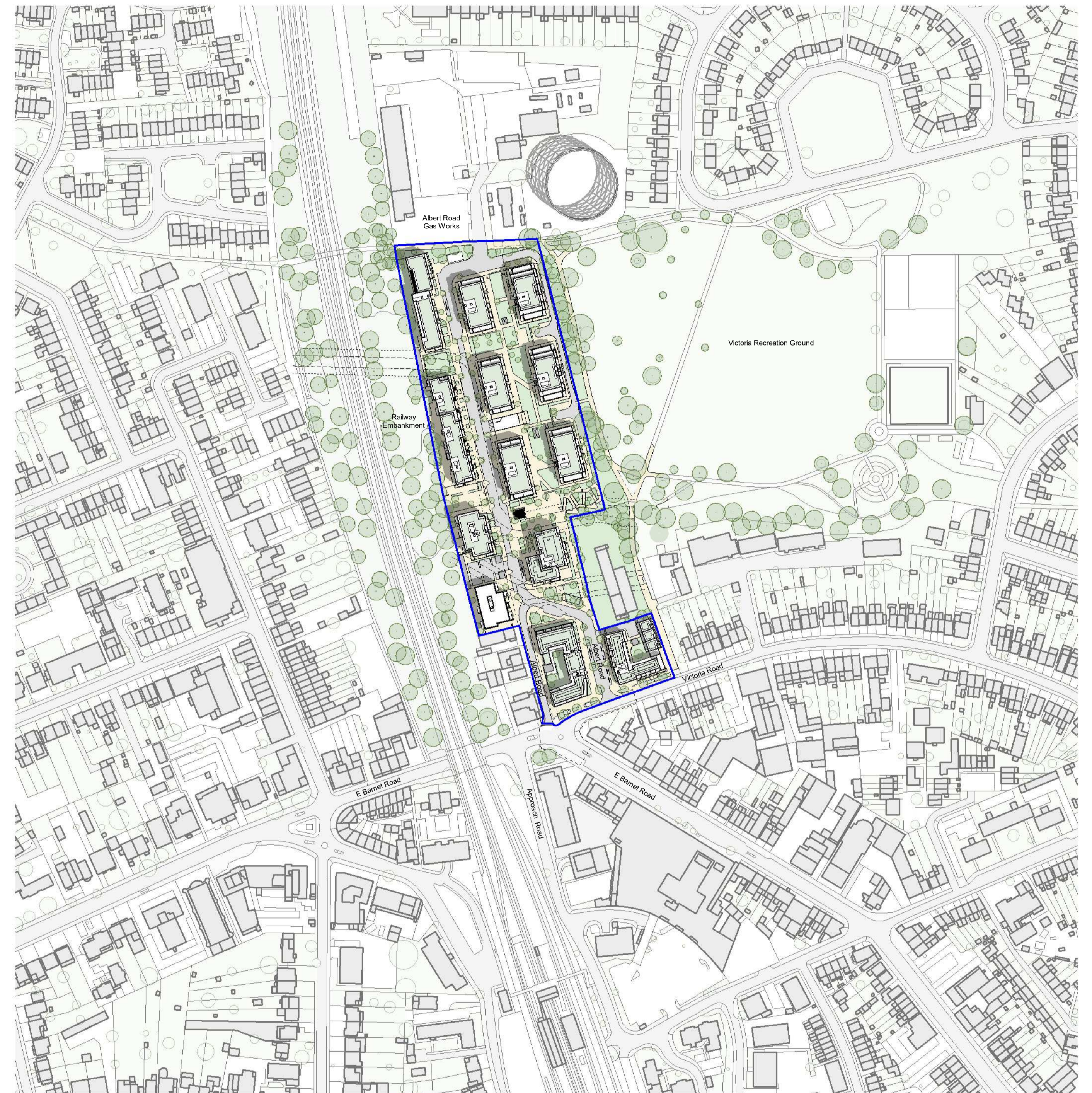


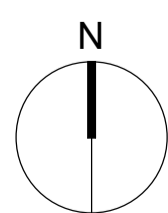
1 Proposed Site Location Plan - Planning Application Boundary
1:2000



2 Proposed Site Location Plan - Ownership Boundary
1:2000

Keyplan

North



Notes:
1. Do not scale
2. Contractor to Check all dimensions and report omissions and errors to the Architect
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No.	Revision	Date	Initial	Chk'd
3	Planning Submission	30.06.21	ARPW	JD
2	Pre-Planning Issue	28.05.21	GMFW	JD
1	DTMS Material	14.04.21	JD	JD

KEY:

- Planning application boundary
- Ownership boundary
- - - - Surface water culvert exclusion zone
- - - - Surface water culvert approval zone
- - - - Foul sewer exclusion zone
- - - - Foul sewer approval zone
- Proposed building
- Existing building
- Proposed pavement

Note:
All site boundaries and legal demises are indicative and shown for information only, based on topographical survey, desktop studies of land registry and record information.



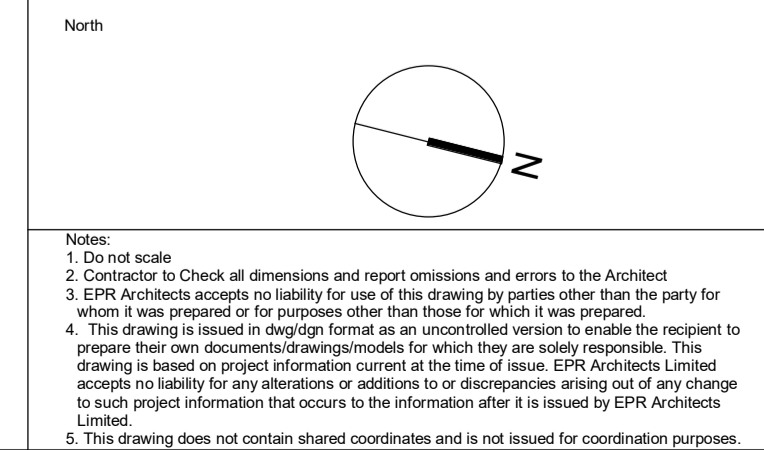
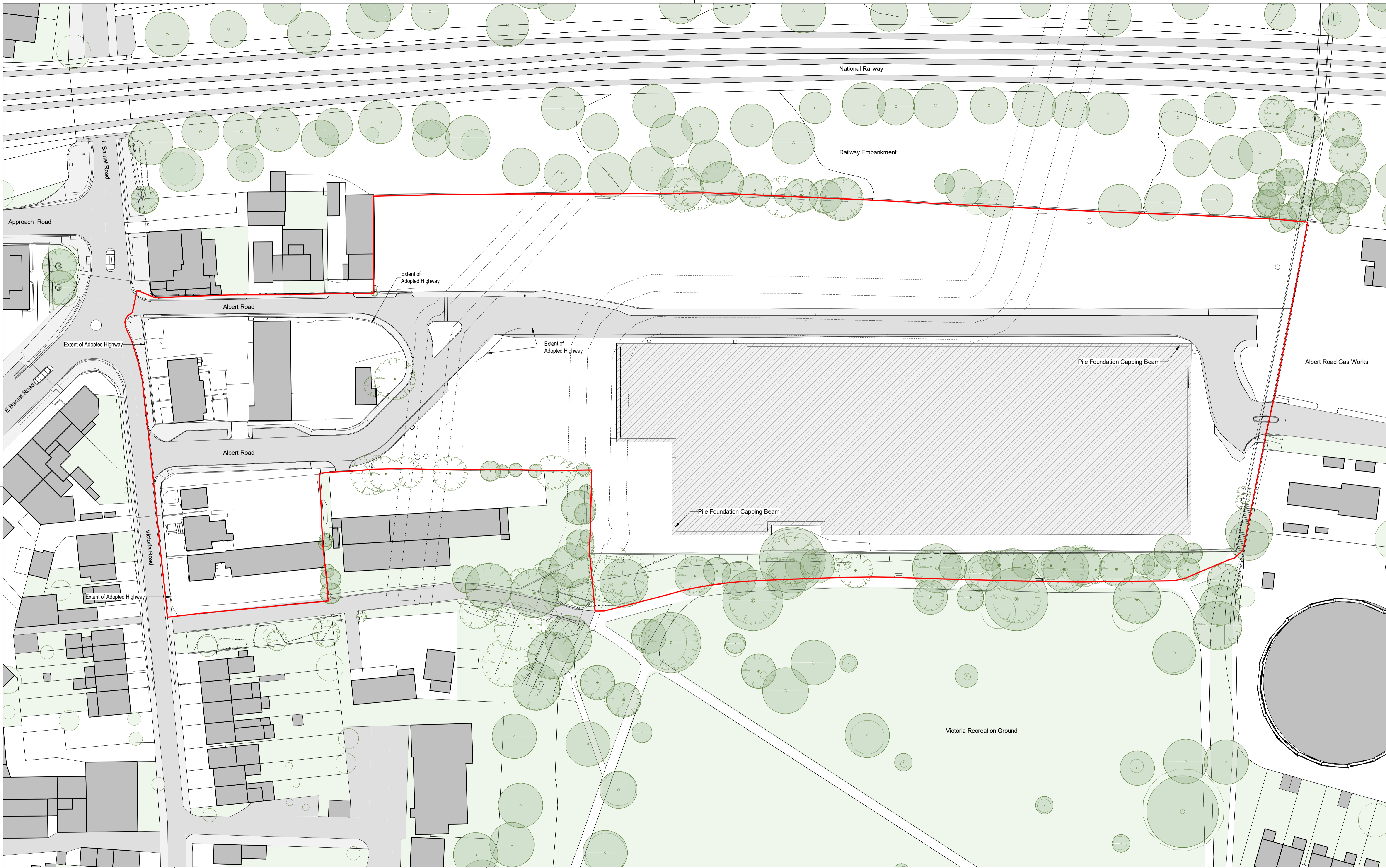
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Victoria Quarter - New Barnet
Albert Road, East Barnet, EN4 9SH

Proposed Site Location Plan

Scale @A1	Status	Subsidiary	Revision
1:2000	Planning	S2	P3
Project Code Originator Zone Level Type Role Class Number			
11049 - EPR-00-XX-DR-A-01-6002			



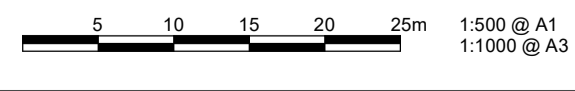
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No.	Revision	Date	Initial	Chk'd
3	Planning Submission	30.06.21	AR/PW	JD
2	Pre-Planning Issue	28.05.21	GM/PW	JD
1	DTMS Material	14.04.21	JD	JD

KEY:

- Planning application boundary
- - - Surface water culvert exclusion zone
- - - - Surface water culvert approval zone
- - - - Foul sewer exclusion zone
- - - - Foul sewer approval zone
- Existing building
- Existing road
- Existing basement foundation

Note:
 All site boundaries and legal demises are indicative and shown for information only, based on topographical survey, desktop studies of land registry and record information.



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Existing Site Plan

Scale @A1	Status	Subsidiary Revision
1:500	Planning	S2 - P3

Project Code	Originator	Zone	Level	Type	Role	Class	Number
11049 - EPR - 00 - XX - DR - A - 01-6000							



Appeal Decision

Inquiry Held on 19 July to 22 July and 26 July to 29 July 2022

Site visits made on 18 July and 28 July 2022

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/N5090/W/22/3294689

Land formerly known as British Gas Works, Albert Road, New Barnet EN4 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Citystyle Fairview VQ LLP against the Council of the London Borough of Barnet.
 - The application Ref 21/3676/FUL, is dated 1 July 2021.
 - The development proposed is redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development.
-

Decision

1. The appeal is dismissed and planning permission for redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from four to seven storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development is refused.

Procedural matters

2. I carried out an unaccompanied site visit of the area prior to the Inquiry on 18 July and an accompanied site visit on 28 July. At the latter I was joined by representatives of the appellant, the Council, and the New Barnet Community Association.
3. The original application was for 544 residential units ranging from four to eight storeys. This was however reduced to 539 residential units ranging from four to seven storeys during the application process, and all parties were agreeable to me using the latter numbers in the header to this decision.

4. The appeal is against non-determination. However, the Council issued three putative reasons for refusal. Of these, reason for refusal two, which concerned living conditions, was subsequently withdrawn. The third reason for refusal concerned the absence of a Section 106 Agreement. Such an agreement was submitted in draft form during the Inquiry and I received a signed and dated copy on 5 August 2022. This reason for refusal has therefore also fallen away, leaving the Council's first reason for refusal, relating to character and appearance, as their sole remaining objection to the scheme.
5. However, the New Barnet Community Association (NBCA) were also represented at the Inquiry as a Rule six party and they gave evidence on a number of, primarily, living condition and design matters. Their concerns therefore appear below as the second main issue.

Main Issues

6. Taking into account the foregoing, the main issues are therefore:-
 - a) The effect of the proposed development on the character and appearance of the area, and
 - b) The effect of the proposed development on the living conditions of future occupiers, with particular respect to design, sunlight and daylight, noise, overheating, parking, the quality and quantum of outdoor amenity areas, rubbish storage, the allocation of affordable housing and the proportion of family homes proposed.

Reasons

Character and appearance

7. The appeal site is an area of land, either side of, and including, Albert Road in New Barnet. Albert Road would form the approximate line of the Spine Road through the proposed development. The boundary to the west of the site is formed by a railway embankment whilst to the east of the site is the Victoria Recreation Ground. To the north is a gas works while the southern boundary of the site is formed by Victoria Road and an existing four storey block of apartments.
8. The site had generally been cleared except for several buildings to the southern end of the site which were in the process of being demolished at the time of my visits.
9. The proposed development would consist of 13 buildings ranging in height from four to seven storeys, with eight of the buildings containing seven storey elements. A four and a five storey block would face Victoria Road and there would then be three lines of blocks running in a south to north orientation more or less equidistant apart.
10. The Characterisation Study of the London Borough of Barnet (2010) (CS) provides an assessment and understanding of the characteristics of the borough's built environment and identifies the different architectural typologies and character areas in the borough. This document also forms part of the evidence base for the emerging plan. Whilst the CS is now over ten years old, it is a background study and the area has not changed so much over the past ten or so years that it can be construed to be out of date. Therefore, like my

colleague in a recent appeal¹, I consider it to be a helpful guide to the current character of the borough.

11. The CS explains that Barnet is predominantly suburban in character and that the borough is under increasing development pressure with a risk that this special suburban character could be undermined by inappropriate development. The document identifies five primary typologies and a further six secondary typologies. It goes on to say that the most predominant form of residential street typology in New Barnet is secondary C (suburban), and that there is an overall consistency of massing within the built form, with most residential units rising to two or three storeys at most.
12. The existing development to the west of the site, on the far side of the railway embankment, is generally two or three storey residential houses interspersed with shops and other businesses (with the odd four storey property). The layout of the roads in this area is almost of a grid design (roads include Bulwer Road, Leicester Road, Lytton Road and Plantagenet Road) with short no-through roads emanating from within the roads that form the grid. The road pattern to the south of the site is more varied and is bordered by two to four storey property with a variety of shops (some with residential properties over) and businesses. Directly to the south-west of the site are several smaller scale properties including two pubs and a two storey dwelling.
13. Further to the south-west, beyond the railway bridge, there are five taller properties (eight to ten storeys) bordering station Road and part of the A110. Opposite these, set back from the road, are a range of buildings up to four storeys. The east of the site is bordered by the Victoria Recreation Ground which in turn is bordered by two storey housing to the north, south and east.
14. The CS is generally correct therefore in informing that Barnet is generally suburban in character, with most properties in New Barnet rising to two or three stories (albeit with the exception of the taller buildings that I have identified above). Furthermore, the conclusions section of the CS also notes that *the challenge with regard to scale and massing is to maintain the existing sense of small scale and fine grain development in the wide suburban areas of the borough*.
15. My attention has also been drawn to the New Barnet Town Centre Framework (November 2010) (NBTCF). This, whilst accepting that the scale and massing of existing development is somewhat haphazard, describes the scale and massing of existing development beyond the main retail area of New Barnet as *more domestic, reflecting its classic suburban setting*. The NBTCF also notes within its objectives that advantage should be taken of brownfield sites such as the appeal site but also that an appropriate scale of development should be ensured. I acknowledge that the NBTCF is over ten years old but still give it considerable weight as a useful background guide.
16. The appeal site is relatively self-contained (particularly by the railway embankment to the west) and, apart from the southern boundary there is no immediately adjacent typology which could set a compelling precedent for the typology to be used within the site. The site can therefore be seen as one able to tolerate change as identified within the conclusions section of the CS. This section of the CS also acknowledges that larger planned development schemes

¹ APP/N5090/W/21/3271077

and concentrated areas of infill and redevelopment with conversion to flats will define their own typologies and scale.

17. However, whilst the appeal site is able to tolerate change and present its own typology, it should not do so in a way that completely ignores the surrounding context. In this case, as I have shown, the surrounding context is of generally two to three storey development to the west and south of the site, and the recreation ground, itself bordered by two storey housing to the north, south and east. In terms of the CS the typologies in evidence in the area are residential streets, residential estates, and the town centre. The proposed development would consist of blocks set primarily in straight lines almost equidistant apart, and as such would almost come under the CS description of a campus typology (large buildings set in landscaped open space).
18. The recreation ground has an open aspect and even the addition of the new leisure centre has done little to reverse this, being set to the east of the ground and being of only two to three storeys. Indeed, as the recreation ground is approached along the footpath from the south, the ground rises somewhat, giving the impression that the leisure centre is almost set down into the ground.
19. For viewers using the park the view of the proposed development would be of the longer elevations of blocks B2, C2, and D2. Block B2 would be six storeys whilst blocks C2 and D2 would be seven storeys, with their upper two storeys marginally set back. Due to the topography block B2 would also be set at a slightly higher level than the recreation ground. Whilst I acknowledge that there would be two gaps between blocks B and C and C and D, from many viewpoints within the recreation ground all that would be visible would be six or seven storey built form. I also note that the NBTCF recommends that the appeal site should provide new residential development to front the park that would create 'a new open edge and bring activity to the park'. The scheme as proposed would not achieve this, and the tree screening would not be sufficient to lessen the impact to an acceptable level.
20. I have already described the area to the west of the site, beyond the railway line, as being generally two, three and occasionally four storey residential development. There would be views of the proposed blocks (up to seven storeys) from Bulwer Road and Leicester Road. Whilst I acknowledge that the railway embankment would be between the viewer and the proposed development, I nonetheless consider that the views of the tall flat roofed blocks, juxtaposed with the existing residential scale generally pitched roof housing would once again be harmful to the overall character of the area. Once again I note that the NBTCF recommends that there could be up to 4/5 storeys along the railway line, to act as a buffer, with appropriate heights elsewhere to *reflect the low level suburban nature of the surrounding area*.
21. Overall, I consider that the sheer scale of the proposed development would cause a dislocation within the area, inserting an alien typology of larger mass and scale and disrupting any sense of continuity between the areas to the west and east of the site. To my mind the existence of the taller buildings in the town centre cannot be seen as a compelling precedent for such an intrusion. These latter buildings are only on one side of the road and there is a considerably greater distance between them and the four storey buildings opposite.

22. In arriving at this conclusion I am aware of the consented scheme on the appeal site, which is an important material consideration. I acknowledge that this scheme would itself change the character and appearance of the area. It would be however, of a smaller scale, with more varied typologies and a somewhat less dominating presence at the park edge (due to orientation and step-downs) and lower buildings at the western edge than that currently proposed. Whilst the Council have accepted a level of change in permitting the extant scheme, this does not seem to me to create a compelling precedent for even greater change.
23. I am also conscious that planning officers at both the Council and the GLA recommended approving the appeal scheme, which had been reduced in size from a previously refused scheme. This does not however lead me to an alternative conclusion.
24. The most up to date development plan policy in respect of character and appearance is policy D3 of the London Plan (March 2021) (LonP). This is entitled 'optimising site capacity through the design-led approach'. There are several sections to the policy including at D11) that *development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality*. The appellants considers that this renders the other local plan policies out of date, particularly by the inclusion of the word unique. They further consider that unless particular characteristics can be defined as special or valued they need not necessarily be protected.
25. I acknowledge that the new LonP makes clear that there is a housing crisis in London and promotes a fundamental transformation in how new homes are delivered, and that it promotes a more flexible approach, including higher density developments in well-connected locations.
26. However, I cannot accept that this approach should mean a complete disregard for wider context, even where a site is relatively self-contained, and nor do I consider that only such things as conservation areas and historical assets should be considered to be 'special' or 'valued'.
27. Furthermore, section D11) of policy D3 should not be read in isolation and I note that section D1) confirms that *development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale appearance and shape*. The LonP also makes clear at paragraph 3.3.7 that special characteristics can include the *distribution of building forms and heights*. The National Design Guide (NDG) also advises at paragraph 43 that *well-designed new development is integrated into its wider surroundings, physically, socially and visually*.
28. The CS makes clear on page 8 that it is a document that attempts to define aspects of the built environment that make Barnet unique (my underlining). It goes on to say that the Council recognises that Barnet's suburban character is one of the borough's greatest assets.
29. The proposed development would cause a dislocation within the area in inserting an alien typology and disrupting any sense of continuity. This cannot be considered to enhance the local context or respond to special or valued features. Nor, with respect to the NDG, can it be considered to be well-designed. It would not, to my mind, strike an appropriate balance between

existing fabric and change, as stipulated in paragraph 3.1.7 of the LonP. Conflict with D3 therefore exists.

