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02.09.2022

Dear Madam/Sir,

**DRAFT BARNET LOCAL PLAN REVIEW (REGULATION 24) MATTER 10: SITE ALLOCATIONS
COMBINED FINCHLEY LLP (RESPONDENT REFERENCE NUMBER: ID031)**

On behalf of our client – Combined Finchley LLP (respondent reference number: ID031) – we hereby issue the following Written Statement ahead of the public examination of the London Borough of Barnet’s draft Local Plan. Our client has made representations on the draft allocation of Site 25 at both the Regulation 18 and Regulation 19 stages of the Local Plan Review. As set out in our previous representations, our client is seeking a change to the wording of the draft allocation of Site 25, such that it offers more flexibility in the balance of uses and allow retail use on the site.

It is also important to bring to the Inspector’s attention that, since our representations to the Regulation 19 consultation, a planning application¹, for a primarily Class E development (office-led with some retail at ground floor) with a small component of residential use, has been submitted to and determined by LB Barnet Council. The application was refused, contrary to the recommendation to approve, but on a single matter only – the visual effect on Cherry Tree Wood to the north. In the committee report (Enclosure) for the application, officers supported the principle of an office-led proposal, stating that:

“It is therefore considered that, subject to compliance and balance with other relevant policy and material considerations, that a mixed-use development would be more appropriate [than a residential scheme] in this location with less prejudice to the amenities and accommodation quality of future occupiers.”²

Our client remains committed to delivering an office-led proposal and is currently considering its options following the refusal.

This Statement is therefore made with respect to Matter 10: Site Allocations and is structured to address the questions raised by the Inspector in the Matters, Issues and Questions document. Each question is quoted in bold and italics, with a response provided below.

¹ Ref: 21/5217/FUL

² Highlighted text on 35th Page

“1) Are the proposed site allocations appropriate and justified in the light of the potential constraints, infrastructure requirements and adverse impacts?”

The site represents a unique opportunity to supplement the natural expansion of East Finchley’s town centre that has already occurred. The Council’s Town Centre Floorspace Needs Assessment (2017) found that only two units in East Finchley’s town centre were vacant – just 1.8% of the total. By comparison, the UK average vacancy rate in town centres is 12.13%.

On this basis, there appears to be frustrated demand that could be satisfied if town centre uses are permitted on edge of centre sites – or if the town centre boundary were extended to incorporate them. The most appropriate location for such growth is to the south, as this is where East Finchley’s underground station is located. Our client’s Regulation 19 representation includes a map that demonstrates that town centre uses have already proliferated on sites to the immediate south of the town centre boundary – illustrating that organic expansion is already occurring. Site 25 is therefore appropriate for town centre uses, including office and retail.

The original draft allocation for Site 25 specified that the proposed uses for the site should be 95% residential floorspace and 5% commercial (office) floorspace and an indicative residential capacity of 29 units, with a development timeframe of 11-15 years. The Council’s proposed modification for the allocation suggests that the draft allocation be altered such that its proposed uses should be: *“residential led mixed use development with a small quantum of commercial (office) uses”* and the development timeframe is 0-5 years.

Whilst the removal of the floorspace percentages is welcomed, the alternative wording has an effectively identical meaning. It remains our client’s position therefore that the requirement for a residential led development and limitation of office uses is still too rigid and does not account for the site’s constraints. The proposed modification to the development timeframe is not disputed.

The site is adjacent to a railway embankment to the north east, which is supported by a retaining wall that is circa 7.5m tall. If a development proposal were made exactly in line with the site’s allocation – and to a height that respects the surrounding character – it is unavoidable that there would be single aspect units facing this retaining wall. This would not provide a suitable standard of living for potential occupants and would not be an appropriate response to the site’s constraints. Indeed such issues have been brought into the spotlight in the recently dismissed appeal³ for a residential development at Albert Road, New Barnet, which concluded that the high proportion of single aspect units next to a railway line did not provide adequate living conditions.

Similarly, the committee report for our client’s application on Site 25 states that, in the context of the draft allocation:

“Attempting to achieve close to 29 residential units with a suitable housing mix (larger 2 bed and 3 bed units) on the site would mean that a notable number of units would likely fall below the retaining wall and not benefit from a satisfactory outlook and light access. It would also mean a larger number of units exposed to the noise associated with the Northern Line operation.”⁴

Instead, a development proposal which aims to maximise the quality of the residential element of the scheme would be preferable. Given the site’s unique context, it is imperative that latitude is given to

³ Appeal Ref: APP/N5090/W/22/3294689

⁴ Highlighted text on 35th page

allowing exploration of different configurations of uses to ensure that any residential units enjoy a high quality outlook and living environment. If the requirement for a residential-led development and 29 units is applied rigidly, such exploration would not be possible.

