of the hospital and considerable separate distance to Blackthorn Court (circa 45m), it is not considered that the proposals would result in any demonstrable loss of privacy to these neighbouring buildings.

Impact on daylight, sunlight and overshadowing

The PAP letter received from the neighbour raised two issues with the previous assessed daylight / sunlight report. Firstly, that the submitted report contained material errors and secondly, that the submitted report was carried out against the 2011 version of the BRE guidelines, despite new guidelines being produced in 2022.

The submitted report daylight and sunlight analysis submitted with this application has been undertaken in accordance with BRE 2022 guidelines and therefore accounting for the most recent guidelines. When assessing any potential effects on the surrounding properties, the BRE guidelines suggest that only those windows that have a reasonable expectation of daylight or sunlight need to be assessed. The BRE guidelines provide two principal measures of daylight for neighbours - Vertical Sky Component (VSC) and No-Skyline (NSL).

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

1 - 6 South Close;
19A - 22 South Close;
64 and 66 East View;
Blackthorn Court; and
12 - 14, 16 - 19 and 21 Snowberry Close.

The report findings demonstrate that for daylight, all windows and rooms in East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and the Snowberry Close properties achieve or exceed the guideline BRE values, either by experiencing minimal change or no impact from the proposed development to their daylight levels.

For sunlight, all properties with south facing windows were tested. All windows and rooms in 66 East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and Snowberry Close properties achieve or exceed the guideline values for both annual and winter APSH, either by experiencing minimal change or no impact from the proposed development to their sunlight levels.

For those properties which do experience a reduction in daylight / sunlight levels as a result of the proposed development, a summary of the impacts are set out below:

22 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the ones that remain, one window achieves a value of 0.6 times its former value, and one window achieves a value of 0.63 times its former value. For daylight distribution, two (100%) of the two rooms assessed adhere to the guideline values, demonstrating that the light levels with the rooms themselves remain adequately lit.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all four (100%) achieve the guideline values for winter sunlight. Of the window that remains for annual sunlight, it achieves a value of 0.54 times its former value.

21 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the windows that remain and those which face the proposed development, one lighting a study achieves a value of 0.65 times its former value and one lighting a living area achieves a value of 0.37 times its former value. For daylight distribution, one (33%) of the three rooms assessed achieve the guideline values and does not experience any reduction in its lit area whatsoever. The rooms that remain, these achieve values of 0.77 and 0.76 times their former value respectively, and therefore only narrowly miss a guideline of 0.8.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all (100%) of the four rooms assessed achieve the guideline values for winter sunlight. For annual sunlight, the window that remains achieves a value of 0.42 times its former value.

21 South Close Addendum results

Further to the report that was already submitted, additional technical results with regard this property were undertaken based on the internal arrangements set out in the PAP letter. Principally, these relate to two habitable ground floor rooms which the PAP letter advised were larger than had been assumed by the applicant's submitted report. As the letter did not confirm the exact layout of the property, three different scenarios have been tested based on potential internal layouts. The addendum letter advises that for the windows facing out onto South Close, the results for the VSC and APSH will not change as these methodologies are assessed at the window.

Scenario 1

This scenario is based using the proposed plans from planning ref: 17/5460/PNH. For daylight distribution, the study achieves strict BRE compliance, with a change within the suggested permissible 0.8 guideline. The bedroom achieves a result of 0.69 times its former value, leaving the room with access to direct sky to 69% of its area.

Scenario 2

This scenario accounts for an increased number of windows (many of which provide mitigating light into the LKD room) as the depths have been extended. From the survey information collected, it was noted that there is a side window lighting the room denoted as the study and that the LKD room contains extensive glazing to the rear of the property which leads out onto the garden. The results of the VSC assessment show that these additional windows do not experience a noticeable change in their absolute values as they do not have a direct view of the proposed development. For daylight distribution, both rooms (the study and the LKD) achieve achieves strict BRE compliance by receiving no reduction in their lit areas whatsoever and therefore exceed the BRE's recommendations.