30. Conflict would also exist with Policy CS5 of Barnet's Local Plan (Core Strategy) September 2012 (LPCS). This requires that development respects local context and distinctive local character. I acknowledge that this policy is nearly ten years old and refers to now elderly design guidance. However the weight that I can give to this policy is dictated by paragraph 219 of the National Planning Policy Framework (the Framework), which informs that the weight to be given to it depends on its consistency with the policies within the Framework.
31. In this respect I note that paragraph 130c) of the Framework requires that development is sympathetic to local character, including the surrounding built environment. I also note that the National Design Guide (NDG) makes clear that well-designed development is influenced by, amongst other things, the characteristics of the existing built form and the elements of a place that makes it distinctive. This is not dissimilar to the advice given within the documents listed within policy CS5. Whilst I acknowledge that the earlier design guidance does not necessarily advocate a design led approach to the optimisation of site capacity, I am not persuaded that this alone is so fundamental that policy CS5 should attract reduced weight.
32. Policy DMO1 of Barnet's Local Plan (Development Management Policies) (LPDMP) is entitled Protecting Barnet's Character and Amenity. It requires, amongst other things, that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings spaces and streets. I see nothing in the policy that would make it contrary to the Framework. Consequently I afford it full weight. The proposed development would be in conflict with both of these policies.

Living conditions - Sunlight and daylight

33. During the currency of the appeal the Building Research Establishment (BRE) issued a new edition of its guide 'Site layout planning for daylight and sunlight' (BRE 209 2022). This is a comprehensive revision of the 2011 edition, which it replaces. It should be read in conjunction with BS EN 17037 which introduces new tests and definitions to daylight and sunlight testing practices, based on target illuminances from daylight to be achieved over specified fractions of the reference plane.
34. The results of the assessment carried out by the appellant show that if a 150 Lux target for combined Living/Kitchen/Dining rooms is applied then 94% of the habitable rooms assessed can be considered to receive adequate daylight. Of the six percent of rooms that fail to achieve the target, four percent fail due to the presence of balconies above them.
35. However, this still indicates that overall six percent of the rooms tested (i.e. over 90 rooms) would, for a variety of reasons, receive less than adequate daylight. I will return to this matter in my overall conclusions on living conditions.

Living conditions - Noise

36. The long elevations of blocks G, F4, F3, F2, F1 and E would face the East Coast Main Railway Line. These flats (and those facing Victoria Road/East Barnet Road) would require a Mechanical Ventilation Heat Recovery (MVHR) System

installed to ensure adequate ventilation, due to the fact that internal noise threshold levels would be breached if the windows were to be opened.

37. Policy D14 of the LonP deals with noise. At section 5 it informs that development proposals should separate new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial uses) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance of sound insulation.
38. I acknowledge that the windows on these units would not be sealed and that a balance of many factors has to be achieved when designing in suburban and urban areas. I am also aware that all units would comply with the relevant standards. Nonetheless, it seems to me that having to resort to MVHR in over 100 units is not indicative of good design.

Living conditions - Overheating

39. Policy SI 4 of the LonP sets out a cooling hierarchy. This starts with reducing the amount of heat entering a building through a range of factors such as orientation, the use of high albedo materials, fenestration, insulation and the provision of green infrastructure and ends with the provision of active cooling systems. At the Inquiry it was confirmed that 221 of the proposed units would require active cooling systems.
40. The National Design Guide (NDG) at paragraph 150 states that well-designed buildings make the most of passive design strategies to minimise overheating and achieve internal comfort. These include:
- the layout and aspect of internal spaces;
 - insulation of the external envelope and thermal mass;
 - management of solar gain; and
 - good ventilation to reduce overheating.

They are supported by other measures where necessary (my underlining), such as mechanical ventilation with heat recovery for efficient ventilation in winter.

41. To my mind the necessity for active cooling systems in 221 out of 539 flats seems a large amount given that the provision of active cooling systems is the bottom of the hierarchy and the necessity for such should presumably be limited if the hierarchy is adhered to. I will return to this later in my decision.

Living conditions - Children's play space

42. The proposed development would provide 1857Sqm of play space, in a series of areas throughout the development, including 207sqm of 'play on the way'. The 12+ age group would be catered for in the Victoria Recreation Ground, by way of a financial contribution.
43. There would however be a shortfall of play provision for 5-11 year olds of about 13%. I also note that the 'play on the way' provision is essentially the verge area frontages to the blocks on the western side of the site. These are relatively narrow, are interspersed by the entrances to the blocks and have the Spine Road on one side. One section would be situated behind the substation building. How safe and usable these areas would be for younger children is a moot point and once again I will return to this in my overall conclusions on living conditions.

Living conditions – parking provision

44. Car parking provision is dictated by policies T6 and T6.1 of the LonP and policy DM17 of the LPDMP. Policy DM17 of the latter document requires a higher level of parking provision than that given in policy T6.1. However, this policy pre-dates policies T6 and T6.1 by 9 years and section 38(5) of the Planning and compulsory Purchase act 2004 makes clear that the latest policy should be given precedence. It follows that the proposed development should be assessed against the policies in the LonP.
45. Policy T6.1 gives maximum residential parking standards based on the Public Transport Accessibility Level (PTAL) rating for a particular site. For a site in outer London with a PTAL rating of 2-3 the maximum parking provision should be 0.75 spaces per dwelling for 1 and 2 bed dwellings and 1 space per dwelling for 3+ bed dwellings. These parameters would give a maximum parking provision of 434 spaces. The proposed scheme would provide 334, of which 4 would be spaces for car club cars. Overall, this gives a figure of about 0.61 spaces per dwelling.
46. However, policy T6 makes clear that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Furthermore, it stresses that car-free development should be the starting point for all development proposals in places that are well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking. The appeal site is within about a 12 minute walk of New Barnet Railway Station and several bus stops. Furthermore, the town centre has a good range of facilities including a supermarket and a gym and the appellant considers that the car club spaces each effectively replace 17 private spaces. From the evidence before me therefore, the car parking provision would be adequate and would accord with policies T6 and T6.1.
47. There was some discussion at the Inquiry regarding the PTAL rating for the site, due to its size. However, given the proximity of New Barnet railway station and various bus stops to the site, I am satisfied that a PTAL rating of 3 provides a fair reflection of the actual public transport accessibility.

Living conditions – refuse storage and collection

48. Refuse areas for blocks B1, B2, C1, D1, and D2 would be within the basement area and the refuse areas for the remaining blocks would be on the ground floor. The NBCA have concerns regarding the complexity and expense of the proposed system and in this respect, I note that the information for developers provided by the Council on the Provision of Household Recycling and Waste Service recommends that bins are not stored underground, but are stored at street level to enable efficient collection. However, the collection of the bins would be the responsibility of the management company, and I am not persuaded from the evidence before me that having to move bins from the basement would be so much more onerous than moving them from the ground floor. Overall I do not consider that conflict with policy D6 (B) of the LonP has been evidenced.

Living conditions – allocation of affordable housing

49. At paragraph 3.6.7 the LonP makes clear that housing developments should be designed to maximise tenure integration. The NDG also recommends that,

where different tenures are provided, they are well integrated and designed to the same high quality to create tenure neutral homes and spaces.

50. In the appeal scheme the affordable housing would be located within seven of the blocks (counting F3, F2 and F1 as one block). Five blocks would be private only, and three would be mixed. I acknowledge that the majority of the affordable housing would be located along the railway line and to the front of the site, but from the overall evidence before me, do not consider that a conflict with the development plan occurs in relation to this issue.

Provision of family housing

51. Policy DM08 of the LPDMP requires that development should provide, where appropriate, a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. It makes clear that for socially rented housing, homes with three bedrooms are the priority, while for market housing homes with four bedrooms are the priority.
52. In respect of affordable housing the proposed development would contain 73 three bedroom properties. I also note that the emerging local plan seeks to treat well-designed two bedroom properties of between 70sqm and 79sqm gross internal area as family homes. In the absence of specific evidence setting out local need for the various house types I conclude that no conflict with policy DM08 occurs.

Conclusion on the issue of living conditions

53. I have found that there would be no conflict with the development plan in respect of the provision of family housing, the allocation of affordable housing, parking provision or refuse storage and collection. However, I have also found that six percent of the rooms tested (i.e. over 90 rooms) would receive less than adequate daylight. Also, due to noise problems, MVHR would be required in over 100 of the proposed homes and 221 of the proposed homes would require active cooling systems. In respect of children's play space provision, there would be a deficit of play space within the scheme itself and I have concerns regarding the suitability of the play space actually provided.
54. I also note that, as the majority of the flats are just compliant with the Nationally Prescribed Space Standards, the 221 units requiring active cooling systems could conceivably have a proportion of their floorspace taken up with these systems. Furthermore, nearly 30% of the flats would be single aspect, and I note that the LonP states at D6 3.6.5 that *single aspect dwellings are more difficult to ventilate naturally and are more likely to overheat, and therefore should normally be avoided*.
55. I acknowledge that in any particular scheme there has to be a certain flexibility, compromise and trade-offs related to its context when combining the various policy requirements for amenity provision, and that some mitigation is unavoidable. I also recognise that this is particularly true of flatted developments, especially in large cities.
56. However, whilst none of the above issues are necessarily fatal to the scheme in isolation, taken together they do not indicate to me that the scheme can be considered to be of good design, as required by the Framework at paragraph 126 and the NDG, particularly at paragraph 125 where it is stipulated, amongst

other things, that well designed homes have good ventilation and avoid overheating.

57. Policy D3 of the LonP requires that development proposals should achieve indoor and out-door environments that are comfortable and inviting for people to use. Policy DM01 of the LPDMP requires that all development represents high quality design. Conflict exists with both of these policies.

Planning balance

58. I have found that the proposed development would conflict with policies D3 of the LonP, CS5 of the LPCS and with DM01 of the LPDMP in terms of character and appearance. I have also found that it would conflict with policies D3 and DM01 in respect of living conditions. There would also be conflict with the NDG and the Framework with respect to good design.
59. Against this has to be balanced the benefits of the scheme. These would be substantial. The need for new housing is acute and the LonP makes clear that development must make the best use of land and optimise the capacity of sites. The proposed development would provide 539 new homes of which 35% (calculated by habitable rooms) would be affordable. The new homes would have a social benefit and there would of course be an economic benefit from the development, with jobs created and more people to put money into the local economy in the longer term and the financial benefit of the new homes bonus. There would also be a biodiversity net gain.
60. However, whilst the benefits of the scheme would be substantial, they do not, to my mind, outweigh the conflict with the development plan, the Framework and the NDG that I have identified.

Conclusion

61. Therefore, for the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Edward Grant	Of Counsel
He called	
Mr Dominic Duffin	London Borough of Barnet

FOR THE APPELLANT:

Mr Reuben Taylor	QC
He called	
Mr Ian Dix	Vectos
Mr Simone Pagini	Gordon Ingram Associates Chartered Surveyors
Mr Colin Pullan	Lambert Smith Hampton
Mr Barnaby Evans	Turley
Mr David Yates	Syntegra Consulting
Mr Simon Slatford	Lichfields

INTERESTED PERSONS:

Ms Fiona Henderson	New Barnet Community Association (Rule 6 party)
Mrs Karen Miller	New Barnet Community Association
Councillor Simon Radford	
Councillor Edith David	
Mr Robin Bishop	
Mr Colin Bull	
Councillor Dr Phillip Cohen	
The Rt Hon Teresa Villiers MP	

DOCUMENTS HANDED IN DURING THE INQUIRY

- 1 List of attendances for the Council
- 2 Opening statement by the Council
- 3 Opening statement by the appellant
- 4 Opening statement by New Barnet Community Association
- 5 List of Council evidence in chief documents
- 6 Email dated 21 June 2022 from GLA
- 7 List of documents to be used by NBCA in cross-examination of Mr Pullan
- 8 Statement from the Rt Hon Teresa Villiers MP
- 9 List of documents to be used by NBCA in cross-examination of Mr Yates
- 10 Statement from Councillor Dr Philip Cohen
- 11 List of documents to be used by NBCA in cross-examination of Mr Evans
- 12 Statement from Councillor Simon Radford
- 13 Statement from Councillor Edith David
- 14 Statement from Mr Robin Bishop
- 15 Statement from Mr Colin Bull

DOCUMENT RECEIVED AFTER THE INQUIRY (by agreement)

1 Completed Section 106 Agreement dated 4 August 2022

LOCATION: Land Formerly Known As British Gas Works, Albert Road, New Barnet, Barnet, EN4 9SH

REFERENCE: 21/3676/FUL **Received:** 02 July 2021
Accepted: 02 July 2021

WARD: East Barnet **Expiry:** 16 December 2021

APPLICANT: Citystyle Fairview VQ LLP

PROPOSAL: Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development (Amended Plans and Amended Description)

RECOMMENDATION 1:

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

RECOMMENDATION 2:

Subject to Recommendation 1 above, 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 of seeking to secure the following, subject to any changes as considered necessary by the Service Director or Head of Development Management:

- a) Legal Professional Costs Recovery
Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- c) Indexation
All financial contributions listed to be subject to indexation.
- d) Affordable Housing
35% of habitable rooms to be provided as affordable with a tenure split of 60.9% Affordable Rent and 39.1% Shared Ownership. This equates to a total of 149 affordable units with the following mix:

London Affordable Rent (77 units)

8 x 1B 2P

19 x 2B 4P

34 x 3B 5P

16 x 4B 6P

Shared Ownership (72 units)

21 x 1B 2P

9 x 2B 3P

19 x 2B 4P

23 x 3B 5P

All affordable housing to be secured in perpetuity and an early stage review mechanism is to be secured and to be triggered if scheme not implemented within agreed timescale. The formula for this is set out within the Mayor's Affordable Housing SPG.

e) Employment and Enterprise

i) The applicant would be required to enter into a Local Employment Agreement with the Council in order to provide an appropriate number of employment outcomes for local residents, as follows:

- Progression into Employment (<6 months) – 9
- Progression into Employment (>6 months) – 0
- Apprenticeships – 7
- Work Experience – 21
- Site Visits – 187
- Site / School Workshops – 103
- Local Labour – 10%
- Local Supplier – 2
- Number of End Use Jobs – 13

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with the Barnet Delivering Skills, Employment, Enterprise and Training SPD guidance.

ii) Owner to provide a dedicated workplace coordinator responsible for the Local Employment Agreement (LEA) implementation, coordination and delivery of LEA activities, during the development phase. If unable to provide a dedicated Workplace Coordinator, the Council will require payment of an equivalent cost to support alternative E&S activities.

iii) Owners to pay a financial contribution of a) £20,000 per apprenticeship and b) 5,340 per other employment outcomes if not delivered as per agreement.

iv) Employment and Training Contribution means the sum of £212,040 (Two Hundred and Twelve Thousand and Forty Pounds) (Index Linked) to be paid by the Owner to the Council and to be applied by the Council To support local economic development initiatives including but not limited to Employment and

Skills training and Business Support, in the administrative area of the borough of Barnet.

f) Off Site Highways Improvement Works

The applicant shall, at its own expense, implement the following off-site highways improvement works (including but not limited to) to mitigate the impact of the development, with agreement of the Highways Authority. These works shall be undertaken under S278 of the Highways Act 1980.

- 1) The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance
- 2) Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road
- 3) Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction)
- 4) Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south east of East Barnet Road and Lytton Road junction
- 5) Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works
- 6) Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton Road
- 7) Financial contribution towards CCTV monitoring of the pedestrian link - only under s106 and not also required under s278

g) Highway Improvements

- i) The details of the highway works will consist but not limited to cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction; proposed development block entrances; the proposed car parking laybys throughout the development and proposed footways/cycle ways including new footpaths (adopted, unadopted and proposed for adoption).
- ii) Albert Road East and Albert Road West:
All drawings relating to the highway layouts for Albert Road West and the adopted section of Albert Road East are for indicative purposes only. Detailed design of any improvements to the footway and carriageway as well as parking/traffic restrictions to be introduced in these areas are to be agreed as part of the s278 process.
- iii) Due to the scope of works proposed on the section of Victoria Road fronted by the development, suitable reinstatement works including resurfacing of the highways (including footways) should be undertaken and implemented by the developer at their own costs, but approved and supervised by Local Highway Authority. The approved works shall be completed at the applicant's expense based on an agreed layout with

the Council, following the formation of a combined agreement under S38 and S278 of the Highways Act 1980 between the London Borough of Barnet and the Developer.

- iv) The proposals will require the stopping-up of areas of adopted highway under s247 of the Town and Country Planning Act, 1990 and road adoption under s38 of Highways Act, 1980. Details of the areas to be stopped up or adopted as highway will be subject to approval of the Highway Authority.
- v) All proposed designs and improvements must be accompanied by acceptable Road Safety Audits statements.
- h) Feasibility Study
Financial Contribution of £25,000 towards a Feasibility Study on improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. To include all reasonably accessible Public Transport (PT) stops (Bus/Rail/LUL, and including New Barnet, Cockfosters and High Barnet stations) within a 20 minute walk or 10 minute cycle ride. The study to be based on TfL's Healthy Streets toolkit and principles.
- i) Feasibility Study Outcomes
Financial Contribution towards the implementation of the outcomes of the Feasibility Study to a capped ceiling of £100,000 and triggered for delivery prior to occupation of any unit on the site.
- j) Provision of a crossing facility in the form of a Toucan Crossing at Victoria Road north east of mini roundabout junction near Albert Road (West). This scheme should be a combination of the two schemes described above under the existing S106 requirements in order to provide and deliver a compact improved junction which has appropriate pedestrian and cycling crossing facilities. Details of the scheme should be discussed and agreed with the Local Highway Authority and implemented thereafter by the developer in accordance with the approved scheme. Trigger for delivery is prior to occupation of the 28th residential unit on the site.
- k) Section 278 Highway Works
All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority.
- l) Travel Plan
The applicant shall enter into a strategic level Travel Plan for the residential and commercial uses on the site that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to occupiers of the residential and commercial units as follows:
 - i) Residential Travel Plan (RTP):
 - Residential TP Statement (RTPS) that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACEs compliant and contains targets to be submitted and approved by Council at least 6 months prior to 1st occupation.
 - iTRACE compliant monitoring to be completed within 5 months of 1st occupation and updated RTPS to be submitted for approval within 6 months of occupation.

- iTRACE compliant monitoring to be completed in years 1,3,5 and then every other year until 5 years after the 1st occupation of the final unit.
- RTPS to be revised and RTPS Review submitted for approval within 2 months of monitoring being completed.
- RTPS to be re-submitted for approval prior to each phase.
- RTPS Champion to be in place at least 3 months prior to occupation and for lifespan of RTP.
- At least 4 car club space to be provided.
- Welcome pack for all first occupants.
- 2x a year for 5 years Dr Bike maintenance sessions for residents.

ii) Commercial Travel Plan (CTP):

Should the non-residential uses have more than 20 staff then the following would be required:

- CTP that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACE compliant to be submitted and approved by the Council within 6 months of 1st occupation of any commercial unit.
- CTP to cover any travel movements by staff, users and visitors to any commercial unit.
- iTRACE compliant monitoring to be completed in years 1, 3 and 5 and a revised CTP Review to be submitted for approval.
- CTP Champion to be in place within 3 months of occupation and for the lifespan of the CTP.
- Each commercial unit to have a Travel Plan Ambassador.

If non-residential uses have less than 20 staff then the following would be required as part of the CTP:

- CTP to include travel movements to and from the commercial units and targets, measures and actions for the commercial units.
- Each commercial unit to have a Travel Plan Ambassador.

m) Residential Travel Plan Incentives Fund

£300 per unit Residential Travel Plan Incentive Fund to be used by 1st occupiers to get 2 of the 3 TP incentives of the following:

- Oyster card with £150 credit
- Cycle shop voucher to the value of £150
- Car club credit/membership to the value of £150

n) Travel Plan Monitoring Contribution

Payment of a financial contribution of £15,000 to the Council towards its costs in promoting more sustainable modes of transport and monitoring both the residential and commercial travel plans that will be submitted for the development within twenty (20) working days of commencement of development.

o) Control Parking Zone (CPZ)

Financial contribution towards Local CPZ monitoring, consultation and implementation, final sum to be agreed.

p) Traffic Management Order

A contribution of £5,000 (per phase if applicable) towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs.

q) Bus Service Contribution

A financial contribution to provide an additional bus service in the vicinity of the site. Amount to be agreed with TfL.

r) Tree Planting and Landscaping

The applicant shall submit a detailed landscaping and management scheme for the site; including tree planting, this will be subject to a Landscape Management Plan to be submitted to the Council prior to first occupation of a unit on the site. The strategy shall include:

(i) The provision of a mix of indigenous species and tree sizes (including semi-mature species) in suitable locations including in public open spaces provided within the site to be agreed with the local planning authority.

(ii) The maintenance of trees planted along any roads to be adopted by the Council for a period of 5 years by the applicant landowner/ successor in title or nominated management company.

(iii) A financial contribution to maintain the trees on the adopted public highway thereafter shall be provided by the applicant. This figure shall be calculated in accordance with guidance from LoTAMB Commuted sums for Highway Adoption A Guidance Note 2015 as revised.

s) Greenspaces

Parks and Open Spaces contribution sum of up to £123,656.30 index linked towards the improvement and enhancement of Victoria Recreation Ground.

t) Carbon Offset Contribution

Payment of £485,712 index linked as a contribution to ensure that the Development achieves net zero carbon dioxide emissions, in accordance with the Mayor of London's Zero Carbon target for new developments.

u) Monitoring Fee

A contribution of £5,000 towards the monitoring of the S106 agreement.

RECOMMENDATION 3:

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Service Director of Planning and Building Control or Head of Strategic Planning to approve the planning application reference 21/3676/FUL under delegated powers, subject to the conditions as set out within this report.