Furthermore, our previous representations explained in detail that the presence of trees on the site, its varying topography and the natural expansion of East Finchley town centre require that a more flexible approach is taken to the balance of uses on the site. The latter point on East Finchley's town centre expansion explains why allowance for an element of retail use on the site would also be appropriate – in addition to a greater proportion of office use.

Paragraph 35 of the NPPF sets out four criteria that must be met if Local Plan is to be considered 'sound'. Plans should be positively prepared, justified, effective and consistent with national policy.

The draft allocation is not justified, as it does not take into account the reasonable alternative that a more flexible approach to the balance of uses could (and should) be taken. Such an approach would likely lead to higher quality development proposals than if the current allocation requirements were to be followed. If this alternative had been sufficiently considered, the site's draft allocation would not refer to floorspace percentages and hence, it is not justified.

Furthermore, the design work and options testing carried out as part of the recent planning application justifies that a residential-led proposal on the site would almost inevitably lead to single-aspect units facing onto the railway, resulting in poor quality accommodation.

“2) Is there any risk that any infrastructure requirements, site conditions and/or constraints might prevent or delay development or adversely affect viability and delivery?”

As explained above, the site allocation in its current form would lead to design proposals that would not be able to provide an adequate standard of living for the residential units. Such proposals would not be acceptable to the Council, which would prevent development from occurring. A more flexible approach to the balance of uses on the site would mitigate this issue.

As a result, the allocation cannot be considered 'effective', in line with Paragraph 35 of the NPPF, as it is not deliverable over the plan period.

“3) Are the site allocation boundaries justified?”

Our client has no objection to the site allocation boundaries.

“4) Are the assumptions regarding the capacity of the sites in terms of density of development and net developable areas justified and what is this based on?”

For the reasons specified above, the residential density of the allocation is not justified.

“5) What is the expected timescale for development in terms of lead in times and annual delivery rates, and are these assumptions realistic and supported by evidence?”

Our client has no objection to the timescale for development proposed by the draft allocation (11-15 years) or the modification suggested by the Council (0-5 years).

“6) Does the Plan sufficiently make clear the infrastructure requirements for each of the allocated sites, together with the timing of and dependencies upon such infrastructure for their delivery?”

The site allocation does not specify any infrastructure requirements for the site.

“7) Are the proposed allocations and the associated development requirements and principles identified in Annex 1 of the Plan – justified, effective, consistent with national policy and in general conformity with the London Plan?”

The draft allocation is not justified nor effective, as explained above. The allocation is also inconsistent with Paragraph 119 of the NPPF, which states *inter alia* that planning policies should ensure safe and healthy living conditions and make the best use of brownfield land.

Given the poor outlook that would be a likely consequence of a predominantly residential scheme on the site, the allocation would not ensure safe and healthy living conditions. One potential option to avoid single aspect units facing the railway line would be provide a lesser number of residential units (than the 29 recommended) and additional cores to ensure that units are dual aspect – facing both the embankment and Great North Road. However, if such a scheme were designed in accordance with 95% residential floorspace – or even if the vast majority were residential – it would not optimise the site, as there would be very poor net to gross efficiency. This inefficiency would threaten the site’s development potential, as such a scheme would likely have severe viability constraints. Instead, a mixed use scheme incorporating office, retail and residential use would make optimum use of this brownfield site. Therefore, the current allocation is inconsistent with national policy – in particular Paragraph 119 of the NPPF.

Similarly, the allocation conflicts with London Plan Policy D3 – Optimising site capacity through the design-led approach. Policy D3A explains that sites should be optimised by using the most appropriate land use and by taking a design-led approach.

When a design-led approach that takes consideration of the site-specific conditions is followed, it is clear that a residential-led scheme would not be appropriate. As detailed above, design options with a greater balance between residential, office and retail use would be lead to higher quality design proposals that would optimise the site capacity. Consequently, the site allocation is not in general conformity with the London Plan, as it contradicts London Plan Policy D3.

“8) Are any further modifications required to ensure that the relevant policies for each site and/or their development requirements identified in Annex 1 are accurate and sound?”