Scenario 3

This scenario incorporates the room size increases advised within the PAP Letter and also accounts for an increased window in the study. The addendum advises that this window does not experience a noticeable change in its absolute value as it does not have a direct view of the proposed development. For daylight distribution, the study receives no reduction whatsoever in its lit area, as a result of benefiting from extra windows which does not face the proposed development. The living room will experience a change of 0.52 times its former value, as a result of a deeper room with 40% of its area retaining access

to direct sky. The addendum advises that this room experiences lower daylight levels due to self-obstruction with a deep roof overhang to its only serving window. Due to the room deepness, this overhang greatly increases the burden on light and creates a blinkered outlook.

20 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, 12 (60%) of the 20 windows assessed achieve the guideline values, with all windows on the first floor adhering to the guidelines. Of the eight windows that fall short of the guidelines, four retain absolute VSC values of 15% or above, ranging from 20.59% to 16.97%. For daylight distribution, all (100%) of the four rooms assessed achieve the guideline values, demonstrating how the light levels within the rooms of this property remain adequately lit.

For sunlight, 16 (84%) of the 19 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms achieve the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of between 90% and 59%, well above the 25% guideline suggested by the BRE. On a winter basis, the rooms achieve values of between 20% and 15% against a guideline of 5%.

19 South Close

This residential property sits to the north of the site.

For VSC, five (50%) of the 10 windows assessed achieve the guideline values. Of the windows which fall short of the guidelines, one window achieves a value of 0.77 its former value, narrowly missing the 0.8 guideline. The remaining four windows achieve values ranging between 0.68 and 0.53 times their former value. Again, each of the windows that fall beneath the guidelines lights a room that is lit by many other windows that are BRE adherent. Looking to the light within the room, for daylight distribution, all (100%) of the two rooms assessed achieve the guideline values, demonstrating how the light within the rooms will remain adequately lit.

For sunlight, seven (70%) of the 10 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms exceed the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of 64% and 36%, respectively, well above the 25% guideline suggested by the BRE guidelines. On a winter basis, the rooms achieve values of 18% and 14% against a 5% guideline.

Overshadowing

An overshadowing assessment has also been undertaken by the applicant and assesses the overshadowing effect to the neighbouring gardens from the proposed development. BRE guidance recommends that at least half of the garden or open space can receive at least two hours of sunlight on 21 March. The rear gardens of the following properties have been assessed:

19A - 22 South Close;
64 & 66 East View; and

1 - 6 South Close.

The results of the two-hour sun contour test confirm that all of the gardens at the South Close and East View properties exceed the guideline values, with negligible or no impact received.

Daylight, sunlight and overshadowing summary

The results demonstrate that the vast majority of windows within the neighbouring properties will meet or exceed the latest BRE guideline values for both daylight and sunlight availability with the proposed development. When considering both the VSC and daylight distribution together, almost all rooms in the neighbouring properties exceed the guideline values for daylight - the exception being two rooms within 21 South Close. Additional assessment / consideration was undertaken for this property, accounting for the room sizes advised within the PAP Letter.

The results demonstrate that all of the gardens assessed will either continue to receive good levels of sunlight or show a negligible change to sunlight levels.

In conclusion, whilst it is noted that there are projected reductions across a number of properties, it is not considered as a whole to have demonstrable harm to the sunlight and daylight of existing surrounding properties.

Environmental Considerations

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

Contaminated Land

The application is accompanied by a Desk Study Report. This concludes that significant remediation works would not be required as part of the proposed development, as the potential risk to identified receptors is considered manageable through the use of measures detailed within Contamination Risk Assessment report. The Council's Environmental Health team have reviewed the contents of both documents and are satisfied with the recommendations and conclusions set out.

Air Quality

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

The application is accompanied by an Air Quality Assessment report produced by Syntegra. The report states that the air quality impacts arising from the scheme are unlikely to be significant, given the limited amount of traffic on the existing roads and arising from the development. This assessment assumes that best practice construction methods are followed, and this is secured by condition.

Noise and General Disturbance

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

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The commercial uses are less in quantity than the existing site usage and would be unlikely to result in additional disturbance to the existing environment, or to the proposed residential units.

The Air Quality Assessment produced by Syntegra has identified that the approach to building envelope secures a suitable scheme that meets the necessary standards, this is based on construction assumptions that can be secured through condition.