That the Committee also grants delegated authority to the Service Director of Planning and Building Control or the Head of Development Management 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 Chairman (or in their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

CONDITION(S) and INFORMATIVES

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

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

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

- 01-6000 Rev P3 Existing Site Plan
- 01-6001 Rev P3 Existing Location Plan
- 01-6002 Rev P3 Proposed Site Location Plan
- 01-6003 Rev P5 Proposed Site Plan
- 02-6000 Rev P11 Tenure Plan Ground Floor
- 02-6001 Rev P7 Tenure Plan First Floor
- 02-6002 Rev P7 Tenure Plan Second Floor
- 02-6003 Rev P7 Tenure Plan Third Floor
- 02-6004 Rev P7 Tenure Plan Fourth Floor
- 02-6005 Rev P7 Tenure Plan Fifth Floor
- 02-6006 Rev P7 Tenure Plan Sixth Floor
- 02-6007 Rev P7 Tenure Plan Seventh Floor
- 03-6000 Rev P6 Basement Floor Plan
- 03-6001 Rev P11 Ground Floor Plan Part 1 of 2
- 03-6002 Rev P11 Ground Floor Plan Part 2 of 2
- 03-6011 Rev P6 First Floor Plan Part 1 of 2
- 03-6012 Rev P6 First Floor Plan Part 2 of 2
- 03-6021 Rev P6 Second Floor Plan Part 1 of 2
- 03-6022 Rev P6 Second Floor Plan Part 2 of 2
- 03-6031 Rev P6 Third Floor Plan Part 1 of 2
- 03-6032 Rev P6 Third Floor Plan Part 2 of 2
- 03-6041 Rev P6 Fourth Floor Plan Part 1 of 2
- 03-6042 Rev P6 Fourth Floor Plan Part 2 of 2
- 03-6051 Rev P6 Fifth Floor Plan Part 1 of 2
- 03-6052 Rev P6 Fifth Floor Plan Part 2 of 2
- 03-6061 Rev P6 Sixth Floor Plan Part 1 of 2
- 03-6062 Rev P6 Sixth Floor Plan Part 2 of 2
- 03-6071 Rev P7 Seventh Floor Plan Part 1 of 2
- 03-6072 Rev P5 Seventh Floor Plan Part 2 of 2
- 03-6081 Rev P3 Roof Floor 1 of 2
- 03-6082 Rev P2 Roof Floor 2 of 2
- 04-6001 Rev P2 Sitewide Elevations Part 1 of 3
- 04-6002 Rev P2 Sitewide Elevations Part 2 of 3
- 04-6003 Rev P2 Sitewide Elevations Part 3 of 3
- 04-6004 Rev P2 Block A Elevations
- 04-6005 Rev P1 Blocks B1 C1 D1 West South and North Elevations

- 04-6006 Rev P2 Blocks B C D Courtyard Elevations
- 04-6007 Rev P2 Blocks B2 C2 D2 Elevations
- 04-6008 Rev P1 Block E Elevations
- 04-6009 Rev P2 Blocks F1-3 and F4 Elevations
- 04-6010 Rev P1 Block G Elevations
- 04-6011 Rev P2 Blocks H and J Elevations
- 05-6001 Rev P5 Site Wide Sections Part 1 of 3
- 05-6002 Rev P5 Site Wide Sections Part 2 of 3
- 05-6003 Rev P5 Site Wide Sections Part 3 of 3
- 05-6010 Rev P2 Site Wide Long Sections – Height Analysis

- 41-6001 Rev P2 Bay Study Block A
- 41-6002 Rev P1 Bay Study Block B1
- 41-6003 Rev P2 Bay Study Block C2
- 41-6004 Rev P1 Bay Study Block E
- 41-6005 Rev P1 Bay Study Blocks F1-3
- 41-6006 Rev P2 Bay Study Block F4
- 41-6007 Rev P1 Bay Study Block G
- 41-6010 Rev P1 Bay Study Block A Base Detail
- 41-6011 Rev P1 Bay Study Block C2 Base Detail
- 41-6012 Rev P1 Bay Study Block J
- 41-6013 Rev P1 Bay Study Block JJ
- 41-6014 Rev P1 Bay Study Block H
- 41-6015 Rev P1 Bay Study Block HH

Landscaping

- 101 Rev P02 GA Plan
- 111 Rev P03 Landscape Plan Sheet 1 of 6
- 112 Rev P03 Landscape Plan Sheet 2 of 6
- 113 Rev P03 Landscape Plan Sheet 3 of 6
- 114 Rev P02 Landscape Plan Sheet 4 of 6
- 115 Rev P02 Landscape Plan Sheet 5 of 6
- 116 Rev P02 Landscape Plan Sheet 6 of 6
- 131 Urban Greening Plan
- 200 Rev P02 Planting Schedule and Key Plan
- 201 Rev P02 Planting Plan Sheet 1 of 6
- 202 Rev P02 Planting Plan Sheet 2 of 6
- 203 Rev P02 Planting Plan Sheet 3 of 6
- 204 Rev P02 Planting Plan Sheet 4 of 6
- 205 Rev P02 Planting Plan Sheet 5 of 6
- 206 Rev P02 Planting Plan Sheet 6 of 6
- 500 Sections 01
- 501 Sections 02
- 502 Sections 03
- 504 Eastern Boundary
- 505 Eastern Boundary
- 506 Eastern Boundary

Supporting Documents

- Planning Statement, prepared by Fairview New Homes;
- Design and Access Statement, prepared by EPR Architects;
- Verified Views Methodology; prepared by The Visualiser;
- CGI Views, prepared by The Visualiser;
- Daylight/Sunlight Impact Report, prepared by GIA;
- Daylight/Sunlight and Overshadowing Report, prepared by GIA;
- Statement of Community Involvement, prepared by BECG;
- Health Impact Assessment, prepared by Icen Projects;
- Ecological Appraisal, prepared by Aspect Ecology;
- Air Quality Assessment, prepared by Syntergra Consulting;
- Tree Impact Assessment Rev B, prepared by Keen Associates;
- Arboricultural Method Statement Rev A, prepared by Keen Associates;
- Tree Protection Plan Rev C, prepared by Keen Associates;
- CAVAT Tree Valuation Rev A, prepared by Keen Associates;
- Noise Impact Assessment, prepared by Syntergra Consulting;
- Flood Risk Statement, prepared by Stantec
- Energy Statement, prepared by Think Three;
- Sustainability Statement, prepared by Think Three;
- Circular Economy Statement, prepared by Think Three;
- Whole Life Carbon Assessment, prepared by Think Three;
- Fire Safety Reports, prepared by Ashton Fire;
- Foul and Surface Water Drainage Strategy Layout Plan, prepared by IDL;
- Land Contamination Assessment, prepared by CGL;
- Transport Assessment and Travel Plan, prepared by Vectos;
- Residential Travel Plan, prepared by Vectos;
- Delivery and Servicing Management Plan, prepared by Vectos;
- Construction Logistics Plan, prepared by Fairview Homes Ltd;
- Waste Management Report, prepared by AECOM;
- Wind Microclimate Assessment, prepared by Urban Microclimate;
- Affordable Housing Statement, prepared by Fairview Homes Limited;
- Utilities Assessment, prepared by Fairview Homes Limited; and
- Overheating Assessment prepared by Ecounico Ltd

Updated Documents

- Design and Access Statement Addendum November 2021;
- Design and Access Statement Landscape Section October 2021;
- Design and Access Statement 11.22 Urban Greening Factor;
- EXA_1961_P_131 Urban Greening Plan;
- GLA Population Yield Calculator 14.02.22;
- Victoria Quarter GLA Stage 1 energy response with updated Energy Statement;
- Victoria Quarter GLA Stage 1 drainage response with updated Drainage Strategy;
- Victoria Quarter GLA Stage 1 fire safety response with updated Fire Safety Strategy;
- Save new Barnet response;
- Daylight/Sunlight Statement of Conformity prepared by GIA;
- Wind Microclimate Statement of Conformity by Urban Microclimate;
- Retaining Wall Elements prepared by EXA;
- Victoria Quarter Design Audit prepared by Lambert Smith Hampton;

- Victoria Quarter Virtual Site Visit

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

3. All applications for approval of details shall be submitted for the entirety of the relevant phase in which they fall according to the phasing plan Ref FNH438-1201 Phasing Plan hereby approved or in accordance with any revised phasing plan agreed in writing in pursuance to this condition.

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan.

4. Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) unless and until details of the levels of the proposed buildings, roads, footpaths, courtyards and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies D4, D5, D8 and G7 of the London Plan.

5. Notwithstanding the details shown on the plans hereby approved the development shall not commence (other than for site preparatory or demolition purposes) until details of samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas (including bricks, balconies, external gates and external doors) submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies D4, and D8 of the London Plan (2021).

6. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) unless and until details (necessary details specified in brackets)

of the following features and elements of the works have been submitted to the Local Planning Authority and approved in writing:

Brick bonding (annotated plans at a scale of not less than 1:10).

External windows, winter gardens and doors (annotated plans at a scale of not less than 1:10).

Balustrading to balconies (annotated plans at a scale of not less than 1:10).

Door canopies (annotated plans at a scale of not less than 1:10).

Brick detailing including arches, recessed panels, blind windows, brick aprons and window heads (annotated plans at a scale of not less than 1:10).

Rainwater goods (annotated plans at a scale of not less than 1:10).

Privacy screens (annotated plans at a scale of not less than 1:10).

Boiler flues and other external air extraction, intake and ventilation points (annotated plans at a scale of not less than 1:10).

Any roller shutters to the commercial areas (annotated plans at a scale of not less than 1:10).

Gates at the site vehicular access points (annotated plans at a scale of not less than 1:10).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies D4 and D6 of the London Plan.

7. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the residential blocks hereby permitted shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify the details of the privacy screens to be installed to address privacy impacts between balconies, courtyards, amenity spaces and terraces respectively.

The development shall be implemented in full accordance with the approved details and specifications prior to the occupation of the relevant part of the development and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

8. Notwithstanding the details shown on the plans submitted and otherwise hereby approved Blocks H, F1, F2, F3, B1, B2, C1, C2, D1, D2 and E hereby permitted shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass or provided with only a fanlight opening and the manner and design in which these windows are to be implemented.

Prior to the occupation of each building, the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

9. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the relevant phase of the development shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify the details of boundary treatments to be installed as part of the development. These details shall include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with policies DM01 and DM02 of the Barnet Local Plan.

10. Notwithstanding the details submitted with the application, prior to commencement of the relevant phase, details shall be submitted to and approved in writing by the Local Planning Authority:

- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. Satisfactory points of collection; and
- iii. Details of the refuse and recycling collection arrangements

The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the relevant part of the development is occupied and the development shall be managed in accordance with the approved details.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

11. Notwithstanding the details hereby approved, before the relevant phase of the permitted development commences details of the refuse and recycling collection arrangements including swept paths for refuse collection vehicles shall be submitted to and agreed by the Local Planning Authority.

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

12. Upon their first occupation of the relevant development phase, the commercial units on the ground floor of the buildings hereby approved shall be occupied for uses in locations specified in the details approved under condition 2 and falling within Class A1, A2, A3, A4, D1 and D2 (sports and recreational use) of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason:

To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with policies DM12 and DM13 of the Barnet Local Plan.

13. Notwithstanding the potential initial uses that are permitted to occupy the commercial units on the ground floor of the buildings hereby approved as specified under condition 12 of this consent, following the first occupation and commencement of a use within each

commercial unit, any subsequent change to an alternative use within those specified by this consent shall require the submission of a full planning application to the Local Planning Authority for express planning permission.

Reason:

To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan.

14. The 111.3m² of floorspace in the ground floor of Block A hereby approved for purposes falling within Class D1 for crèche and D2 for gymnasium, once each of those uses commences, the floorspace will henceforth be occupied for that use only and shall not be used for any other purpose, including any other purpose within Use Class D1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification, unless otherwise agreed in writing by the council.

Reason:

To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises is for community use only and does not prejudice the amenities of future residential occupiers in accordance with policies DM01 and DM13 of the Barnet Local Plan.

15. The approved A3 and A4 Use Classes shall not be used outside of the hours of Monday to Saturday 08:00-23:00 and Sunday and Bank Holidays 10:00-18:00.

Reason:

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

16. The approved Classes A1, A2 and D1,D2 shall not be used outside of the hours of Monday to Saturday 07:00-23:00 and Sunday and Bank Holidays 10:00- 18:00.

Reason:

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

17. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

18. Access to National Grid land across the site will be maintained at all times unless otherwise agreed in writing by NG and/or its successors in title.

Reason:

To ensure access is maintained in accordance LB Barnet policies CS9 and DM17.

19. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement (notwithstanding demolition and preparatory works) of the relevant phase of development, a detailed scheme of hard and soft landscaping and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority.

The details of landscaping and means of enclosure submitted shall include but not be limited to the following:

- a. The position of any existing trees and hedges to be retained or removed
- b. Details of all tree, hedge, shrub and other planting proposed as part of the scheme and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities reflecting a majority of Mosaic species
- c. Means of planting, staking and tying of trees, including tree guards, planter depths and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use
- d. Existing site contours and any proposed alterations to these such as earth mounding
- e. Details of all proposed hard landscape, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings
- f. Timing of planting
- g. Details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site
- h. The ecological mitigations measures to be submitted and agreed.
- i. Details of lighting to be submitted agreed.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and G7 of the London Plan.

20. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement (notwithstanding demolition and preparatory works) of the relevant phase of development, a detailed scheme of hard and soft landscaping and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority.

a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G7 of the London Plan 2021.

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

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

Reason:

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

22. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the relevant phase of development or any site works:

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

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

Reason:

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

23. 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.

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 relevant part of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G1, G5, SI 13 of the London Plan 2021.

24. Prior to occupation a Landscape and Ecological Management Plan, including a tree planting scheme, green roof details, long-term design objectives, management responsibilities and maintenance schedules, including replanting, for all landscaped areas within the application site boundary, ecological trends and constraints on site that might influence management, ongoing monitoring and remedial measures, outline the measures taken to minimise impacts on bats and their insect food, shall be submitted to and approved in writing by the local planning authority.

Reason:

This condition is necessary to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with Policy DM16 of the Development Management Policies (adopted) September 2012.

25. 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.

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 SI1 and SI2 of the London Plan (2021).

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

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

Reason:

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

27. The level of noise emitted from the plant machinery 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.

28. No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction 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.

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 2013) and Policy D14 of the London Plan 2021.

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

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

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, and D14 of the London Plan 2021.

30. Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

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

Reason:

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

31. Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning

Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

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.

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

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings.

32. No development other than demolition works shall take place until a detailed assessment for the extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason:

To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

33. Before development of the relevant phase commences, a report shall be carried out by a competent acoustic consultant and submitted to the LPA for approval that assesses the likely noise impacts from the proposed community use in Block A. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It 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 contents and recommendations. The approved measures shall be implemented in their entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

34. No development of the relevant phase other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant for the Residential Blocks 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.

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 2013) and Policy D14 of the London Plan 2021.

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.

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 April 2013).

35. No site works or works in connection with the development hereby approved shall be commenced until the protective measures as identified in the Ecological Appraisal, Aspect Ecology and further studies those documents may require as approved in condition 2 are implemented for the wildlife species protected by law and the details of any mitigation measures including the timing of works and details of any special techniques has been submitted to and agreed in writing by the council. The mitigation and techniques hereby permitted shall be implemented and maintained thereafter.

Reason:

To ensure that any protected species present are not affected by the development.

36. Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds, common toads and reptiles shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy G6 of the London Plan 2021.

37. Notwithstanding the details hereby approved in Condition 2, prior to commencement of the relevant phase of the development, details and location of bat and bird boxes shall be submitted for approval in writing by the council.

Prior to occupation the bat and bird boxes hereby approved will be installed and all reasonable measures taken to minimise disturbance to these boxes for the lifetime of the development.

Reason:

In the interests of protecting and enhancing biodiversity in accordance with policies CS7 and DM16.

38. Prior to the first occupation of the development, 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. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. 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 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies D4, SI2 of the London Plan (2021).

39. Notwithstanding the details shown on the plans otherwise hereby approved, prior to the first occupation of the relevant phase of the development a scheme detailing all play equipment to be installed in the communal or public amenity space as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the relevant part of the development and the play space shall thereafter be retained.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and of Development Management Policies (Adopted) September 2012 and Policy S4 of the London Plan (2021).

40. Prior to the occupation of the site an External Lighting Assessment together with full details, specifications and plans of any proposed external lighting to be installed as part of the development shall be submitted and approved in writing to the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the relevant part of the development and thereafter be maintained as such.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with Policy DM01 of the Barnet Development Management Policies (adopted) September 2012.

41. No work to occur on Victoria Recreation Ground until the detailed design of connections and associated construction program and management and maintenance program are agreed in writing by the council.

Thereafter, the works shall be undertaken in accordance with the details hereby approved.

Reason:

To ensure there is no unacceptable impact to the council's asset and its continued use as well as to ensure appropriate connections and measures to protect trees and habitat, in accordance with policies LB Barnet policies CS9 and DM17.

41. Prior to the commencement of the relevant phase, details of the number, location and layout of car parking spaces within that phase shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved details prior to occupation 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 Barnet Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

42. Prior to the occupation of each of the phases hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. Location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On site parking controls
- iv. The enforcement of unauthorised parking; and
- v. Disabled parking spaces
- vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

The Car Parking Management Plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason:

To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

43. Prior to occupation of the relevant phase of the development hereby permitted, the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained and made available for use thereafter.

Reason:

In the interests of promoting cycling as a mode of transport 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.

44. Prior to commencement a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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.

45. No works on the public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highways Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into an agreement with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting the public highway including creation of new accesses, reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason:

To ensure that the works on the public highway are carried out to the satisfaction of the Highway Authority 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.

46. Prior to the commencement of the development, details of any roads within the development which are required to be stopped up to facilitate the development shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that adequate public access is provided throughout the development.

47. 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 Policy D7 of the London Plan and the 2016 Mayors Housing SPG.

48. Prior to the occupation of the development, a Waiver of liability and indemnity agreement must be signed by the developer and submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason:

To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area 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.

49. Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

Prior to the first occupation of the residential building 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 September 2012.

50. The commercial and non-residential unit(s) hereby approved (Use Classes A1, A2, A3, A4, B1, D1 and D2) shall be constructed to achieve not less than BREEAM 'Very Good'.

Prior to occupation a Post Construction BREEAM Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan, and Policy SI2 of the London Plan (2021).

51. The residential buildings shall not be occupied until formal post construction BREEAM Certification demonstrating that the development has achieved BREEAM 'Very Good' has been submitted and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan, and policy SI2 of the London Plan (2021).

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

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

53. Prior to the commencement of the development hereby approved a strategy setting out how the phases of the development will connect to the Energy Centre shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the details as approved and each phase of the development shall not be occupied until it has demonstrated that the development has been connected to the Energy Centre, to be agreed in writing by the council.

Reason:

To ensure that the development is sustainable and complies with the requirements of London Plan policies SI2 and SI3.

54. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development of the relevant phase hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the relevant phase of the development and retained as such thereafter.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy D14 of the London Plan 2021.

55. No site works or other works associated with this development shall be commenced before a method statement detailing the precautions to be taken to minimise damage to trees adjacent the site, in accordance with British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy G7 of the London Plan.

56. 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 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. 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) and Policy SI 5 of the London Plan and the 2016 Mayors Housing SPG.

57. No development other than demolition, site clearance and temporary enabling works, shall commence until a Sustainable Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme have been submitted to and approved in writing by the Local Planning Authority.

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

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies SI 12 and SI 13 of the London Plan 2021.

58. Prior to commencement of the development hereby permitted, a scheme for the provision of communal/centralised satellite and television reception equipment to be installed on all blocks hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be retained and made available for use by all occupiers of the development.

Reason:

To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with policies CS5 and DM01 Barnet Local Plan.

59. Prior to the commencement (apart from demolition and enabling works) of works on each building block, details of any roof level structures shall be submitted to and approved in writing by the Local Planning Authority for that phase. This shall include details of roof level plant, water tanks, ventilation/extraction equipment, flues, television reception equipment, solar photovoltaic panels, any other built structure.

The details shall include a justification for the height and size of the roof level structures, their location, height above parapet level, specifications and associated enclosures, screening devices and cladding.

The development shall be carried out in accordance with the approved details and no roof level structures shall be installed other than those approved.

Reason:

In the interests of good design and also to ensure that the Local Planning Authority is satisfied that any roof-level structures do not have a harmful impact on the character and appearance of the area, in accordance with Policies CS05 and DM05 of the Barnet Local Plan (2012) and Policies D1, D4 and HC1 of the London Plan (2021).

60. 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) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

61. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Reason:

To mitigate any potential impact and disruption to Network Rail land and its operation.

62. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason:

To mitigate any potential impact and disruption to Network Rail land and its operation.

63. Prior to commencement of works, full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with approved details.

Reason:

To mitigate any potential impact and disruption to Network Rail land and its operation.

INFORMATIVE(S):

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

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.
The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 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 adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.
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.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

for further details on exemption and relief.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 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.”
- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that

any remedial works for such damage will be included in the estimate for highway works.

- 6 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 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via ww.thameswater.co.uk/wastewaterquality
- 7 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0845 850 2777. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle route on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement. Turning facilities for refuse collection vehicles must be provided within the site for vehicles entering the development.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application, is set out in subsequent sections of this report dealing with specific policy and topic areas.

The development proposals have been considered very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

National Planning Policy Framework (2021)

This document replaces the previous version of the National Planning Policy Framework (NPPF) published in February 2019. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states at Para 126, "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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."

In addition the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and now supersedes the previous Plan (2016).

The new London Plan policies (arranged by chapter) most relevant thought not exclusive to the determination of this application are:

Chapter 1

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Chapter 2

Policy SD6 Town centres and high streets

Chapter 3

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

Chapter 4

Policy H1 Increasing housing supply
Policy H4 Delivering affordable housing
Policy H5 Threshold approach to applications
Policy H6 Affordable housing tenure
Policy H7 Monitoring of affordable housing
Policy H8 Loss of existing housing and estate redevelopment
Policy H10 Housing size mix
Policy H15 Purpose-built student accommodation

Chapter 5

Policy S1 Developing London's social infrastructure
Policy S2 Health and social care facilities
Policy S4 Play and informal recreation

Chapter 6

Policy E2 Providing suitable business space
Policy E11 Skills and opportunities for all

Chapter 7

Policy HC1 Heritage conservation and growth

Chapter 8

Policy G1 Green infrastructure
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands

Chapter 9

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

Chapter 10

Policy T1 Strategic approach to transport

Policy T2 Healthy Streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling

Policy T6 Car parking

Policy T6.1 Residential parking

Policy T6.2 Office Parking

Policy T6.5 Non-residential disabled persons parking

Policy T9 Funding transport infrastructure through planning

Chapter 11

Policy DF1 Delivery of the Plan and Planning Obligations

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Although other policies are of relevance, the Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 (Promoting Barnet's Town Centres)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development Principles for Barnet's Town Centres)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

New Barnet Town Centre Framework (2010)
Planning Obligations (April 2013)
Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Mayoral Supplementary Planning Documents and Guidance:

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 has been taken of the policies and site proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application.

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development.

2. PLANNING CONSIDERATIONS

2.1 Site Description

- 2.1.1 The application site is located to the north of Victoria Road comprising of land formerly part of the British Gas Works site. The site is 3.03ha and currently vacant with the former buildings, structures and hard surfacing removed. The site has also been decontaminated and the basement car park dug out in accordance with the extant Planning Permission ref: B/04834/14, which is one of three permissions granted for the site.
- 2.1.2 The site is located on the edge of New Barnet town centre which is to the immediate south along East Barnet Road. Adjoining the site to the east is Victoria Park (aka Victoria Recreation Ground) with the New Barnet Leisure Centre located on the eastern side of the park. The Albert Road Gas Works is located to the north with a right of access provided from Albert Road running through the site. The wooded embankment to the railway line runs along much of the western boundary, with the railway line raised 10m above the site. In the south west corner are a number of two storey buildings including the Buildings Arms and The Railway Bell PH. A range of two and occasionally three storey semi-detached and terrace houses are located to the south east of the site.
- 2.1.3 Between the cleared application site and the Gas Works site to the north is an elevated, caged pedestrian walkway (approx 3-4m above ground level) which crosses the site from east to west and provides a pedestrian route via a tunnel beneath the network rail track between Victoria Park (to the east) and Cromer Road (to the west). This is a public right of way.
- 2.1.4 The site is accessed via Albert Road which in turn is accessed off East Barnet Road/Victoria Road. The present access arrangements require that vehicles entering the site use the eastern arm of Albert Road whilst those exiting may use either arm.
- 2.1.5 The site is located approximately 200m to the north east of New Barnet Station with Great Northern and Thameslink providing regular services to Kings Cross and Luton Airport. There are a range of bus services from nearby bus stops located on East Barnet Road with services to various transport hubs. Further and circa 1.6km to the east is Cockfosters Station on the Piccadilly Line and 1.4km to the west is High Barnet on the Northern Line. The majority of the site has a Public Transport Accessibility Level (PTAL) score of 3 however this drops to 1b for a section at the northern end of the site.

- 2.1.6 Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys with the exception being the Sainsbury's store. Beyond the railway embankment is a mixture of office, retail and residential buildings varying in height from 2 to 8 storeys around the district centre. To the west of the railway bridge on Station Road the height and massing increases with a number of large blocks extending up to 11/12 storeys in height.
- 2.1.7 The site is not within a conservation area and there are no statutory or locally listed buildings on site. The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding).

2.2 Relevant Planning History

- 2.2.1 The majority of the planning history comprises of historic applications relating to the use of the site by National Grid, which are of little relevance to this current application. However there a number of planning applications which have been granted which are relevant to this proposal. These are detailed below.

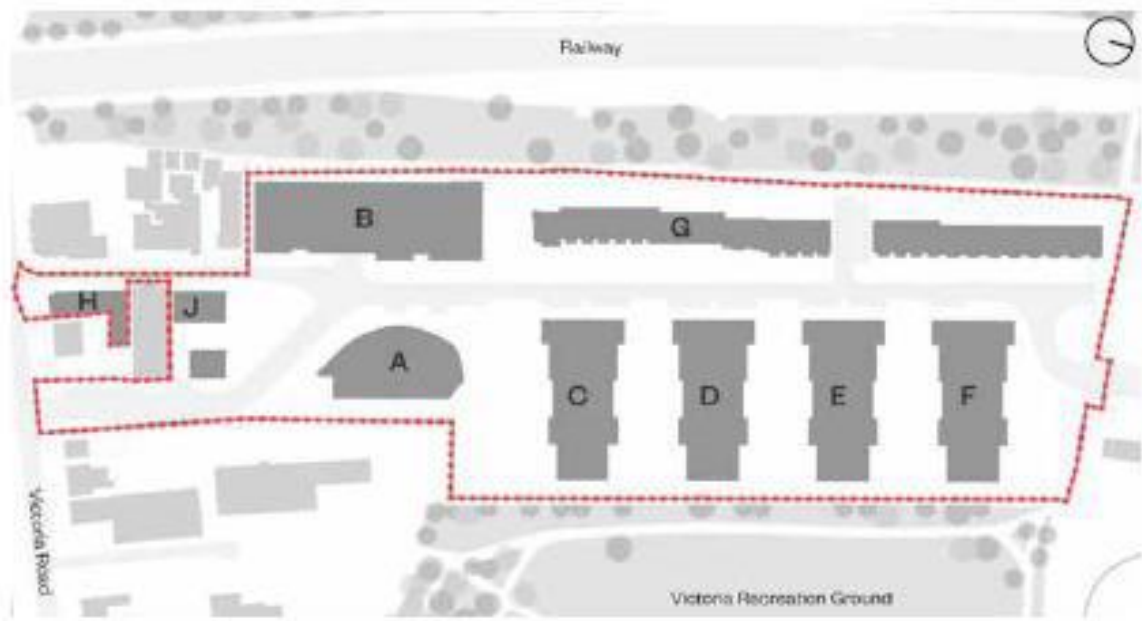
Adjoining site:

- Application Ref: 17/6422/FUL, 9 Albert Road - Redevelopment of the site to provide a five storey building comprising 9no. self-contained flats with associated basement parking, refuse and recycling store, amenity space, cycle storage. Refused 5th December 2017, reason for refusal – insufficient evidence provided to indicate that the existing employment site has been effectively marketed for at least 12 months. Allowed at Appeal, dated 20th March 2019.
- Prior approval (20/5638/PND) was granted for the demolition of redundant gasholder and associated structures at the British Gas Works site on the 17th December 2020. The site is location to the north of the application site

Application site:

- Application Ref: B/04834/14 - The first permission was granted in May 2015 (following completion of the legal agreement) for 305 residential units including 15% affordable, 674sqm mixed use commercial space. This included creation of new public open space; alteration and additions to the existing highways arrangements, the removal of the existing elevated footbridge and creation of new pedestrian routes together with associated works including landscaping, provision of basement and surface car parking, servicing and plant area.

The site boundary for this application is provided below:



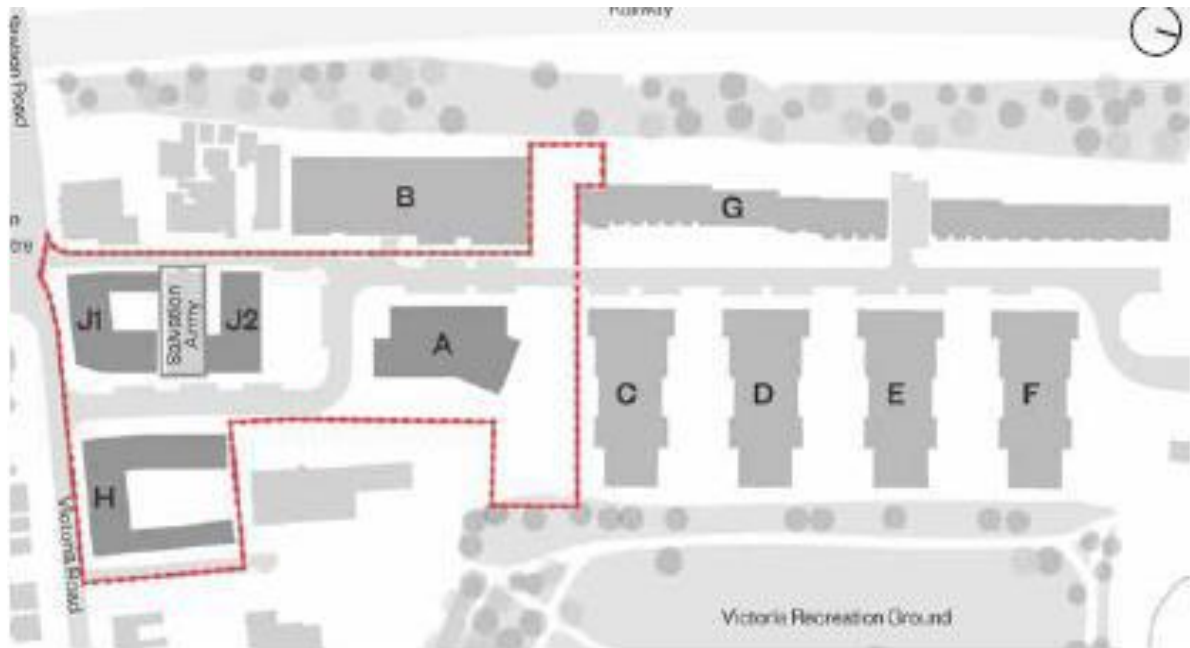
The permission has been formally implemented and the following conditions relating to the site clearance, demolition and remediation discharged:

- Condition 4 – Water Course (17/1476/CON)
- Condition 5 – Hazardous Substance Revocation (16/2195/CON)
- Condition 7 – Construction and Management (17/7160/CON)
- Condition 27 – Site Waste Management plan (16/4311/CON)
- Condition 38 – Drainage (16/3626/CON & 17/3583/CON)
- Condition 40 – Demolition & Construction Method Statement (16/4336/CON)
- Condition 41 – Remediation and Verification Strategy (16/2785/CON, 17/1476/CON & 18/3278/CON)
- Condition 57 – Air Quality Assessment (16/4887/CON)
- Condition 59 – Tree Protection (16/3459/CON & 17/2053/CON)
- Condition 60 – Tree Method Statement (16/3459/CON)
- Condition 61 – Tree Excavations (16/3459/CON, 17/2053/CON & 17/7160/CON)
- Condition 62 – Ecology Mitigation Measures (16/2193/CON)
- Condition 63 – Site Clearance Works (16/2193/CON)
- Condition 69 – Bat Boxes (16/3565/CON)
- Condition 74 – Excavations and Earthworks (16/3894/CON)

Associated works including demolition, site remediation, sewer diversion, drainage and excavation of the basement areas for the proposed car park having commenced.

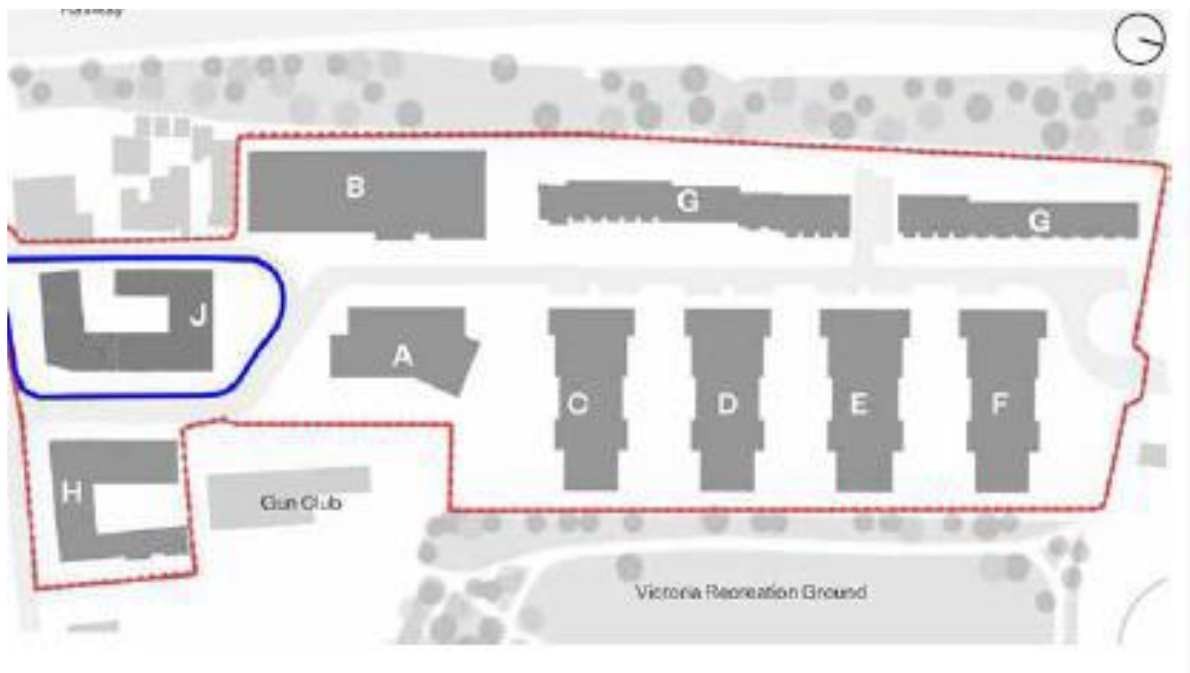
- Application Ref 16/7601/FUL: Second permission was granted in July 2020 (following completion of legal agreement) to cover an additional piece of land to the front of the site as well as part of the existing site (southern part of the site). This was for an additional 104 residential units (net increase of 52 units), 623sqm of mix use commercial floorspace (A1/B1/D1/D2), the creation of new publicly accessible open spaces, pedestrian routes and car parking, cycle parking and landscaping.

The site boundary for this application is illustrated below:



- Application Ref 17/5522/FUL: The third application was granted in July 2020 (following completion of legal agreement) relates to the southern area (front part – Block J) of the site to construct 39 residential units and 265sqm of commercial/retail/office floorspace (Use Class A1 – A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping.

The site boundary for this application is shown in blue below:



2.2.2 The extant planning permissions result in a combined scheme which provides a total of 371 units; 18% affordable by habitable rooms; 618m² of mix use commercial

floorspace; and 396 car parking spaces along with the other improvements to the surrounding area secured via legal agreement.

2.2.3 In 2020, Planning Application Ref 20/1719/FUL was submitted for 652 units and 423 sq m commercial space on the application site, a scheme which would have superseded the 317 composite applications. The scheme was refused on the 16th December 2020, with the following reasons for refusal::

- 1 The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).
- 2 The proposed development by reason of its density, design and layout, would provide an unsatisfactory standard of residential accommodation due to the poor layout of some of the proposed flats, inadequate separation distances, poor outlook, limited natural light and poor quality courtyard amenity spaces. The proposal would therefore represent a poor form of development to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of the NPPF; Policies 3.5, 7.4 and 7.6 of the London Plan (2016); Policy CS5 of the Local Plan Core Strategy (2012); Policy DM01 and DM02 of the Development Management Policies (2012); the Council's Residential Design Guidance SPD (2016); and Sustainable Design and Construction SPD (2016).
- 3 The proposed development, by virtue of the unit mix being predominantly one and two bedroom units and with no provision of four bed family units, fails to provide a genuine choice for a growing and diverse population and thus fails to meet the identified housing need in Barnet, contrary to the requirements of the NPPF; Policy 3.8 of the London Plan (2016); and Policies CS4 and DM08 of the Barnet Local Plan Core Strategy (2012) and Development Management Policies (2012).
- 4 In the absence of a Section 106 Agreement, the application does not include a formal undertaking to enable an amendment to the Traffic Regulations Order and to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies 3.6, 3.12, 3.13, 4.3, 4.12, 5.2, 6.3, 6.9, 6.10, 7.19, 7.21, 8.2; Policies DM02, DM04, DM10, DM14, DM16, DM17; and Policies CS4, CS7, CS8, CS9, CS15 of the Development Management Policies (2012); Barnet Local Plan Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).

2.3 Proposed Development

2.3.1 This application seeks planning permission for the redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development (Amended Plans and Amended Description)

The proposal seeks following amendments to address the reasons for refusal for the previous scheme:

- Reduction in the quantum of residential units from 652 – 539 (-113 units);
- All blocks designed at 7 storeys or below;
- Amendments to the layout of the flats to optimise orientation;
- Separation distances between building blocks set to a minimum of 20 metres to optimise daylight and sunlight and improve outlook;
- Inclusion of 4-bedroom units;
- Increased quantum of on-site play space;
- 267.1 sq.m. of commercial floor space, 112.7sq.m. of community use; and
- 334 parking spaces

The site boundary for this application is illustrated below:



2.3.2 The proposal would provide a total of 539 units with 35% as affordable housing by habitable room equating to 149 units of both London Affordable Rented and Shared Ownership. The scheme seeks to optimise the provision of residential development on the site, providing high quality accommodation and positively responding to the site constraints.

2.3.3 The site has been laid out in a series of blocks arranged with regard to the locational characteristics and constraints including the network rail line and embankment land, Victoria Park, the National Grid depot including its right of access, culverted watercourse and surrounding trees and topography. A central spine road serves the

site and National Grid depot, connecting to the existing Albert Road East and West alignment. The 13 blocks would vary in height and are set out below:

Building	Maximum Height (Storeys)
Block A	7
Block B1	7
Block B2	6
Block C1	7
Block C2	7
Block D1	7
Block D2	7
Block E	7
Block F1-3	6
Block G	5
Block H	4
Block J	5

- 2.3.5 The development has a range of main character areas; High Street, The Gateway Garden; The Park Plaza and Approach, Courtyard Gardens and Blocks, Mansion Blocks and Spine Road and Park Edge. The Gateway buildings (Blocks H & J) along Victoria Road would connect the Town Centre to the new development with new active frontage provided at ground floor level. A wide variety of landscaping is provided across the site. The main vehicular route would have widened landscape space to provide a green defensive space and a residential active frontage. Public amenity space will be provided between the blocks, with natural surveillance provided by the surrounding residential units.
- 2.3.6 The ‘Park Plaza and Approach Building’ (Block A) is located slightly to the south of the centre of the site and would act as a visual marker providing a way-finder for pedestrian movement from the gateway into the site and through to the proposed new access to Victoria Park.
- 2.3.7 The natural surveillance of Victoria Park would be enhanced by the active frontage of the Courted Blocks (B1+2, C1+2, D1+2) facing this space. Soft landscaping will integrate the west edge of Victoria Park with clear permeability between the proposed development and the park.
- 2.3.8 The Mansion Blocks and Spine Road (E, F1-3, G) back along the wooded railway embankment and front the spine road. The widened landscape space in front of the Spine Road Buildings provides a green defensive space for the residential active frontage. The areas between the buildings allow for pocket play areas.
- 2.3.9 The scheme provides a total of 1,713 sqm of public open space on site and 5,158 sqm of communal amenity space as well as 5,583 private space in the form of terraces and balconies. The open space is provided in three areas around Block A/B1/B2 and between B1/B2, C1/C2 and D1/D2. Additionally, 1,857 sqm of play space is proposed to be provided for children ages 0-4 and 5-11 across the site in accordance with the GLA calculations.

2.3.10 The scheme would provide a total of 334 car parking spaces at a ratio of 0.6 with the majority within the basement along with some surface level parking. There would also be 994 secure cycle parking spaces.

2.3.11 As with the extant planning permissions, further connectivity improvement is proposed by removing the elevated caged pedestrian link and re-providing at surface level with a new staircase up to the network rail foot tunnel.

Revisions and additional information

2.3.12 In the course of the assessment, additional details and clarification were provided in respect of various detailed aspects of the scheme e.g. boundary treatments, drainage, energy, green spaces, park pathway realigned, and additional tree planting along the eastern boundary adjoining the park. In addition amendments have been submitted for Albert Road West to provide enhanced facilities for pedestrians and cyclists. Therefore, there has been no significant or material change to the proposed scheme.

2.4 Public Consultations

2.4.1 As part of the consultation exercise, 2160 letters were sent to neighbouring properties and residents on the 29th July 2021 given a consultation period of 42 days although this was extended to the 30th September at the request of residents. In addition the application was advertised in the local press and site notices were posted around the site. A second round of consultation was carried out on the 11 Nov 2021 as a result of the receipt of amended plans. The consultation period for the amended plans was 21 days although this was extended to the 16th December following a request from residents.. At the time of preparing this report a total of 798 objections have been received. In addition 11 letters in support and 6 letters of representation have also been received. The objections submitted following the second consultation period generally raise the same issues as previously raised with the scheme.