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

Objection comments have raised concerns regarding potential overspill noise from the upper floor terrace. A condition has been attached to require the submission of a noise management plan which can address mitigation measures as not allowing amplified music, restricting hours of use, a logbook for complaints and ability for nuisance reporting and management, etc.

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

Transport, Highways and Parking

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

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

Residential Car Parking

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.

The site lies within a No Waiting Zone, residential CPZ and Payment Parking (Mon-Sat 8am-6.30pm). This extends up Moxon Street and to the surrounding streets. The site lies in an area of PTAL 3 (moderate).

The PAP letter raised a challenge that the Council relied on a flawed PTAL assessment which had been manually calculated a higher PTAL rating within the submitted Transport Assessment. Their own independent transport advice produced a PTAL score of 3. Officers are happy to adopt the TfL WebCAT score of 3 for the purposes of this assessment.

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

Location	No. of beds	Maximum parking provision
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

The scheme will provide 34no. residential off-street car parking spaces at a ratio of approx. 0.37 spaces per dwelling. Provision of a minimum of 10% Blue Badge residential parking spaces on-site will be accommodated. This is in accordance with the London Plan standards.

A parking survey was also undertaken to demonstrate the current kerb side parking pressures within 200m distance of the site. Two separate overnight surveys were undertaken, with the results demonstrating that there a parking stress of 56% within the study area.

In terms of EV Charging, the proposal will provide active charging in accordance with the London Plan requirements.

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

- Restriction of future residents from obtaining parking permits;
- A travel plan; and
- Provision of car club space.

TfL were previously accepting of the proposed parking provision and have carried this through with the current application.

The London Plan parking requirements are maximum standards and as the proposed provision does not exceed those requirements, it is compliant with Policy T6.1. Residents have raised concerns about parking overspill into the surrounding streets, however, this can be appropriately mitigated through the S106 measures set out above. The nearest unrestricted roads such as Manor Road and Meadway are approximately 500m and 400m away respectively from the application site.

Commercial Car Parking

It is proposed to provide 2no. parking spaces for the commercial occupiers, with one of the spaces being designated as a disabled space. The Council's Highways Officer is accepting of this provision.

Cycle Parking

In terms of cycle parking, a minimum of 169no. secure and covered long-stay cycle spaces is required, plus 4no. short-stay spaces for visitors to meet the London Plan requirements. The Council's Highways Officer and TfL are accepting of the proposed residential cycle provision.

For the commercial space, the development proposes 6no. secure and covered long-stay cycle parking spaces, plus 2no. short-stay cycle parking spaces for visitors. TfL have stated that the commercial cycle provision should be based on the highest potential applicable cycle parking standard (Office: long-stay and Retail: short-stay) as the final flexible use has not been fixed. However, Officers can state that retail would be strongly inappropriate in this location and would not be supported, therefore, the applicant's calculation and provision is considered to be acceptable.

Waste and Recycling

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

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

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

Trip Generation

The submitted Transport Assessment states that the existing industrial building can be expected to generate in the order of 119 total two-way vehicle trips over the course of a typical weekday comprising of 85 total two-way car/taxi trips, 19 total two-way LGV trips and 15 total two-way OGV trips.

In terms of the residential aspect of the proposed development, it is expected that to generate in the order of 85 total two-way vehicle trips over the course of a typical weekday comprising of 69 total two-way car/taxi trips, 13 total two-way LGV trips and 3 total two-way OGV trips.

For the non-residential element, it is expected that to generate in the order of 11 total two-way vehicle trips over the course of a typical weekday comprising of 10 total two-way car/taxi trips, 1 total two-way LGV trips and 0 total two-way OGV trips.

Therefore, the proposed development can be expected to generate in the order of 24 fewer total two-way vehicle trips over the course of a typical weekday comprising of 7 fewer total two-way car/taxi trips, 5 fewer total two-way LGV trips and 12 fewer total two-way OGV trips. As such, the proposal would result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

Whilst the proposed units have been slightly increased by 2 during the course of the application, this is not considered to have significant impact on the above-stated trips.