2.4.2 Public Objections:

The letters of objection received can be summarised as follows:

- The heights of the developments would be out of keeping with the suburban character of the area which comprises of predominantly single and two storey dwellings
- Overdevelopment of the site
- Height, density, massing and bulk of the developments would not be in keeping with the surrounding area.
- Fails to enhance local character
- Fails to optimise density and instead attempts to maximise it
- Contrary to Barnet's tall building policy – being located in the wrong place
- Overlooking and loss of privacy of neighbouring properties, gardens and public spaces.
- Reduces quality residential amenity enjoyed by existing residents/neighbours

- Harm to local views – particularly when viewed from Hadley Green through New Barnet to Central London Borough of Barnet
- In sufficient mix of flats – too many 1 and 2 bed units – lack of 3 and 4 bed family sized dwellings
- Insufficient private amenity space for proposed residential units – not family oriented.
- Public Transport Accessibility Level is overstated – the rating the scheme benefits from does not actually apply to the wider site – with most of the site having the worst rating (1a).
- A number of the units are located unsustainably away from public transport – trains, buses and underground.
- Insufficient capacity on the existing Public Transport Network to accommodate the development
- Insufficient car parking provision, leading to overspill in other roads and consequently increasing parking pressures and congestion.
- Adverse impact on local social infrastructure (e.g. GPs surgeries, dentists, and schools).
- This current scheme has not been as extensively discussed with the community and local groups and is not as carefully balanced as the previously approved scheme.
- Meaningful engagement with the public and subsequent consideration of the views raised has been inadequate/poor.
- The previously approved scheme should be built out.
- Equalities obligations have not been met by Fairview New Homes and One housing.
- Impact on the protected view from King George Playing Fields, Hadley Green, Monken Hadley.
- The local residents will have no benefit from this development.
- Should be no left turn onto Victoria Road from site as road is impassable now during peak times due to Aldi rat run and New Barnet Leisure Centre.
- Fails to meet the GLA Guidelines for Play Space providing only for 0-4-year-old.
- This development together with what is planned at Cockfoster and High Barnet stations will turn the area in an ‘overcrowded slum’ at the outskirts of London.
- New Barnet Station becoming stretched, overcrowded platforms and trains.
- Would generate huge number of vehicle movements in this area which is already at capacity.
- Missed opportunity to make public realm inspiring, could use ‘wall’ art similar to that in Euston Tower.
- Courtyard gardens would be overshadowed.
- Overlooking to the park and housing.
- The 384 bus route is being rerouted by TFL and would increase traffic during busy times of the day.
- The site was flooded earlier in the year and therefore drainage is a concern.
- Routes for construction traffic to and from the site inappropriate and unacceptable.
- Overpopulation of the area

- The amendments to the scheme a minor in the overall context of the scheme – no significant/discernible changes that improve the scheme
- Insufficient details about how the new footpath will join up with the foot tunnel through the railway embankment which is 5m above ground level. Without information on how the access will be provided it is not possible to determine whether the removal of the existing pedestrian bridge will be appropriate
- In order to build a set of steps or ramp on the embankment it would required the loss of a dense area of trees and shrubbery that the developer is also counting on to shelter the flats from sunlight and train noise.
- Lack of childrens playspace in accordance with standards
- The refuse and recycling storage and collection strategy is not functional and will lead to the bins not being serviced properly/regularly. This is likely to cause nuisance for the existing neighbours/residents.
- Scheme has not been designed cohesively to functional well.
- Lack of parking due to storage of the bins in the basement.
- Committing to a financial obligation to amend the Controlled Parking Zone is contradictory to the idea that there is sufficient parking on site.
- Overheating is an issue for some of the units which will require cooling. These units are the affordable units which will have the added expense of running the cooling units.
- The construction management plan illustrates that hoarding will be erected directly alongside the wester path in Victoria Recreation ground where there are a number of mature trees that will be harmed if construction vehicles or materials are allowed to the access/be stored in this location.
- Insufficient detail about how the pedestrian link between Cromer Road and the park, leisure centre and library will be maintained during the construction phase.
- The construction traffic routes should in the management plan are identical to those presented previously, which show intention to use narrow residential roads for access and delivery routes.
- The desk-based approach to several of the methodologies and justifications set out in a number of the documentation is inadequate and misleading/incorrect.
- The developments are not attractive in design – failing to reflect or respect local character
- The developments will create wind corridors and noise canyons.
- Extended/creation of CPZs will cost the existing residents as a consequence.
- Scheme fails to respond to the sensitive wooded ridge of Green Belt to that frames New Barnet, to the north
- Would not meet local housing need
- Insufficient dwelling sizes and amenity space
- Inadequate sound insulation
- Inadequate solar gain
- Loss of light to neighbouring properties and sites
- Overheating that requires cool will increase energy and maintenance bills for future residents
- Poor standard of accommodation – single aspect flats that overlook the railway/embankment but cannot deal with overheating without opening windows and being exposed to railway noise.

- Visually overbearing impact when viewed from outside of the site.
- Density of the development is far too high
- Viability should not be an excuse to justify overdevelopment
- Developers should not be able to leverage support for inferior overdevelopment by using previous grants of permission as justification
- Noise, disturbance and general disruption during the construction phase of the development
- Insufficient capacity for utilities services (drainage, water, electricity etc)
- The development will bring down the quality of the area – creating a slum.
- The committee should refuse the application
- People who do not live in the area, but who support the application, do not understand the impact.
- Contrary to Policies CS5, DM01, DM02, DM05, DM08 of Barnet's adopted Core Strategy and Development Management Policies DPD (2012)
- Contrary to Policy HOU02 of the emerging draft local plan (reg 22)
- Contrary to London Plan (2021) Policy D6
- Contrary to NPPF Section 12
- The applicant is attempting to wear the community down, in the interest of profit.
- The revised documents are misleading since they just re-state what was said in the original application.
- Flats facing the railway line will suffer from noise and heat which exceed WHO guidelines
- Separation distance between buildings, at 20 metres, is less than required in Barnet's Housing SPG, compromising privacy.
- Advice from the GLA to include a variety of building typologies has been ignored.
- The applicant says there is no need for a Viability Study yet a FOI has revealed that they have indeed received a grant for affordable housing.
- The Housing Density Matrix shows the proposed density equates to a city centre location
- Insufficient width/space for public spaces and roads for buildings that are 7 storeys in height – contrary to The National Modern Design Code
- Cramped form of development
- Lack of good public space / poor urban design

Officer Comment

All of the above representations have been taken into account in the relevant sections of the report, which form part of the assessment below.

2.4.3 In Support

The letters of support received can be summarised as follows:

- Provision of additional quality housing
- Provision of much needed affordable housing.
- There is a duty to provide homes for those without them
- The development is sustainably located to the local transport network.

- Opportunities for younger people to get on the housing ladder
- Appropriate redevelopment of a brownfield site, although planners need to ensure that developers do not cut corners – making sure that they create a high quality development that lasts

2.4.4 Elected Representatives:

Teresa Villiers MP, Cllr Felix Byers, Cllr Nicole Richer, Cllr David Longstaff, Cllr Sachin Rajput & Cllr Roberto Weeden-Sanz

6/12/2021

Further to my email below setting out my objections to this planning application, I understand that the developer has submitted some amendments to the original plans.

Having studied these, I wish to confirm that my objections to the proposed development still stand. I am not reassured by the changes made. They in no way address the concerns I set out in relation to the previous iteration of the application. I therefore believe that it should be refused.

Lastly, I still wish to address the Planning Committee when this application is determined.

10/09/2021

21/3676/FUL | Redevelopment of the site to provide 544 residential units (Use Class C3) within 13 buildings ranging from 4 to 8 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development. | Land Formerly Known As British Gas Works Albert Road New Barnet Barnet EN4 9SH

Thank you for notification of the planning application submitted by One Housing and Fairview New Homes for the Victoria Quarter site, previously known as British Gas Works, Albert Road, New Barnet, EN4 9SH. We write to submit our objections to this latest proposal. We strongly oppose it. The application is not significantly different from the 2020 plans which were rejected unanimously by the planning committee.

The 2016 and 2017 planning applications

As we mentioned in our letter of objection to the application submitted in 2020, we recognise the need for more housing and we support the principle that new homes should be built on this site. But we strongly believe that One Housing should build in accordance with the plans for which it already has consent under planning permissions granted in 2016 and 2017.

Even those earlier plans were controversial, dividing opinion because of the bulk and height of the buildings and the number of units permitted. But after much engagement in good faith between the previous owners of the site and residents, they were adopted as a compromise and received considerable local acceptance. At the time, this appeared to be a successful conclusion to many years of debates and campaigns on the future of the land. Abandoning this compromise is a betrayal of trust.

Over-development: height, massing and density

Although the height of the tallest tower blocks have been lowered, from 10 storeys to 8 storeys, building them would still amount to a massive over-development of the site and have a significant negative impact on the surrounding neighbourhood because of the height, density, massing and bulk of the buildings.

The blocks proposed would contravene policies in the Barnet Local Plan on tall buildings. Policy CS5 (Protecting and enhancing, Barnet's character to create high quality places) states that tall buildings (defined as eight storeys or more) will only be approved for certain parts of the borough. The list of strategic sites and local town centres identified as suitable for tall buildings does not include New Barnet Town Centre, nor the Victoria Quarter site.

The proposed scheme contains no houses and just 16 four bedroom properties. The number of three and four bedroom properties they are proposing makes up just 22% of the total, whereas three and four bedroom properties made up 30% of the 2017 consented scheme. The application is inconsistent with the Barnet Local Plan which states that in Policy CS3 9.2.13 to 14 that priority will be given to three and four bedroom homes (see also Development Management Policy DM08).

Design

The scheme fails to deliver good quality design, being regimental in character, lacking both a variety of building typology and design ambition. In so doing, it fails to meet National Planning Policy Framework (NPPF) Section 12, London Plan (2021) Policy D6 and Barnet Policy CS5, DM01 & DM05. As Save New Barnet put it at page 9 of their objection statement: "The scheme is typified by uniform footprints, blocky massing and repetitive building typologies".

The proposals have not been subjected to an independent expert design review, as set out in London Plan Policy D4;

Seven of the 13 blocks, (274 flats) have been identified as being at high risk of overheating including all the blocks facing the East Coast Main Line, and will require active cooling, contrary to London Environment Strategy Policy 8.4.3, when most of these issues could be addressed through more appropriate design.

The scheme's design will build in significant noise problems to such an extent that properties facing the East Coast Main Line and the spine road will require non opening windows, even though many of the flats have their balcony amenity space facing the noise source, contrary to London Plan Policy D14 and the London Environment Strategy Chapter 9.

Waste management of the site is designed to be complex and labour intensive,

risking the sustainability of the scheme, contrary to London Plan Policy D6 (B) and Table 3.2 - Qualitative design aspects to be addressed in housing developments.

Many of the flats have been designed to only just meet the absolute minimum space standards, even though the London Plan paragraph 3.6.2 states that “The space standards are minimums which applicants are encouraged to exceed”.

The Children’s Play space fails to meet the minimum requirement, in breach of London Plan Policy S4, and there are concerns around the basis of amenity space calculations which appear to include public land not owned by the applicant;

Parking, traffic congestion, and infrastructure

We note that 344 parking spaces are to be provided for a total of 554 residential units. That would leave a significant number of households without any on-site parking, almost half of households without any on-site parking at all, despite the predominance of travel by car and multi-car households in this part of London.

As acknowledged in the 2020 Draft Barnet Local Plan, there continues to be high car usage in this borough. This site is some considerable distance from tube stations. For example, the applicants concede it would take 25 minutes to walk to Cockfosters station. Although a national rail station is closer, services there are limited, in terms routes, capacity and timetabling. The trains are already crowded at peak time. Additionally, Transport for London have withdrawn the 384 bus service from local roads including East Barnet Road and Crescent Road, further reducing public transport capacity and connectivity in East Barnet ward.

There would therefore be a considerable impact on local roads both in terms of traffic congestion and parking. Overspill parking will occur in streets which are narrow and are already filled with the cars of residents whose homes cannot accommodate off-street parking.

A CPZ in the vicinity is neither wanted, nor will it be acceptable to a majority of local residents and local elected representatives. It is wrong for the developers to presume that their willingness to fund consultation and implementation of a CPZ in any way mitigates the traffic concerns arising from their proposals. Their attitude on this point illustrates the developers’ failure to listen to the local community.

A particular location of concern is the junction of Victoria Road, Albert Road and East Barnet Road, which is already under pressure because from traffic problems.

Residents have raised concerns about safety issues at the junction of Victoria Road, Albert Road and East Barnet Road. This issue was the focus of considerable controversy during previous consideration of the future of the gasworks site. This application would see hundreds more cars using this problem junction every day, with negative impacts for congestion, air pollution, and safety. We are especially concerned about the safety of cyclists using this junction.
Impact on local services.

Viability and pollution

The developers have asserted that the cost of clearing the site of pollution have proved to be much more expensive than anticipated when they received their current

planning consent in 2017. They claim that they need permission for a different denser taller scheme in order to render the project viable.

Yet they have not provided even though this was requested by a member of the planning committee when the 2020 application was considered and is a requirement where the applicant has received a public subsidy, something the applicant acknowledges on page 8 of the DAS. In addition, the London Plan identifies at page 179, footnote 59, the need to provide viability evidence where contaminated site clean up is used to justify a 35% affordable housing requirement;

There are serious concerns about the adequacy of the remediation of the site and impact on tenants, particularly those in Block E (all social housing) where the lack of a hydrocarbon barrier under part of the block may allow hydrocarbon vapours to enter the building.

The proposed protective layer of 450mm of clean soil to cover the polluted ground (Clean Cover System) will mean that any semi mature or mature trees will have to be planted in raised beds to avoid root intrusion into the polluted ground.

Access

The applicant proposes to take control of 1,680sqm of the Victoria Recreation Ground comprising a 10 metre wide strip approximately 168 metres long of grass and mature trees which will become part of the construction site and will be secured behind wooden hoardings for the five year construction period.

The public right of way from the recreation ground to the pedestrian tunnel under the East Coast Main Line will be closed for a prolonged period, potentially up to five years, with no certainty as to how the ground level path will connect with the tunnel entrance which is approximately 7 metres above ground level.

It is not acceptable for the public to be denied access to these important local routes and spaces for such a lengthy period of time.

Impact on local services

I would like to highlight the important point that the Save New Barnet group have made in their representations about the other proposed development schemes in the area:

“Cockfosters Station, 1.9 km from the proposed site, a planning application to build 351 flats on the car park has been lodged with Enfield Council. In addition, there is an extant consent to redevelop the adjacent Black Horse Tower into 200 flats.

High Barnet Station, 1.7 km from the proposed site, there are plans to build approximately 300 new flats.

Kingmaker House, 230 metres from the proposed site has planning consent for 94 units and an appeal pending for an additional 51 units, bringing the total to 145 units.

The gasholder site immediately adjacent to this development, and which is only accessible via the spine road, has been identified for development with approximately 200 homes.

North London Business Park, 2.9km from the proposed site has planning consent for 1,350 units, with a proposal to increase that number to 2,500 units.

In Whetstone, 2.3km from the proposed site there are three developments proposed or under construction. At Barnet House in Whetstone the developer has very recently submitted an application for 260 flats. In Oakleigh Rd North there are two developments, with a further 264 new flats proposed or under construction.

With the 544 units in the proposed development this means the local infrastructure will have to support an additional 4,764 homes with approximately 9,500 – 10,500 people. This does not include all the smaller infill developments that are also taking place in the local area and the three recent developments at 1201 High Road, Northway House and Sweets Way at Whetstone which amount to a further 561 homes.”

Should some or all of the proposed developments proceed, the pressure on the local infrastructure such as GP surgeries, dentists, schools and other essential local services will be very significant.

Expansion of local GP services is already needed because of rising healthcare demand, and a significant increase in the local population would see pressure on local NHS practices intensify.

Conclusion

We believe that the application should be refused because it contravenes a number of planning rules and would damage the quality of life and local environment for New Barnet residents. It would be an over-development of the site. The height, density and design of the buildings proposed are wholly inconsistent with the open suburban character of the surrounding neighbourhood.

It would also set a dangerous precedent for similarly damaging development in the constituency. Any potential merits this application might have are far outweighed by its adverse impacts. In our view, the developers should revert to the original plans for which planning permission has been granted.

We would be grateful if you could ensure that our views, and those of our constituents, are brought to the attention of the planning committee. We also wish to notify you that two of us (Cllr Byers and Theresa Villiers) would like to address the planning committee when this application is considered.

Cllr Anne Clarke AM

I am writing in my capacity as London Assembly Member for Barnet and Camden to object to the above application.

My grounds for objection are as follows;

The application contains too few family sized homes. The permitted application, which was conducted in consultation and with the support of local residents allowed for 30 4-bedroom homes, which are in dire need in this borough. The present application, despite a large increase in the number of units, reduces the number of large family homes down to 16. This is wholly inadequate to meet the challenge of

housing young and large families. Conversely, the number of 1-bedroom properties has almost doubled from 84 to 159, and 29 studio apartments have been included in the scheme.

The latest application is for flatted only development, of up to 8 storeys. The original application contained town houses and mews, as well as 4-6 story blocks, with only one being 8 storeys high. This is out of keeping with the area and provides for no properties with gardens. The proposed blocks are too tall for the area, which is characterised by low-height housing.

The original application allowed for 371 homes, whereas the latest proposal is for 554, a near 50% increase. This is a substantial increase in density, which the local area will struggle to adjust to. 183 additional homes will need additional unplanned infrastructure, such as school places and GP provision, as well as having an impact on transport capacity. Given that the Barnet Draft Local Plan suggests only 43 properties at the Shooting Range site and 201 for the gasworks site, the existing permission for 371 units is already substantially above the 244 planned. The latest application would more than double the expected density.

The overall quality of design is poor. Monolithic rectangular blocks with little architectural merit are out of place in a Victorian Suburb with its own character. In addition, the design of the blocks will create serious problems with noise and poor living spaces. The impact of the design will be overpowering to neighbouring properties and parks. In addition, the all-flatted development could lead to a lack of amenity space.

Finally, this scheme does not provide enough parking provision. The previous scheme had approximately 1 parking space per property, whereas this scheme has 0.6. Given the location, on the edge of London, and the change in lifestyles due to Covid – more working from home, more orbital travel, less radial travel, as well as the likely demand for housing here from families, indicates that there will be a higher than average car use onsite, which cannot be catered for. Neighbouring roads are already seriously over-capacity in parking provision.

In conclusion, this site already has a well-supported and functional approved plan that could be started straight away. The latest plan rips apart the strong input of the community and provides lower quality housing. It should be refused.

2.4.5 Neighbouring/Residents Associations & Local Amenity Groups

New Barnet Community Association & Save New Barnet Campaign

Two responses were received the first on 21st September 2021 from Save New Barnet followed by the second on 8th December 2021 in relation to the amendments to the scheme. These were detailed responses however the provided summary of the objections are summarised below.

21st September Objection: Save New Barnet

Executive Summary

This scheme represents exceptionally poor design and, if approved in its current format, will build in numerous problems that will make the development environmentally unsustainable and a major problem for the tenants and the community in the future. Our objections include the following:

- The scheme fails to deliver good quality design, being regimental in character, lacking both a variety of building typology and design ambition. In so doing, it fails to meet National Planning Policy Framework (NPPF) Section 12, London Plan (2021) Policy D6 and Barnet Policy CS1, CS5, DM01 & DM05. As there are so many design issues, we have detailed them in a separate design review document;
- The GLA officers noted in their pre-app advice of 7 June 2021 that they “considered that there is now scope to explore alternative layouts and architectural typologies to find an optimal design solution for the site”. This request has been ignored by the applicant;
- Just 11.7% of market homes in the scheme are 3 bedrooms (46 of 394 market homes) even though this size is the top priority as set out in Barnet’s current policies DM08 and CS4, draft policy HOU02, and supported by evidence in the SHMA;
- The children’s play space fails to meet the minimum requirement, in breach of London Plan Policy S4, and there are concerns around the basis of amenity space calculations which appear to include 1,680 sqm of public land not owned by the applicant;
- Seven of the 13 blocks, (274 flats) have been identified as being at high risk of overheating including all the blocks facing the East Coast Main Line, and will require active cooling, contrary to London Environment Strategy Policy 8.4.3, when most of these issues could be addressed through more appropriate design. The proposed active cooling system will be expensive to run and fails to integrate with the district heating system making it environmentally unsustainable and in breach of London Plan Policy SI 2 and Barnet Policy CS13;
- The scheme’s design will build in significant noise problems to such an extent that properties facing the East Coast Main Line AND the spine road will require non opening windows, even though many of the flats have their balcony amenity space facing the noise source, contrary to London Plan Policy D14 and the London Environment Strategy Chapter 9;
- The GLA noted in their pre-app advice of 7 June that “The application site is not located in an area which is identified as being appropriate for tall buildings. As such, the proposal would not comply with the locational requirements of London Plan Policy D9 (B)”. This has been ignored by the applicant;
- Waste management of the site is designed to be complex and labour intensive, risking the sustainability of the scheme, contrary to London Plan Policy D6 (B) and Table 3.2 - Qualitative design aspects to be addressed in housing developments and Barnet Policy CS14. In addition, the applicant has misrepresented Council Officers by including correspondence from a previous application and using it for the support of this scheme, even though it is fundamentally different;
- Many of the flats have been designed to meet the absolute minimum space standards, even though the London Plan paragraph 3.6.2 states that “The space standards are minimums which applicants are encouraged to exceed”;
- BRE guidelines state that an open plan living room should achieve a higher percentage value for daylight (2% ADF) if it contains a kitchen - but the applicant has used a figure of 1.5% ADF (the target for living rooms) instead, meaning that many more rooms appear to meet guidelines when, in fact they fall short. With the subsequent change to the glazing Response to Planning Application 21/3676/FUL 4

specification to address the overheating problem, this will mean that even more of the rooms fall short of the BRE guidelines;

- The scheme has not been subjected to an independent expert design review, as defined in London Plan Policy D4. A 'Design Audit' has been provided but this does not comply with the definition of a design review as detailed in the London Plan, includes no architectural input or expertise, makes unevidenced statements and gives personal opinions. The 'audit' is of such poor quality we have included a detailed analysis of its shortcoming in a separate document attached;
- The ecology assessment has only considered the land within the ownership site not the application site. No bat or habitat surveys were conducted on the 27 trees and wooded area that sit within the application site but not within the ownership site meaning that valuable habitats could unknowingly be destroyed in breach of Planning Policy DM01 j(vi) & k;
- The time between the public consultation closing and the submission of the application was less than 5 HOURS, demonstrating that the applicant had no intention of listening to, considering, or even less, implementing any public comments, negating the validity of the consultation process and contrary to paragraph 128 of the NPPF (February 2019);
- The developer's own transport consultant identifies that the reduction in on-site parking spaces will leave the site short of at least 47 spaces excluding those for any visitors. This will inevitably lead to a CPZ being introduced in New Barnet, even though this could be offset with a straightforward amendment to the design and as such is in breach of Planning Policy DM17;
- The applicant is grabbing 1,680sqm of the Victoria Recreation Ground comprising a 10 metre wide strip approximately 168 metres long of grass and mature trees which will become part of the construction site and will be secured behind wooden hoardings. We have no confidence that the trees will still be there when the hoarding is removed in 2027 and the approach to this valuable green space is in breach of Policy CS7;
- The public right of way from the recreation ground to the pedestrian tunnel under the East Coast Main Line will be closed for a prolonged period, potentially up to five years, with no certainty as to how the ground level path will connect with the tunnel entrance which is approximately 7 metres above ground level;
- There are serious concerns about the adequacy of the remediation of the site and impact on tenants, particularly those in Block E (all social housing) where the lack of a hydrocarbon barrier under part of the block may allow hydrocarbon vapours to enter the building. In addition, the proposal is to excavate 18,668 of this contaminated soil of which 16,801 tonnes will be moved off site raising serious concerns about how pollutants may be dispersed into the local community;
- The proposed protective layer of 450mm of clean soil to cover the polluted ground (Clean Cover System) will mean that any semi-mature or mature trees will have to be planted in raised beds to avoid root intrusion into the polluted ground;
- The applicant has provided information that is inaccurate, out of date and misleading, such as:
 - o False number of patients per GP (Health Assessment Report);
 - o False number of available school/ nursery places at Danegrove School and St Margaret's Nursery (Health Assessment Report);
 - o False number of car parking spaces on East Barnet Road by including the road under the railway bridge to the junction with Lytton Road where, although it is single yellow line, a car parked there would gridlock the traffic. On Tewkesbury Close it states there are 9 places when in fact there are none as this is the entrance to Sainsburys car park (Transport Assessment Report);
 - o Response to Planning Application 21/3676/FUL 5
 - o The Utilities Assessment Report, although dated June 2021, refers to scheme as having 652 flats, 392 car parking spaces with buildings up to 10 storeys, which is a description of the 2020 scheme;

The applicant also includes an email from a council officer that appears to endorse a key element of the design. However, the element the officer endorses does not exist in the submitted scheme, but was in the 2020 scheme, raising serious concerns about the why such a misleading email was included. The Circular Economy Statement also includes references to this non-existent element of the scheme; • The applicant has had more than two years to prepare a design for the ramp connecting the new ground level public right of way to the pedestrian tunnel under the railway line. They did not provide details for the 2020 application and they have still not provided it for this 2021 application, a concern raised by the GLA in their pre-app advice (paragraph 46) of 7 June 2021;

- The logistics route is still directing up to 40 HGVs daily across Hadley Common even though they have been told on repeated occasions that this route is entirely unsuitable for HGVs, demonstrating that the applicant simply is not listening.

8th December Objection: New Barnet Community Association

Further to our objection letter of 28 September, we have set out our response to the amendments submitted by the applicant in November 2021. In summary, the applicant has changed very little; a reduction of one storey on Block A and the addition of some parapets. The net overall effect is a reduction of just 5 flats. The applicant has tried to justify a number of issues raised in our previous objection document but their arguments appear weak and they simply reiterate their main application document. We have set below our specific comments in response to the new submissions, but we would note that it is a great shame that the applicant failed to engage the community in a meaningful dialogue at pre-application stage. It remains clear that the application is in breach of numerous planning policies and does not meet the requirements as set by the GLA in both their pre- application advice and their Stage 1 Report. More seriously, we are surprised that the applicant has chosen to specifically address our concerns rather than address concerns which you and your team, as the people who will provide the planning recommendation, may have advised, nor the issues raised by the GLA. For all of the reasons set out in our previous response, we urge you to reject the application.

Barnet Society

The Barnet Society objects to this application. These are our principal concerns:

1. Consultation

The Society has sought to engage with the applicant's team at every stage of this project. We commented in detail on the previous application (20/1719/FUL), on the applicant's new approach (April 2021) and on its new scheme (June 2021). Although some modifications have been made to the proposals, no real attempt has been made to respond to long-held and cogently-argued local community views.

2. Density, height and massing

We welcome the reduction in number of housing units to 554, though we still question the need for the proposed density. Although the heights of blocks have been reduced, we still believe they are excessive. In Visualisation VP_1_8 they are partly masked from Victoria Recreation Ground by existing trees, but the

viewpoint selected is close to the site; viewed from the far side of the park they would be much more obtrusive. The density considerably exceeds what is appropriate for an outer London suburban setting. This is an inner-city development imposed on an edge-of-London location.

3. Local neighbourhood character

We note some improvements in massing and design detailing, but not the radical rethinking we had hoped for. The scheme is still basically a grid of monolithic, rectilinear blocks quite out of character with both the low-rise residential streets of New Barnet and the nearby Metropolitan Open Spaces and Green Belt.

4. Connectivity to New Barnet

The offer of £125k towards improved provision for pedestrians and cyclists proposed in Vectos's Transport Assessment is welcome, but we cannot find Appendix D (Junction Improvement Plan) to verify it. We remain concerned about the substantial increase in cars on already congested streets. The proposed contribution of £120k to bus-stop enhancement will only help if local traffic and on-street parking is better controlled.

5. Housing mix

We are pleased to see four-bedroom homes, but regret that the number of three-bedroom ones has been reduced. The mix is still not sufficiently weighted towards larger family units to answer the acknowledged local housing need, nor does it meet the 10% figure that the Society suggested in April. To locate many family homes high above ground is also poor practice.

6. Domestic environments

Units must meet or improve on minimum national standards in respect of personal and communal amenity space, internal spatial standards, daylight and privacy, as well as post-Grenfell fire requirements. We share Save New Barnet's concerns about the high noise levels, solar gain and issues with regard to the units facing the railway line.

7. Amenity space

The outdoor space of three and four-bedroom homes is mean, and those at ground level have narrow, hard-paved and sometimes L-shaped terraces that are no substitute for proper gardens. Too much reliance is placed on Victoria Recreation Ground for amenity space.

8. Community space/café

The space provided would be much more versatile (and potentially income-generating) if it was not interrupted by structural columns. The notion in the Transport Assessment (3.56) that it could be used as a 24-place nursery is over-optimistic given the lack of attached and secure outdoor space.

9. Sustainability

The suite of Sustainability, Energy & Circular Economy Statements and the Whole Life Carbon Assessment are to be welcomed, but contain numerous qualifications about data assumptions and refer to Barnet design standards that are five years old. Despite heavy investment in passive design and air-source heat pumps, a carbon offset payment of over £500k would still be required. The Design & Access Statement's assertion (9.1) that the scheme "should meet the

governments ambitions for nearly zero carbon buildings by 2050” does not inspire confidence.

10. Construction traffic

Construction traffic via local main roads and residential streets is a significant concern, and also that via the narrow roads and sharp corners of Hadley Common (including the risk to the historic gates).

11. Long term management

Although the Sustainability Statement states that a management company is proposed, no detail is provided. This would be essential if the housing is not to deteriorate like some post-war estates.

12. Local infrastructure

We are concerned about the great pressure this development will impose on local medical and dental practices, schools and other services.

Clerk to the Trustees of Monken Hadley Common:

Objection to the vehicle construction route. In summary it is stated that, ‘it is impossible to use safely and efficiently the proposed construction route away from the site.’

Two fundamental points:

1)The white gate at Hadley Road is a listed structure and too narrow.

2) Camlet Way is almost impassable for large vehicles when children are arriving at and leaving the two schools.

2.4.6 Responses from External Consultees

Greater London Authority (GLA)

Strategic issues summary

Land use principles: Proposed optimisation of the brownfield site for residential-led mixed-use development is supported (paragraphs 12-26).

Housing: 35% affordable housing by habitable room, split 60%/40% affordable rent/intermediate. This offer meets the 35% threshold for the Fast Track Route and is supported. Grant funding must be investigated and further detail on the affordable rent levels and the intermediate housing income thresholds should be provided before the proposal can be considered under the Fast Track Route. An early stage review must be secured (paragraphs 28-34).

Urban design: The masterplan layout and revised massing strategy are supported. Whilst the application site would not comply with the locational requirements of Policy D9 (B), on the basis of the information submitted addressing the requirements of Part C of the policy, GLA officers are of the view that the proposed height and massing could be suitable for the site. This is subject to the Council’s

assessment and an exemplary standard of design robustly secured by condition (paragraphs 40-62).

Transport: The financial contribution towards bus improvement works and controlled parking zones must be secured within the S106 agreement. Delivery & Servicing Plan and Construction Logistics Plan to be secured by condition (paragraphs 63-68).

Further information on **energy, whole-life carbon, circular economy, water and biodiversity.**

Recommendation

That Barnet Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 82. Possible remedies set out in this report could address these deficiencies.

Conclusion

82. London Plan policies on housing, affordable housing, urban design, transport, sustainable development and the environment are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- **Land use principles:** Proposed optimisation of the brownfield site for residential-led, mixed-use development is supported.
- **Housing:** 35% affordable housing by habitable room, split 60%/40% affordable rent/intermediate. This offer meets the 35% threshold for the Fast Track Route and is supported. Grant funding must be investigated and
 - further detail on the affordable rent levels and the intermediate housing income thresholds should be provided before the proposal can be considered under the Fast Track Route. An early stage review must be secured.
 - **Urban design:** The masterplan layout and revised massing strategy are supported. Whilst the application site would not comply with the locational requirements of Policy D9 (B), on the basis of the information submitted addressing the requirements of Part C of the policy, GLA officers are of the view that the proposed height and massing could be suitable for the site. This is subject to the Council's assessment and an exemplary standard of design robustly secured by condition.
 - **Transport:** The financial contribution towards bus improvement works and controlled parking zones must be secured within the S106. Delivery & Servicing Plan and Construction Logistics Plan to be secured by condition.
 - Further information required on **energy, whole-life carbon, circular economy, water and biodiversity.**

Officer Comment

The plans have been amended post submission and no longer contain any buildings which count as tall building as per Barnet or London Plan policy. As such Policy D9 of the London Plan would not apply to the amended scheme.

Environment Agency

No objections, comments are the same as previous provided for the last application.

Comments submitted for previous application 20/1719/FUL:

We have no objections to this proposal from a flood risk perspective as the main river, the Victoria Watercourse, runs off the site to the east.

Historic England

The site does not lie within an archaeological priority area and an archaeological assessment carried out as part of a previous application identified the site as having a low archaeological potential.

No further assessment or conditions are therefore necessary.

Cadent and National Grid Plant

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Network Rail

No objection in principle to the development, however there are some requirements which must be met given the close proximity to the development of an electrified railway.

Officer Comment: These can be secured by compliance conditions and informatives.

Highways England

Recommendation:

Given the size of the development, Highways England recommend that a Construction Management Plan (CMP) is conditioned to consider the impact of construction on the SRN and strategies to reduce the impact. This should include details of the number and frequency of construction trips, vehicle types, proposed routing, timings and how these will be managed to reduce impacts on the SRN, notably during network peak hours.

Metropolitan Police – Designing Out Crime

Thanks for inviting comments in respect of this application.

In summary, I have no objection to this proposal but would respectfully request the inclusion of an SBD planning condition upon any approval. ASB features highly in the ward and burglary figures remain high in Barnet, therefore SBD accreditation will greatly contribute towards a safer and more secure development.

Natural England

No comments to make on this application.

Thames Water

No objections, comments are:

Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

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

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://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email:

developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

2.4.7 Responses from Internal Consultees

Ecology

Thank you for consulting us on this application and providing the updated Ecological Appraisal (Aspect Ecology June 2020).

Comments

The site does not contain, nor is it located adjacent to any identified non-statutory ecological designations. The closest such designations to the site are Pymme's Brook Site of Borough (Grade II) Importance for Nature Conservation and Monken Hadley Common Site of Borough (Grade I) Importance for Nature Conservation. The next nearest non-statutory designation is located over 1.5km from the site boundary.

A single dusk emergence survey was undertaken in May 2021 and no bats were recorded emerging from the buildings. Therefore, no further bat surveys are required.

We are satisfied that statutory sites will not be affected by the proposal and that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors.

Recommendations

We propose that the following issues can be addressed through ecological planning conditions.

Lighting

The lighting strategy must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>. Further details are provided in Section 6 of the ecology report.

Reptiles

It is recommended that the existing reptile fencing be maintained throughout the construction works and the existing habitats within the site (particularly associated with the western boundary) be managed (prior to completion of construction activities) to prevent significant vegetation regrowth within areas to be worked, that could otherwise provide suitable habitats for reptiles to colonise. Following the completion of construction activities, the reptile fencing can be removed, and any appropriate habitats managed to encourage use by reptiles where appropriate, which would likely benefit this group in the long term.

Breeding Birds

No clearance of suitable vegetation should be undertaken during the bird-nesting season (i.e., outside of 1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking

surveys would need to be carried out no more than three days in advance of vegetation clearance.

Invasive Species

it is recommended that appropriate safeguards be put in place to prevent the spread of the Schedule 9 species Japanese knotweed *Fallopia japonica* during the proposed development works. Based on the current information (including the apparent installation of a root membrane along parts of the site boundary), it appears that suitable control/eradication measures are already in place at the site regarding this species. Nonetheless, it is recommended that this position be confirmed, and suitable measures be continued, including monitoring of the existing (offsite) stands and maintenance of the root barrier to prevent colonisation of the site or potential future spread of this species because of the proposed development along with a strategy of biosecurity measures to prevent any spread to the site including checks on plant machinery.

Biodiversity Enhancement

In line with the National Planning Policy Framework (NPPF 2019) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006 please ensure that the Ecological Enhancements in Section 6.2 (Biodiversity Net Gains) of the ecology report are carried out.

Environmental Health

Comments 27/01/2022

The design team has come up with mitigation built in, in the form of passive design measures such as shading from residential balconies, optimised solar control glazing, internal blinds and appropriate building fabric, as well as assuming measures such as efficient lighting and mechanical ventilation.

-Table 5.1 provides an assessment of apartments with fully openable windows and balcony doors and all proposed passive design measures but without noise and security restrictions.

810 rooms passed overheating criteria and 23 living rooms (with either dual S & W facades or W facades) failed marginally overheating criteria.

Main reason was high solar gains during evening hours. It is stated: 'It is considered that the overall overheating risk within the apartments with these living rooms is not significant. This is because the margin of failure is relatively low and the bedrooms in these apartments fully meet the overheating criteria therefore, can be used as cooler refuge rooms by the occupants during the hottest periods if required. In addition, apart from 4 living rooms in Block B2 of the same type within apartments 112, 119, 126 and 133, all the other living rooms are affected by the noise restrictions which would require an alternative strategy to achieve compliance with the TM59 overheating criteria applicable to predominantly mechanically ventilated homes'.

So that leaves us with living rooms of apartments 112, 119, 126 and 133 failing overheating criteria and further mitigation should be proposed. They have made some considerations but they have not concluded which one is the best for this 4 rooms and in my opinion it is not acceptable to just say that future residents will just need to use another room or a fan.

-Table 5.2 provides an assessment of apartments with fully openable windows and balcony doors, all proposed passive design measures which were assessed considering the noise and security restrictions but without any enhanced ventilation or cooling systems:

232 rooms passed overheating criteria and 601 living rooms failed overheating criteria.

It is therefore proposed that each apartment affected by the noise and/or security issues have a dedicated Zehnder ComfoCool unit operated in conjunction with the Zehnder ComfoAir mechanical ventilation with heat recovery unit which can provide enhanced ventilation rates and enables some control of the temperature and dehumidification of the supply air. Only 4 naturally ventilated living rooms in Block B2 of the same type within apartments 112, 119, 126 and 133 fail the overheating criteria by a small margin.

As mentioned above additional mitigation should be considered for these rooms.

-Table 5.3 provides a summary of apartment overheating results with DSY1 weather file (moderately warm summer) with openable and restricted windows and doors and enhanced ventilation and cooling systems. Table 5.4 provides a summary of apartment overheating results with DSY2 and DSY3 weather files (more extreme weather) with openable and restricted windows and doors and enhanced ventilation and cooling systems.

The overheating modelling results of the proposed overheating strategy demonstrate that all the modelled habitable rooms with openable windows and balcony doors, pass the overheating criteria with DSY1 weather data file except 3 naturally ventilated living rooms within Plots 119,126 and 133. These living rooms in Block B2 only fail the overheating criteria by a small margin. It is considered that the overall overheating risk within the apartments with these living rooms is not significant because the margin of failure is relatively low and the bedrooms, which fully meet the overheating criteria, can be used as cooler refuge rooms by the occupants during the hottest periods if required. All apartments with enhanced mechanical ventilation and cooling where windows are assumed to be closed also pass the overheating criteria with DSY1 weather data file. The modelling demonstrates that the proposed mitigation measures are generally adequate to achieve compliance except for these three living rooms. The overheating modelling results demonstrate that it is more difficult to achieve compliance with DSY2 and DSY3 and the more extreme weather files.

The consultants advise that these weather files represent rarer events occurring only every 7.7 and 11.1 years respectively. The consultants advise that during extreme weather conditions, it is recommended that the occupants use portable fans or coolers to reduce temperatures in occupied rooms to more acceptable levels. It is also recommended that the occupants minimise use of hobs and ovens in hot periods as well as during morning and evening hours.

I have looked at the Average high °C temperatures during summer months in London, the average high temperature in summer months is 23.5 °C so although I think that there may be more that the design team could do to deal with overheating during extreme weather, I am not sure that we could force them to do so taking into account for example that we had a hot summer last year but barely a summer this year, so I would welcome your thoughts on that. What I believe they should definitely do is provide more mitigation for the abovementioned rooms.

Summing up, I can see that an effort has been made to deal with the overheating issues in design stage.

So next step is to recommend a condition to ensure that recommendations will be adhered to, but we don't have one yet (I know Anna Cane is in discussions with planning about finalising the wording for a condition about overheating).

I have done a draft condition below which requires your input. We will need the consultants to further address the issues in the 4 rooms and I would also welcome your thoughts before we get back to the applicant.

The development shall be carried out in accordance with the mitigation proposals so agreed to prevent overheating of the dwellings and communal areas identified in the Overheating Assessment Report, prepared by Ecounico, dated 31/08/2021 and shall be retained as such thereafter.

REASON: To ensure a high standard of residential quality for future occupiers of the development, in accordance with policy XXX of the London Borough of Barnet XXX and policy xx of Local Plan XXX, and to ensure that the development is sustainable in accordance with Policies 5.3 and 5.9 of the London Plan (2016).

Comments 11/08/2021

EH Ref: SSSR/21/05573

Planning ref: 21/3676/FUL

SITE: Land Formerly Known As British Gas Works, Albert Road, New Barnet, Barnet, EN4 9SH

PROPOSAL: Redevelopment of the site to provide 544 residential units (Use Class C3) within 13 buildings ranging from 4 to 8 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development

A different version of this application was submitted in 2020.

Problematic areas :

Flats along the western façade with habitable rooms facing the rail line: Noise from railway line; overheating

I have read Syntegra Noise Impact Assessment, ref 19-6526 Rev. E, dated August 2021. I have attached this report as it was not among the submitted documents. Please save on DMS. I have had lengthy discussions with the noise consultant following enquiries by a residents association who had concerns about that the report dated 2020 and the assessment along the western façade.

The following concerns were raised with Syntegra prior to resubmitting this application:

-that the 100 dB reading in the reports from 2020 are most likely to be trains running through the site, this 100dB LAMax is from monitoring position MP1 and Syntegra claimed that the LA max is probably from passing cars, emergency vehicles and activities at the adjacent club because MP1 is at the front of the site. However, we argued that although MP2 is the monitoring location closer to the

tracks, MP1 is also fairly close to the tracks so the 100 L_{Amax} could have also come from the trains not just passing cars or activities at the adjacent pub.

-The enquirers expressed concerns about monitoring noise at a closer height to the rail line when in 2020 the noise measurements were carried out at the bottom of the embankment. The enquirers noted that in terms of getting accurate noise readings at the rear of the site the noise consultants could have erected a scaffolded structure or even used a cherry picker to place the noise meter at a closer height to the railway line. Therefore I discussed with Syntegra the potential of them returning to site to carry out further monitoring at height level with the railway line. Syntegra have carried out a further noise monitoring survey and included a new section in their report (5.1 noise levels from trains) in order to further quantify noise levels from trains passing the site overnight for those proposed façades directly facing the railway line. MP4 in a free-field location at height of approximately 8m (level with the railway line) on top of an extended cherry-picker. MP4 was located approximately 10m back from the western façade of the site for safety reasons and is considered representative of the closest façades of the proposed Blocks E, F1, F2, F3 & G to the railway line at the worst-case height (level with the railway line).

-The time history graph for MP4 does not identify any very high L_{Amax} noise levels (above 90 dB), which matches MP2, accordingly it is very likely that those very high L_{Amax} noise levels present in the measurement data for MP1 are from alternative sources, such as road traffic or emergency vehicle sirens, due to the railway line being at a further distance from MP1 compared to MP2 and MP4. Although I reckon that 100dB is not usually attributed to road noise, it could be attributed to emergency vehicles but then again Barnet hospital is quite far away. The time history graph for MP4 does not indicate a regular pattern of 100 dB and during night time below 90 dB L_{Amax} are reached (several measurements in the mid- 80 dBs) . It is not unlikely that the higher L_{Amax} noise levels 90-100 dB occurring at position MP1 (generally during day time)are due to other sources rather than fast trains.

I would like to get Syntegra to advise until what time fast trains use the East coast mainline and if they have researched their speed limit.

I can see that they have recommended better glazing for the western façade following their additional survey (32 Rw index in the 2021 report as opposed to 28 Rw index in the 2020 report) but I still believe that the lower floors could benefit from better acoustic glazing in bedrooms and living rooms (>34Rw).

Finally, the public comments received show concern with regard to whether flats built alongside the railway line should have so many habitable rooms, particularly bedrooms, facing the railway line and there are arguments that developments close to New Barnet Station have a mainly blank façade facing the railway line with only small windows for kitchens and bathrooms facing the railway line, something which could be more appropriate for flats built next to the railway.

Based on the recommendations in the report, it is proposed that trickle ventilation and non opening windows for these habitable rooms will prevent noise ingress. I would say that especially in a post covid environment, building homes with non opening windows is probably not a very good idea. Not in my remit to advise on the layout but yes, having kitchens and bathrooms facing the railway line, could be a good idea. During a very hot day, trickle vents are not a good enough option for ventilation , keeping windows closed.

It will not help prevent overheating during the summer. Then again if they opened the windows of habitable rooms, especially bedrooms at night, it will cause more noise disturbance.

I think that it will be a good idea to discuss with the applicant an overheating strategy and recommend appropriate conditions. Perhaps they could have Air source heat pumps - as well as providing warmth during the colder months, air heat pumps can serve as cooling systems during the summer.