When cumulatively considering the trip generation with the adjacent Fortune House development, it was found to generate in the order of 2 fewer total two-way vehicle trips over the course of a typical weekday comprising of 2 fewer two-way car/taxi trips and 4 fewer total two-way OGV trips.

The redevelopment of both sites is therefore expected to result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

Highways Summary

Taking into account of the matters set out above, the Council's Highways Officer would raise no objection to the proposed development subject to a s106 agreement denying occupants of the development the right to purchase permits within the existing CPZ, a contribution towards travel plan monitoring and a contribution towards travel plan incentives, as well as contributions to pedestrian and cycle improvements in the area.

Landscaping, Trees and Biodiversity

Landscape

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

External amenity is provided in the form of a playspace courtyard at first floor level and a larger landscaped terrace at the fifth-floor level.

The Council's Tree Officer has confirmed that the outline landscape proposal is broadly acceptable for the built spaces.

Trees

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. Trees within the site are located to the boundaries and comprise of 1no. individual tree and 7no. groups of trees. The report advises that tree species are generally of low quality and predominately non-native species.

The report recommends that 4no. groups (G2, G4, G5 and G7) are removed irrespective of this application as they are either dead or have limited life expectancy.

The report recommends that 1no. individual tree (T1) and 2no. groups (G2 and G4) will need to be removed in order to facilitate the proposed development. The report advises that these are low quality trees.

The third issue raised in the PAP Letter relating to Officers advising that there was a significant element of tree screening between the proposal and South Close and the proposal tree removal would leave no screening at all.

The Tree Officer had commented previously that the loss of these trees would reduce the screening of the site and would have significant adverse impact on the residents opposite. However, this is a planning balance issue. In terms of arboricultural terms, the trees vary in quality and health and do not overall merit special protection.

It is accepted that the abovementioned tree removal would reduce the amount of overall screening along South Close, and that the extent of remaining screening would vary along South Close. The area immediately around the Thames Water Pumping Station would have the majority of existing trees removed. The proposed development will inevitably be more visible to the properties along South Close due to its massing / height compared to the existing site position.

Despite there being a reduction in screening along South Close, it is considered that this does not result in demonstrable harm to the neighbouring properties or to their amenity, as there maintains adequate separation distances between the properties and the proposal building. In addition, the massing is considered to be very well articulated in terms of height transition, stepped variation and recessions and material variation which help reduce the visual massing and bulk of the proposed building.

Ecology

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

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

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

that *"no evidence of an active bat roost within B1 at the time of the survey."* The survey has noted a population of common pipistrelle, noctule and leisler's bats. While it is acknowledged that no bats were confirmed within any of the buildings on site, we welcome the recommendation for low impact lighting be implemented as part of the proposed works to avoid light spill which would impact commuting and foraging bats using the site. In addition, we welcome the recommendation for the provision of purpose-built bat boxes to enhance the site for roosting bats.

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

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

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

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

We welcome the provision of 4th and 5th floor biodiverse green roofs (433 m²) (Proposed Roof Plan) as these will provide ideal foraging habitat for a variety of pollinating insects including bees, butterflies, moths and beetles. The provision of biodiverse green roofs will greatly enhance the site for biodiversity in comparison to its current

developed/hardstanding artificial nature. The implementation of the biodiverse green roof should follow the guidance of Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019).

Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The proposal achieves a score of 0.56 which exceeds the target of 0.4 set by Policy G5 (Urban Greening) of the London Plan. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the heat island effect, and sustainable drainage.

Energy, Sustainability and Drainage

Energy

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

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L of the Building Regulations and in line with the London Plan to achieve a minimum of 71% CO₂ reduction for the domestic elements and 28% for the non-domestic elements.

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

Water Consumption

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

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

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient

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

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This has been initially assessed by the Council's appointed drainage specialists who require further details / information to be submitted. Officers consider that this can be satisfactorily addressed through condition.

6. Equality and Diversity Issues

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

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

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

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

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

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

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

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

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

7. Conclusion

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

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

Whilst it is accepted the scheme may result in a degree of harm along South Close in terms of daylight / sunlight and tree screening and non-compliance of BRE standards within proposed units at the lower ground floor level, it is considered that the degree and extent of harm is limited and that the overall benefits proposed would outweigh this harm.

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

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