The layout and design of the development is not in my remit and neither is overheating so I cannot refuse the application on these grounds. But you have my observations and comments. If the application is approved, I would recommend the conditions below.

Land contamination

I have read CGL Supplementary Geoenvironmental Interpretative Report and Revised Remediation Strategy REV 2 dated June 2021.

The site has been largely been remediated well by J F Hunt but some additional remediation is still required. Therefore I would recommend the condition below:

Remediation works as detailed in the CGL Geoenvironmental Interpretative Report and Revised Remediation Strategy, Rev 2, dated June 2021 shall be carried out and upon completing of the remediation 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) and 5.21 of the London Plan 2016.

I400 LAND CONTAMINATION

Air Quality

I have read Syntegra Air Quality Assessment, Ref: 19-6526, dated 15 June 2021 Section 6 : the Air Quality Neutral benchmarks will not be met for transport emissions therefore the developer must undertake mitigation on site and/or make a contribution to off-setting their emissions. Therefore further work is needed on this and I would recommend conditions

C246A AIR QUALITY NEUTRAL for transport

C247 AIR POLLUTION MITIGATION MEASURES

I403 Air Quality

In addition, I would recommend the conditions below to deal with dust and emissions during construction phase as well as noise

C210 CONSTRUCTION METHOD STATEMENT

1403a Construction Method Statement

C246A NRMM

For any restaurants, licensed premises we will need

C251 ODOUR AND SMOKE CONTROL FROM KITCHEN EXTRACTION SYSTEMS

I405 Kitchen extraction consultant to be used

In commercial areas any places with amplified music or impact noise (Cinema and/or Gym) will need to be isolated from structure of attached residential premise with own noise report

C245 #INSULATION AGAINST INTERNALLY/EXTERNALLY GENERATED NOISE

I402 Acoustic Information

Noise

For all new mechanical plant a plant noise impact assessment will need to be done. We will need to see specific details of plant.

C440 *RESTRICT NOISE FROM PLANT

C243 IMPACT OF NOISE FROM VENTILATION AND EXTRACTION PLANT ON DEVELOPMENT

I402 Acoustic Information

Please add condition

C242 IMPACT OF NOISE ON DEVELOPMENT

To deal with proposed air quality mitigation for glazing, ventilation and potentially better mitigation for the habitable windows of flats along the rail line subject to further comments from the noise consultant.

Arboriculturalist

No comments received. Any comments will be reported in the Addendum.

No objections were raised to the previous application subject to the attachment of appropriate conditions.

Green Spaces

Planning App No	21/3676/FUL
Case Officer	Andrew Dillon
Address	Victoria Quarter New Barnet

Section 106 Contributions			
	Rate	Shortfall	Contribution
Play per sqm	£ 187.68	658.87	£ 123,656.30
Open Space per sqm	£ 50.00	0.00	£ -
Tree per 40 sqm (min 1 tree)	£ 600.00	0.00	£ -
Other S106 Considerations			

Accommodation Schedule

	1 Bed	2 Bed	3 Bed	4 Bed
Market and Intermediates Units	164	207	80	16
Social Units	21	28	23	0
Total	185	235	103	16

Total number of units	Number of Houses in Scheme	Total number of Habitable Rooms (Flats)
539		1,589

Play Provision

	m ² per child
Play space requirement	10

Play Calculations – PTAL Rating 3-4						
	Market & Inter (No; Children)	Social (No; Children)	Total (No; Children)	Required Provision (m2)	Scheme Provision (m2)	Shortfall in Provision (m2)
Age 0-4	69.75	41.79	111.53	1,115.34	1,857.00	-741.66
Age 5-11	46.35	37.78	84.13	841.26	0.00	841.26
Age 12-15	11.44	25.16	36.59	365.95	0.00	365.95
Age 16 & 17	6.04	13.29	19.33	193.32	0.00	193.32
TOTAL	133.58	118.01	251.59	2,515.87	1,857.00	658.87

i - Provision calculated using the GLA Population Yield Calculator v3.2

ii - Overprovision is shown as a negative number

Amenity Open Space Provision

	m ² per Room	Public Spaces	Communal Spaces	Private Spaces	Total Provision
Amenity Open Space Requirement (Flats)	5				
Amenity Open Space Requirement (70sqm pe House)	70				
Amenity Open Space Provided		1,713.00	5,158.00	5,583.00	12,454.00

Amenity Open Space			
	Required Sqm Amenity	Scheme Provision	Shortfall in Provision
TOTAL	7,945.00	12,454.00	-4,509.00

iii - Overprovision is shown as a negative number

Further Comments

Document ref	Commentary	Mitigations /Actions
SECTION 106	The development has a shortfall of 658.87 square meters of play provision, based on the councils charge rate per square meter this equates to a section 106 contribution of £123,656.30 for Victoria Recreation Ground.	Section 106 obligation as follows; Parks and Open Spaces Contribution means the sum of £123,656.30 Index Linked towards the improvement and enhancement of Victoria Recreation Ground within the London Borough of Barnet as identified by the Parks and Open Spaces Officers or such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate (a) Provision of drainage to playing pitches and grounds of amenity land (b) Buildings and fencing improvement within Parks and Open Spaces (c) Project Management Consultation for improvements (d) Improvements to sports courts (e) Improvements to children's play area (f) Safety in parks including soft and hard landscape improvements (g) Disability access improvements

Affordable Housing

The mix is great as its 60% rented and 40% shared ownership, and we are happy with the sizes they have proposed.

The only concern I have is that they have 23 x 3bed units for shared ownership which may be difficult to sell but I am sure they have researched this.

Transport and Regeneration

No objections subject to appropriate conditions and heads of terms. Detailed comments incorporated in officer comments below.

Waste

The street scene collections team agree to the waste strategy of this development.

Drainage/SuDS

We have the following concerns, and require the following information for us to complete our review:

- Evidence of third-party agreement for discharge into Shirebourne Brook culvert (in principle/ consent to discharge) at the proposed limited discharge of 28 l/sec.
- The site falls within Critical Drainage Area (CDA), the applicant should demonstrate that SuDS will not exacerbate the existing surface water flooding of the area;
- Calculation evidence of 50% drain down time of the proposed attenuation storage volumes for underground and blue roof devices;
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties (The submitted plans FNH438-13-3-101 Rev 1 Drainage Layout Sheet 1 of 2, FNH438-13-3-102 Rev 1 Drainage Layout Sheet 2 of 2 shows the direction of overland flows for the site but does not show how the flows can be managed on site without increasing the flood risk to occupants or neighbouring properties);
- Details of who will be adopting the SuDS.

Typical requirements of Surface Water Drainage Strategy

Typically, we would expect the Drainage Strategy to include the following but not limited to;

- A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
- SuDS design input data and results to support the design.
- Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed;
- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.

- • Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020;
- • Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.
- • Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- • Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- • SuDS operation and maintenance plan;
- • SuDS detailed design drawings;
- • SuDS construction phasing.

Reason

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 (2012), Policies 5.13 and 5.14 of the London Plan (2016), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

Please refer the West London SFRA which has more guidance and checklists available for the developers for application submission.

Officer Comment

Discussions between the applicant and Capita Drainage are ongoing, nevertheless it is noted that similar comments were raised last time and it was considered that this matter could adequately be dealt with by condition.

Urban Design

No objections raised detailed comments incorporated in the relevant sections of the report below.

Employment and Skills

No objections subject to the agreement outlined within the heads of terms. Detailed comments incorporated in officer comments below.

3. PLANNING ASSESSMENT

3.1 Principle of development

- 3.1.1 The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that that accords with an up-to-date Local Plan should be approved.
- 3.1.2 Policy D3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. 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.
- 3.1.3 Furthermore the principle of a residential led mixed use development at the site has already been established by the three extant planning permissions granted, B/04834/14; 16/7601/FUL; and 17/5522/FUL. The original permission (B/04834/14) has been implemented and the associated works including site remediation, drainage and excavation of the basement has already commenced.

Residential density

- 3.1.4 The London Plan 2021 was formally adopted in March 2021 and moves away from the density matrix that was included within the previous plan. The 2021 Plan takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 3.1.6 Given the location of the site on the edge of the town centre, its proximity to New Barnet Station and GLA's advice for this and the extant permissions; the site setting for the purposes of PTAL can be regarded as 'urban'. This has been defined as an area "with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes."
- 3.1.7 The density of the proposed development would equate to 180 units per hectare or 530 hr/ha,. However it is noted that the Council's New Barnet Framework does not suggest a density range for 'Victoria Quarter'; and the original extant permission was also above the suggested range. Notwithstanding, Chapter 11 of the NPPF (Revised 2019) states that:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

- 3.1.8 The application site has been subject to a design-led approach to optimise the potential of the site. In this instance it is not considered to result in any overdevelopment symptoms. Officers consider that the density of the scheme is suitably expressed through D6 of the London Plan.
- 3.1.9 Furthermore, The GLA Stage 1 advice reaffirms this view, stating the proposed scheme would deliver a residential development on a brownfield site, which has the benefit of an implemented extant planning permission for residential-led development. The principle of further optimisation of the site for residential-led mixed-used development is supported in land use terms in line with London Plan Policies H1 and SD6.

Environmental Impact Assessment Regulations (2017)

- 3.1.10 The EIA Regulations 2017 requires that for certain planning applications, an EIA must be undertaken to assess the likely environmental effects (alongside social and economic factors) resulting from a proposed development. This is to ensure that when deciding whether to grant planning permission for a project, the LPA does so in the full knowledge of the likely significant effects and can therefore account for these within the decision making process. This assessment is reported in a document called an Environmental Statement ('ES').
- 3.1.11 A formal screening opinion for EIA was sought at pre-application stage on the previous application with the council advising the proposal does not constitute EIA development. Following submission, the council has re-screened the proposal to confirm that no EIA is required. No EIA screening has been formerly carrier out in relation to the current application on the grounds that the development is smaller than the previous application. It should be further noted that in pursuance to the Regulations, the proposed development does not fall within 'Schedule 1' development. Instead, the development is considered to constitute the Schedule 2 development namely, an 'urban development project' in accordance with Section 10(b) of Schedule 2 of the Regulations. The site is not located in a sensitive area as defined in the regulations.
- 3.1.13 In summary, it is considered that the proposals do not constitute an EIA development and as such an Environmental Statement is not required to be submitted with the application. Nevertheless, a full range of technical reports and assessment have been submitted in support of the application in accordance with the national and local guidance.

3.2 Housing Quality

- 3.2.1 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 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, Residential Design Guidance SPD.

Unit Mix

- 3.2.2 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 (Barnet Development Management Policies DPD policy DM08). 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. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.
- 3.2.3 The proposed development proposes the following unit mix across the application site:

Tenure	Studio & 1B2P	2B 3P	2B 4P	3B 5P	4B 6P	Total Units
London Affordable Rent (LAR)	8	0	19	34	16	77
Shared Ownership (SO)	21	9	19	23	0	72
Private	156	83	105	46	0	390
Total	185	92	143	103	16	539

- 3.2.4 In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2 bedroom 3 person units. Based on this definition the proposal would provide a total of 262 family units equating to 48.6% of the total number of units on site. Given the application site's edge of town centre location and urban character, it is considered that the proposed mix is acceptable and consistent with the highlighted policy approach. Indeed, half of the overall number of proposed units are large two-bed, or three-bed units, with 111 of these provided as affordable housing units.
- 3.2.5 Overall it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan. Furthermore the GLA has confirmed, in strategic planning terms the mix is acceptable and note the provision of family housing has been appropriately provided within the affordable component of the mix of which (following the amendments to the scheme) 73 units are 3 bedroom properties (xx% by habitable room).

Affordable Housing

- 3.2.6 London Plan Policy H4 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 60% social rented and 40% intermediate housing.
- 3.2.7 The Mayor of London has published the affordable housing and viability SPG, which effectively accepts schemes under a 'fast track' process which propose a minimum level of 35% onsite affordable housing by habitable room without the need to submit

a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme cannot viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.

3.2.8 The proposal would provide 35% affordable housing by habitable rooms with a tenure split of 60.9% Affordable Rent and 39.1% Shared Ownership. The proposed mix is therefore in line with LB Barnet's Local Plan and the Mayor's Homes for Londoners Supplementary Planning Guidance. Following review by the Council's Affordable Housing Officers and in view of local market conditions, the proposed unit mix and tenure split is considered acceptable. In addition, as the GLA have noted, the provision of 35% affordable housing is a marked improvement from the implemented permission of c.15% affordable housing contribution, as well as the combined offer of c.18% affordable housing contribution as part of the extant planning permissions.

Residential Internal Space Standards

3.2.9 Table 3.1 in the London Plan outlines the minimum gross internal floor area required for different dwelling sizes. The table below shows the relevant minimum floorspace standards for the unit sizes proposed:

	Dwelling Type (bedrooms/persons)	Storeys	Minimum Internal Floorspace (m2)
Flats	1 bed (2 persons)	1	50
	2 bed (3 persons)	1	61
	2 bed (4 persons)	1	70
Duplex	2 bed (4 persons)	2	79
	3 bed (5 persons)	1	86
Duplex	3 bed (5 persons)	2	93
	4 bed (6 persons)	1	99

Following a review of all proposed units, it is confirmed that they meet the minimum internal space standards outlined above.

Wheelchair Accessible Housing

3.2.10 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan Policy D7.

3.2.11 The planning submission sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units. The table below sets out the revised schedule of accessible units.

Wheelchair units

Tenure	Unit Reference	Unit Type	Number of units
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Private	1 BED WC	1B2P WC	7
	2 BED WC	2B3P WC	32
Private Total			39
LAR	1 BED WC	1B2P WC	4
	2 BED WC	2B4P WC	3
LAR Total			7
SO	1 BED WC	1B2P WC	6
	2 BED WC	2B3P WC	2
SO Total			8
Total			54

3.2.12 The WC units are shared evenly across all tenures with 10% WC units in each tenure.

Amenity space

3.2.13 Barnet's Sustainable Design and Construction SPD Table 2.3 outlines the minimum external amenity space standards required for new residential developments. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments. Kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space compliance. The minimum requirements are set out in the table below:

Outdoor Amenity Space Requirements	Development Scale
For Flats: 5m ² of space per habitable room	Minor, major and large scale
For Houses: 40m ² of space for up to four habitable rooms 55m ² of space for up to five habitable rooms 70m ² of space for up to six habitable rooms 85m ² of space for up to seven or more habitable rooms	Minor, major and large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

3.2.14 The Mayor's housing SPG sets out a requirement of 5 sqm of private amenity space for 1 and 2 person dwellings with a further 1 sqm per additional person. The proposed development is required to provide 9,430 sqm of private external space.

3.2.15 All proposed units would have private amenity in the form of either balconies or terraces, totalling 5,583 sqm. In addition the scheme also provides a total of 1713 sqm of public open space on site and 5,185sqm of communal amenity space. The open space is provided in three areas around Block A/B1/B2 and between B1/B2, C1/C2 and D1/D2. Together this is a total provision of 12,454 sqm which is in excess of the 7945 sqm required by policy. In addition the previously dedicated private courtyards would now be fully accessible to all residents. The proposed communal amenity space areas will be hard and soft landscaped and will also include a

children's play space as discussed below. Full details including landscaping plans will be secured via conditions.

3.2.16 The public amenity strategy seeks to complement the adjacent Victoria Park by providing high quality transition space and a public square within the site. Given the location next to Victoria Park and the improved access created by the development ensures that the future occupiers of the development will have sufficient access to the public open space they require. There will also be benefits to the wider population with better connectivity to the park and s106 contributions to improvements to Victoria Park. Based on the above, it is considered that sufficient onsite external amenity space has been provided in compliance with the highlighted standards.

Children's Play Space

3.2.17 London Plan Policy 3.6 of the London Plan requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012. London Borough of Barnet Core Strategy Policy CS7 requires improved access the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

3.2.18 The submission confirms that 1,857 sqm of playspace for children from 0 to 4 and 5-11 year olds would be provided throughout the development, which meets the requirements according to the GLA's population yield calculator. The location of the play space in the centre of the development provides for good levels of surveillance from surrounding residential units and access from the main plaza square. Exact details of the play space, including materials, play facilities providing increasing levels of challenge and associated landscaping, will be secured via condition to ensure the play space aligns with the objectives outlined within the Shaping neighbourhoods: Play and informal recreation SPG (2012).

3.2.19 The development however has a shortfall of 658.87sqm of play provision for older children, based on the council's charge rate, this equates to a s106 contribution of £123,656.30. The applicant has agreed to provide this contribution towards improvements to Victoria Park, to enable play space for all other play age ranges as required by the Play and Informal Recreation SPG. In view of the location of the site adjacent to a recreation ground, which is suitable to provide playspace for older children, the GLA have confirmed that this is an acceptable approach in this case. Furthermore the applicant has also confirmed that the private courtyards of B1 – D1 would now be fully accessible to all residents. Again all matters would be secured through conditions.

Privacy / Overlooking

3.2.20 Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development. The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

- 3.2.21 The design proposes a minimum distance of 20m between the main façades of all of the buildings. The refused scheme had pinch points of 10m between the mansion blocks, but this application achieves 20m between all buildings.
- 3.2.24 A key design principle of Victoria Quarter is the maximisation of façade opening and active frontage with an appropriate window-to-wall ratio. This principle, together with the achievement of 70.2% dual aspect units across the scheme, introduces a large number of windows that have been organised in all the façades of the buildings. Separation of 20m on the long side of the buildings is considered an appropriate distance to provide a good level of privacy with no issues of overlooking windows.
- 3.2.25 It is considered that in the context of the development and the design-led approach to optimising the site, these separation distances would not result in unacceptable harm for future occupiers. Officers are satisfied that there would be no detrimental overlooking as to justify a refusal within the proposal.

Outlook and Daylight

- 3.2.26 The application is accompanied by a Daylight/Sunlight report prepared by GIA Surveyors which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and the proposed units and amenity space. This is based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.
- 3.2.27 Daylight has been assessed in terms of Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). Sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The methodology used within the report is considered to be robust and appropriate.
- 3.2.28 The BRE guidelines explain that the BRE guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstance the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. It should also be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable. A reduction of under 30% is classified as minor adverse, under 40% moderate adverse and over 40% substantially adverse.
- 3.2.29 In regard to the proposed accommodation, the report states despite the orientation of the scheme and the provision of private amenity space, in the form of terraces and balconies, over 99% of the proposed habitable rooms will achieve or exceed the recommended level of daylight and over 83% of those flats with principal windows facing within 90° of due south will achieve or exceeded the recommended level of sunlight. In addition, all communal amenity areas will have access to the

recommended level of direct sunlight. It is therefore considered that this demonstrates that the proposals will provide the proposed accommodation with good access to daylight and sunlight.

3.2.30 The setting out of the buildings within the masterplan and the separating distances between the blocks are essential parts of the design intent to maximise natural day light penetration from sunlight throughout the day. In respect of outlook, the proposal also provides a total of 382 dual aspect units (70.2%) and there are no north facing single aspect units. On balance, and considering the site constraints and context, it is considered that the development would achieve acceptable levels of daylight and sunlight compliance.

Noise

3.2.31 In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment by Syntegra Consulting Ltd. The report states the part of the site closest to Victoria Road has a medium risk in terms of noise during the both the daytime and at night. The majority of the site, however, has a low risk in terms of noise during the daytime and a low-medium risk in terms of noise at night.

3.2.32 Good acoustic design has been shown by the site layout in that only a very small number of flats (within Blocks H and J) are directly facing the dominant noise source at the site, Victoria Road/A110 East Barnet Road. Additionally, there are a number of communal amenity areas around the proposed development site located within courtyards between buildings where they be significantly shielded from noise.

3.2.33 The submitted Noise Impact Assessment has been reviewed by the Council's Environmental Health team and satisfied with the information provided, subject to conditions relating to the proposed extraction and ventilation equipment and associated noise mitigation measures.

3.2.34 The development also comprises of a mix of uses with some flexible use commercial space at ground floor level. There would therefore be scope for increased noise generation from a use falling within the range of approved uses, such as a gym. With this in mind, a condition would also be attached which would require the submission of a scheme of noise insulation for any proposed use of the floorspace under the D use class prior to the occupation of that unit.

Air Quality

3.2.35 An Air Quality Assessment including an Air Quality Neutral Assessment have been submitted in support of the application. The report concludes that the resulting air quality effect of the proposed development is considered to be 'not significant' overall. The Proposed Development does not, in air quality terms, conflict with national or local policies, or with measures set out in the London Borough of Barnet's Air Quality Action Plan. There are no constraints to the development in the context of air quality.

3.2.36 The submitted documents were reviewed by the Council's Environmental Health team who have advised that the proposed development is acceptable in view of Air Quality and Air Quality Neutral requirements. Consequently, a condition would be

attached to any permission ensuring the mitigation scheme proposed in the highlighted documents are fully implemented.

Secured by Design

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

3.3 Design

- 3.3.1 The National Planning Policy Framework (revised 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.
- 3.3.2 The London Plan 2021 policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.
- 3.3.3 Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.
- 3.3.4 The proposed development and design has drawn from the original concepts established through the extant planning permissions and have evolved through detailed discussions with both LBB and the GLA. The site has been laid out in a series of 13 blocks arranged with regard to the locational characteristics and constraints.

The scale of the proposal is designed to respond to its surrounding context, paying close attention to the particular adjacent threshold of each block:

- Blocks H and J respond to the domestic scale of the adjacent Victoria Road.
- Medium height buildings along the spine road are screened by the railway embankment.
- The mansion blocks, adjacent to Victoria Recreation Ground, use their height to strengthen the edge condition of the park whilst interfacing with the existing tree line.

3.3.5 The buildings range from 4 to 7 storeys

Tall Building Assessment

- 3.3.6 Policy D9 of the London Plan 2021 state that tall buildings should be part of a planned and design-led approach, incorporating the highest standard of architecture and materials and should contribute to improving the legibility and permeability of an area, with active ground floor uses provided to ensure such buildings form an appropriate relationship with the surrounding public realm. Tall buildings should not have an unacceptably harmful impact on their surroundings in terms of their visual, functional, environmental and cumulative impacts, including wind, overshadowing, glare, strategic and local views and heritage assets. Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in development plans.
- 3.3.7 Core Strategy Policy CS5 of the Barnet Core Strategy identifies tall buildings of 26 metres or 8 storeys or more and those areas of the borough where tall buildings will be suitable. These include the Regeneration Areas at Brent Cross and Colindale, but not the application site. Policy DM05 of the Local Plan also identifies certain criteria which tall buildings would need to adhere to. The application therefore represents a departure from development plan policy. Notwithstanding, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that all applications must be determined in accordance with the development plan, unless material planning considerations dictate otherwise. The key consideration is therefore whether material planning considerations exist which justify the tall buildings in this location. In this case, officers consider that the principle of tall buildings at this location is acceptable.
- 3.3.8 The massing strategy for the site has been carefully considered in line with the above policies. The application was submitted with Block A at 8 storeys, in accordance with the approved scheme, however this has been reduced to 7 storeys during the application. There are no buildings that meet the definition of a 'tall building' in Barnet policy. The proposals would position the tallest building within the centre of the site and flanked with buildings of lower height.
- 3.3.9 The bulk, scale and massing of the scheme is broken down into a series of blocks responding to the surrounding context, including the neighbouring properties on Victoria Road, Victoria Recreation Ground and Network Rail land. It strikes a balance of optimising the density whilst providing a scheme that is appropriate in respect of character and appearance as well as achieving high quality accommodation for occupiers and maintaining amenity for neighbours. The townscape analysis demonstrates that the proposal has little impact on the neighbouring surroundings.

- 3.3.10 The blocks facing directly onto Victoria Road form the 'gateway' into the masterplan. They provide active frontages through either commercial uses which book end East Barnet Road or residential entrances further along Victoria Road at ground floor. Across the site sees the maximisation of active frontages with dedicated private access to ground floor units improves the visitor and residents experience for the site. The variety in heights, massing and visual gaps also ensure a less monolithic form which is considered to be of benefit to the surrounding urban fabric. There are no local viewing corridors or locally important views which would be adversely impacted by the development.
- 3.3.11 There are no heritage assets within the vicinity of the site. The proposed development is not considered to adversely affect its surroundings in terms of micro climate, wind turbulence and glare and would not impact the important local views. This is considered consistent with London Plan Policy D9.
- 3.3.12 The scheme has also been reviewed by the GLA and have confirmed through the formal stage 1 process that the proposed heights and massing are acceptable. The GLA states, that the proposed massing alongside the park boundary creates a frame for the park, while other frontages and adjusted massing along the high street and the spine road complements the high street character of Victoria Road. The massing of the development is supported.
- 3.3.13 there are no outright in principle objections to the overall proposed massing and height,

Character/Appearance

- 3.3.14 The proposed buildings are contemporary in style, employing a limited pallet of durable materials and finishes with an emphasis on brickwork and detailing. Within the contemporary interpretation, the classical approach of breaking buildings down into base, middle and top and using repeated fenestration elements of window/door way openings provides a balance between a consistency, differentiation and interest in the architecture.
- 3.3.15 The council's urban design team note that the main landmark in the area remains the Gasholder structure. Overall views are not seen as detrimental. The existing buffer is considered so is the local topographic changes. The development also acts successfully as a gateway with clear views into the site from the pedestrian perspective. The development is visible from the recreation ground but is a positive edge to the park. The proposal also provides another opportunity to reach the park without detracting footfall from the town centre. A robust wayfinding strategy will be agreed through the formal legal agreement and conditions where appropriate.
- 3.3.16 The development relates well to the character of the area and does not detract from the high street but provides additional retail and leisure space and publicly accessible environments, which will enhance quality of life, the local economy and complement the existing Town centre. The width of streets and open spaces respond to the human scale, such as the proposed Plaza, which is an intimate green public space at the heart of the development. Significant improvements are also proposed to Albert Road which would provide a more welcoming and accommodating environment for all.

- 3.3.17 The GLA also confirm that proposed development would create a link with Victoria Recreation Ground and create a permeable and useful open space connection through to the park for residents. The creation of a Park Plaza and direct access routes between the development and the park are supported. The public space around Block A incorporating the Park Plaza creates a welcoming public realm and accessibility from the park.
- 3.3.18 The proposed buildings would have breathing space between each block and the central courtyard space between Blocks B1 – D1 provides a north-south route through the development. Following comments received by the GLA these private courtyards would now be fully accessible to all residents. These matters would be secured through appropriate conditions and legal agreement.
- 3.3.19 In terms of the materiality of the scheme, the palette is considered to be complementary across all of the plots and would provide subtle variation on site to relate to the architecture of buildings and landscape. The material palette is informed where possible from local analysis of materials used; and applied appropriately. The range of proposed materials is considered to be acceptable however appropriate conditions requiring the submission of the final external materials and details for approval by the LPA would be required.
- 3.3.20 The architecture presents a consistent and high quality appearance which responds to its surroundings. It is considered that the scheme provides an attractive development which is contemporary in appearance yet employs devices of classical architecture and traditional London housing forms, creating a new character for the site that is considered appropriate and acceptable.

3.4 Amenity Impact on Neighbouring Properties

- 3.4.1 Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan Policy D6 Housing quality and standards. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.
- 3.4.2 The Barnet Residential Design Guidance SPD states 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.

Privacy/Overlooking and Outlook

- 3.4.3 Given the location and siting of the development the separation distances from any sensitive receptors are significant and more than adequate. Indeed there are no residential properties within the vicinity which would be adversely affected by the proposal.

Daylight and Sunlight

- 3.4.4 The application is accompanied by a Daylight/Sunlight report prepared by GIA

Surveyors which provides an assessment of the potential impact of the development on sunlight and daylight to neighbouring residential properties and the proposed units based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.

- 3.4.5 Daylight has been assessed in terms of Vertical Sky Component (VSC), NO Sky Line (NSL) and Average Daylight Factor (ADF) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and has been assessed against the above BRE guidelines. The BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or
 - The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value; or
 - The daylight distribution, as assessed by the Average Daylight Factor (ADF) calculation which assesses the actual level of light received by a room rather than potential light. The ADF requires the achievement of values of 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.
- 3.4.6 The BRE guidelines explain that the guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstance the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. It should also be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable. A reduction of under 30% is classified as minor adverse, under 40% moderate adverse and over 40% substantial adverse.
- 3.4.7 In regards to the proposal the assessment with regard to the daylight and sunlight enjoyed by the neighbouring properties, demonstrates that in all instances the numerical values set out in the BRE guidelines, will be achieved. Where they are not, the levels would be improved when compared to the consented schemes. Accordingly, it is concluded that the proposals will not therefore have a significant effect on the daylight and sunlight enjoyed by the neighbouring residential properties.

Noise and general disturbance

- 3.4.8 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site and extending to an increased use of Victoria Recreation Ground and local streets for example, the use is consistent with the residential character of the wider area and is also appropriate in the context of the edge of town centre location. Nor is the additional non-residential floorspace considered to pose any impact to warrant refusal given the uses are appropriate and acceptable in this edge of town centre location.

- 3.4.9 However as a major development, the construction phase would involve large-scale operations. As there is the potential for significant adverse environmental effects during this phase, a Construction Logistics Plan and an Environmental Management Plan would be therefore be secured via condition. Subject to the above Officers do not consider that the development would have any significant impact on the existing residential amenity in the immediate or surrounding area.

Air quality

- 3.4.10 In respect of air pollution, no impacts are identified by the Council's Environmental Health Team. It is noted that any extraction that may be required for food premises (Class A3) would be controlled by an appropriately worded condition. In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the green travel plan which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies.

3.5 Transport / Highways

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

Residential Car Parking

- 3.5.2 The London Plan 2021 sets out the standards for residential parking based on inner/outer London and PTAL. Outer London PTAL 2 is up to 1 space per dwelling and Outer London PTAL 3 requires 0.75 spaces per dwelling
- 3.5.3 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is as follows:
- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
 - two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
 - one-bedroom units - 1.0 to less than 1.0 parking space per unit
- 3.5.4 The development proposes a total of 334 parking spaces across the site at a ratio of 0.62 spaces per unit. The level of parking provided is therefore below what would be

expected through local planning policy. The Transport Assessment (TA) submitted in support of the application sets out justification in respect of the reduced levels of parking. It considered that the site is readily accessible by non-car modes of transport and is suitable for high density residential development. The TA states the site has a good level of access to public transport modes and on this basis a relatively low car parking provision has been proposed.

- 3.5.5 The London Plan outlines maximum car parking standards for residential developments. It sets out that developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit based on the majority of the development being one and two bedroom flats. With 80% of the flats being developed as either studio, one or two bedroom flats, this process is consistent with applying a lower parking ratio. The Stage 1 response from the GLA noted that the car parking provision was in line with the car parking ratio for outer London site with similar PTAL, set out in the London Plan
- 3.5.6 This has been reviewed by the LBB highways team and the parking provision ratio of 0.62 is considered acceptable in principle, given wider London policy framework, TfL's Healthy Streets Policy, current and emerging Borough Policy, and previous LBB approvals for schemes with similar accessibility levels. This is also on the basis of the significant improvements to the site and surrounding area which would be secured through the s106 and 278 works. With regards to the official PTAL rating for this site, it should be noted that the proximity to the gasworks skews the levels and is somewhat misleading. This is due to inherent limitations in the PTAL calculation methodology itself. However they confirm that a further reduction to 0.5 would not be acceptable.
- 3.5.7 The TA states that the Transport Classification of Londoners (TCOL) assessment revealed that Barnet residents largely fall into the categories of 'Detached Retirement' and 'Suburban Moderation', both of which are groups which rely heavily on car use. It has been determined that it is likely that these are unlikely to be the classifications which are most likely to inhabit the development, instead 'Urban Mobility', 'Students and Graduates' and 'City Living' are anticipated to be the most common future resident types. All of which are less likely to rely on private car. Travel trends particularly amongst younger generations are showing a greater tendency to utilise active and shared travel modes. It is therefore anticipated the future residents would be less car reliant than existing residents in Barnet (based upon the TCOL assessment) and thus a high proportion of commuters would travel using sustainable modes.
- 3.5.8 In evaluating the impacts of the scheme and considering future cumulative effects, a package of s106/s278 highway improvements have been established through the extant planning permissions and formally secured through the completion of their respective legal agreements. This suite of highway works and improvements will also be secured with this scheme. The details of the highway works will cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction. Improvements to both the footway and carriageway Albert Road (East and West) as well as parking/traffic restrictions to be introduced and would be agreed as part of the s278 process.

- 3.5.9 Furthermore off-site improvement works which would help mitigate the impact of the development, improve the public realm and encourage sustainable modes of transport will also be secured. These include:
- The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance;
 - Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road;
 - Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction);
 - Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south east of East Barnet Road and Lytton Road junction;
 - Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works; and
 - Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton Road.
- 3.5.10 With the proposed improvements associated with the development, which will further encourage sustainable mode use, it is anticipated that the development will have a sustainable mode share which exceeds the 80% target set out by the Mayor. In addition to the above the applicant has also agreed to provide a financial contribution towards a feasibility study and the outcomes of that study, to improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. Furthermore additional measures would also be secured such as the travel plan, provision of car club spaces and contributions towards the consultation and implementation of a local CPZ.
- 3.5.11 The agreed highways improvements listed above and detailed within the Heads of Terms ensures that the Healthy Streets approach is adopted. As the GLA have noted a permeable internal street network is proposed, offering new active travel routes through the site and into Victoria Park. These streets and access routes to Victoria Park will be available at all times throughout the year.
- 3.5.12 It is agreed that Albert Road West provides a key desire line for pedestrians and cyclists. Vehicular access needs to be retained in order to facilitate access to the existing properties along its length. This will be maintained as one way exit only for vehicular traffic and the wider movements to and from the development can be taken via Albert Road East. As such, whilst vehicular access needs to be retained, the volume of movements is low.
- 3.5.13 The TA shows expected demand for bus services. TfL have noted that while there are several bus routes in the area, demand will be concentrated on a small number of routes. Route 384 is expected to require a capacity uplift to cater for additional demand and have requested a financial contribution from the applicant to help provide for the capacity uplift. The applicant has agreed to provide a contribution which will be secured through the legal agreement.

Cycle parking

- 3.5.14 Taking both the residential units and the commercial/community space requirements a total of 994 cycle parking spaces are currently proposed across the site, this

provision exceeds the requirements for cycle parking standards. Full details would be secured through appropriate conditions.

Construction Management/Logistics Plans

3.5.15 These plans should include limits on times of operation for the lorries and identify a designated safe route for lorries to ensure minimal impact on the public highway and to demonstrate how the operation and construction can be done safely. Draft plans have been submitted, however these do not provide all the required information and certain elements, such as the vehicle routes are not considered acceptable. Therefore these would not form part of any approved documents under this permission and thus details will be confirmed with agreement with LBB and secured through appropriate conditions.

Delivery and Servicing

3.5.16 Each building of the scheme is provided with a refuse store at ground floor which have been sized and located in respect of the Barnet Council's guide for Architects & Developers Provision of Household Recycling and Waste Service. Refuse/recycling vehicles will require regular access upon occupation of the dwellings and for other existing users along Albert Road West. The submitted details confirm that the residential and commercial elements would be separate to avoid any conflict. Full details of the collection provision and collection point will be secured via condition.

3.6 Energy/Sustainability

3.6.1

London Plan Policy SI 2 Minimising greenhouse gas emissions requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

London Plan Policy SI2 'Minimising Greenhouse Gas' requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations¹⁵² is required for major development. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund

3.6.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

- 3.6.4 The proposed development is accompanied by an Energy Statement prepared by Think Three Ltd. The Energy 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 site will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan target to achieve a minimum 35% CO2 reduction over the Part L baseline using the new draft SAP10 carbon factors.
- 3.6.5 The development will reduce regulated CO2 emissions by incorporating a range of passive design and energy efficiency measures for all buildings, including improved building fabric standards beyond the requirements of Part L of the Building Regulations and energy efficient mechanical and electrical plants. After reduction of the energy demand, the strategy proposes implementation of an Air Source Heat Pump (ASHP) system connected to a site-wide district heating network which will supply hot water and space heating to all residential units.
- 3.6.6 The regulated CO2 savings for the residential development are expressed in terms of actual and percentage reduction after each stage of the energy hierarchy are presented in the table below. The table below shows that the proposed strategy can achieve regulated CO2 savings of circa 342 tCO2 which is equivalent to circa 64.9% reduction when compared to the baseline. To achieve the zero carbon homes standard, an off-set payment will be made for the outstanding regulated CO2 emissions. The estimated outstanding regulated CO2 emissions for the 30-year period is 8,095 tonnes which equates to circa £520,443 of carbon offset payment based on carbon offset price of £95 per tonne.

SAP 10.0 emission factors	Regulated Carbon Emissions (Residential)	
	Tonnes CO2 per annum	% Reduction
Baseline Emissions	528.1	-
Be lean savings	469.3	11.1%
Be clean savings	513.9	-8.4%
Be green savings	185.4	62.2%
Cumulative savings	342.7	64.9%
Carbon shortfall (30 yrs)	5,561.1	
Cash-in-lieu payment	£528,301	

- 3.6.7 The final calculation for the carbon offset payment will be based on the final carbon calculations of all units following completion. Therefore, this indicative carbon offset figure is likely to change once the as-built results have been calculated. This will be secured via the s106 agreement.

- 3.6.8 The GLA have confirmed in their stage 1 response that the energy strategy is considered broadly acceptable however further information is required in relation to the Be Lean target, overheating, mechanical cooling, future-proofing for connection to district heating, PV and heat pumps. Therefore these matters will be clarified and agreed in accordance with the GLA's requirements.

BREEAM

- 3.6.9 As the development is characterised as a "major" development, it is required under SPA Sustainable Design and Construction, that BREEAM standards be met. Under Council policies DM01 and DM02 it is required that non-residential developments meet a target of BREEAM 'Very Good'. This would be conditioned accordingly.

3.7 Flood Risk / SUDS

- 3.7.1 Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".
- 3.7.2 A flood risk assessment (FRA) has been prepared by Stantec in support of the proposal. The site is located within Flood Zone 1 'Low Probability' less than a 1 in 1000 (0.1%) Annual Probability of flooding from rivers. In accordance with the fundamental objectives of the National Planning Policy Framework (NPPF), the FRA demonstrates that: the development is safe through appropriate management of flood risk; does not increase flood risk; and does not detrimentally affect third parties.
- 3.7.3 Surface water from the development is proposed to be attenuated in geo-cellular crate within the site and then discharged to the Shirebourne/Pymme's Brook via the existing adopted surface water network. The scheme proposes an intensification, whilst maintaining the previously agreed discharge rates for surface water into the existing culvert. The surface water management strategy will incorporate Sustainable Drainage Systems (SuDS) measures such as permeable paving, attenuation crates and green/blue roofs to provide water quality and surface water attenuation benefits.
- 3.7.4 The applicant has submitted a Drainage Strategy in support of the application. While this is subject to ongoing dialogue, the proposals are not too dissimilar to the previous proposals which were considered acceptable subject to certain matters being that has been reviewed by all parties concerned.

3.8 Landscaping, Trees and biodiversity

- 3.8.1 The 'sustainable development' imperative of NPPF 2021 includes enhancing the natural environment and improving biodiversity (para 7). London Plan Policy G6 Biodiversity and access to nature states that developments should make a positive contribution to the protection, enhancement, creation and management of

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

- 3.8.2 The proposed development has been reviewed by the council's arboriculturist team and additional information was requested and revisions subsequently applied to the scheme. These include realignment of the main connection to park pathway, additional tree planting added to Eastern Boundary, recommendations on tree species; and minor changes to the pathways further along the Eastern Boundary. The submitted tree impact assessment confirms that the proposed development results in the loss of one moderate quality tree that is offset by extensive new tree planting throughout the site. To achieve access to the new site layout it is necessary to remove tree T23, a lime. The tree is of moderate quality but is not an exceptional specimen that warrants retention as a constraint to the scheme. Its loss is more than offset by the planting of new trees throughout the residential community. The development proposes extensive new planting throughout the site to result in a substantial gain of trees in the area and, as a result, a significant contribution to the amenity of the area.
- 3.8.3 The full proposal involving the detailed landscaping and management scheme for the site; including tree planting, will be subject to a Landscape Management Plan to be submitted to the Council for their review and approval and secured through the formal s106 agreement. As detailed within the head of terms. The strategy would ensure a provision of a mix of indigenous species and tree sizes (including semi-mature species) in suitable locations including in public open spaces are provided within the site. Furthermore, financial contribution to maintain the trees on the adopted public highway will also be secured.
- 3.8.4 Following a review by the council's greenspaces team, details regarding the boundary treatments and materials for the pathway network joining the development to the park, would be secured by conditions. As in the previous scheme it has been agreed that any shortage on site of play provision for older children will be compensated by a S106 contribution of £123,656.30 towards the enhancement of facilities in Victoria Recreation Ground.
- 3.8.5 The proposal has also been reviewed by the council's ecology team. They confirm the applicant has identified no European statutory sites within 5 km of the survey area. However, the site is located in close proximity to Covert Way Local Nature Reserve (LNR) at 700m from the site and the closest non-statutory site is Pymmes Brook located 400m east of the site. The survey area does fall within a SSSI Impact Risk Zone for Redwell Woods SSSI, which is located c. 7.5 km north-west of the site. However, the development does not fall into any of the categories listed by Natural England that would require consultation with them. On review, the council's ecologist are satisfied that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors. Therefore the points raised can be appropriately addressed through suitably worded planning conditions.

4 Planning Obligations & CIL

Planning Obligations

- 4.1 Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.
- 4.2 In accordance with development plan policies the list of obligations as set out in the heads of terms at the beginning of this report; are required to be secured through a legal agreement with the developer. If permission were granted it is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.

Community Infrastructure Levy (CIL)

- 4.3 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas).
- 4.4 Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application. The calculation of the Mayoral CIL payment is carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses).

5 Equality and Diversity Issues

- 5.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

- 5.2 In considering this application and preparing this report, Officers have 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. The site will provide 10% wheelchair adaptable units.
- 5.3 The development includes level, step-free pedestrian approaches into the building to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lifts are provided to provide step-free access between the lower ground, ground and the upper levels. Dedicated parking spaces for people with a disability will be provided in locations in close proximity to the lift areas.
- 5.4 It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

6 Conclusion

- 6.1 In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable.
- 6.2 The proposed scheme would deliver an optimised residential-led mixed use scheme which is supported. Furthermore, the scheme would deliver a good level of onsite private and communal amenity, whilst providing sufficient safeguards to protect neighbouring occupier amenity. It is considered that the significant public and wider regenerative benefits of the proposed development would on balance, outweigh any concerns relating to building height and density. The scheme provides 35% affordable housing which is a significant uplift from the extant planning permissions.
- 6.3 It is considered that the previous reasons for refusal have been adequately addressed. The number of units proposed has been reduced from to 652 to 539 residential units and the scale and massing of the proposal has been reduced from a maximum height of 10 storeys to 7 storeys on the current scheme which is smaller than the extant approvals on the site.
- 6.4 In summary, a high-quality, residential-led redevelopment of the site will bring a disused and formerly contaminated brownfield site back into active use, supplying housing which is a key strategic priority in London, as well as helping to support and revitalise the town centre with complimentary uses and improving the linkages to and from it and Victoria Recreation Ground. No significant impacts are identified to neighbours and future occupiers and to the environment. Where there are impacts

such as to the functioning of the highway network, the scheme includes a comprehensive set of improvements to maintain the functioning of the network, secured through s106/s278 planning obligations. This is part of full range of planning contributions to mitigate the scheme as well as CIL charging to address infrastructure impacts. Accordingly for these reasons and on balance, the scheme is considered acceptable.

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

SITE LOCATION PLAN – Reference: 21/3676/FUL