It is our client’s position that – for the reasons outlined above – the draft allocation for Site 25 should be altered such that its ‘proposed uses’ section reads as follows:

“Mixed-use development incorporating office, residential and retail uses”

The increased flexibility afforded by this revision would ensure that the draft Local Plan is accurate and sound and would facilitate the delivery of a high quality development on a sustainably-located brownfield site.

We look forward to discussing this further at the hearing session for Matter 10 on 8th November.

5

Yours faithfully,



Planner
Centro Planning Consultancy

21/5217/FUL

Location **Former Sub-Station Adjacent To 98 Great North Road London N2 0NL**

Reference: **21/5217/FUL** Received: 29th September 2021
Accepted: 29th September 2021

Ward: Garden Suburb Expiry: 29th December 2021

Case Officer: **James Langsmead**

Applicant: Combined Finchley LLP

Proposal: Demolition of the existing building, construction of a new retaining wall, and erection of a part-five, part-six storey building, comprising retail and office use (Class E) and 9no. self-contained residential flats, with associated amenity space, refuse storage, cycle parking, and disabled parking spaces along with highway and landscaping works.

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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)

RECOMMENDATION I:

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

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

200m² (circa. 5%) of overall commercial floorspace to be provided at 90% of market value

4. Carbon Offset contribution

Contribution of £78,290.00 towards the Council's carbon offset fund.

5. Skills and Employment

On-site or Off-site contribution towards skills and employment.

6. Restriction of Parking Permits

Contribution of £2392.01 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.

7. Travel Plan and Monitoring contribution

Submission of a Residential Travel Plan and a monitoring contribution of £15,000.00.

Contribution of £2,700.00 (£300.00 per household) for travel incentives

8. Parks and Open Space Improvement Works in lieu of amenity space

1. Contribution of £5,300.00 towards the improvement and enhancement of Cherry Tree Wood 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 or improvements; (d) Improvements to sports courts; (e) Improvements to children's play area; (f) Safety in parks including soft and hard landscape improvements; and, (g) Disability access improvements.

2. Contribution of £1,590.00 towards Tree planting in the vicinity of the development

9. S.278/S.184 Works

Associated highway works under S278/S184:

1. stopping up of footway / creation of new access
2. a scheme of road safety mitigation / improvements in accordance with the findings and recommendations of the Road Safety Audit and the Highways Authority.

10. Mitigation of Tree loss

1. Contribution of £16,312.00 (CAVAT value of Tree T2 - Silver birch) towards tree replacements within the public realm.

2. 10 new street trees proposed to the north of T1 (applicants plan) as indicated on the draft landscape plan - cost £700.00/tree total - £7,000.00

11. Monitoring of Legal agreement

Contribution towards monitoring of the legal agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service

Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Plan numbers:

- 3649/PA/001 – Site Location Plan
- 3649/PA/005 – Existing Site Block Plan
- 3649/PA/005 – Existing Site Block Plan Roof level
- 3649/PA/006 - Existing Ground Floor and Basement
- 3649/PA/007 - Existing First Floor and Roof Plan
- 3649/PA/010 – Existing Elevations in Context
- 3649/PA/011 – Existing Elevations
- 3649/PA/019 – Key Plans
- 3649/PA/033A - Proposed East Elevation
- 3649/PA/020A - Proposed Site Block Plan
- 3649/PA/021 - Proposed Lower Ground Floor
- 3649/PA/022A – Proposed Ground and Upper Floors
- 3649/PA/023 – Proposed 1F Commercial and 1F Residential
- 3649/PA/024 - Proposed 2F Commercial and 2-3F Residential
- 3649/PA/025 - Proposed 3F Commercial and 4F Residential
- 3649/PA/026 - Proposed 4F Commercial and 5F Residential
- 3649/PA/027 - Proposed Site Block Plan Roof Level
- 3649/PA/030 - Proposed Elevations in Context
- 3649/PA/031A - Proposed West Elevation
- 3649/PA/032 - Proposed North and South Elevations
- 3649/PA/033 – Proposed East Elevation
- 3649/PA/040 – Proposed Section AA, Section BB, and Section CC
- 3649/PA/045 – Proposed Materials Commercial and Retail
- 3649/PA/046 – Proposed Materials Residential

Documents:

- East Finchley Sub Station Design and Access Statement 22/09/2021 produced by gml architects
- Planning Statement and Sequential Assessment (dated September 2021) produced by Centro Planning Consultancy
- Arboricultural Survey (BS5837:2012) & Impact Assessment Report (Ref: AIA/MF/085/21; dated September 2021, updated February 2022) produced by Marcus Foster
- Preliminary Ecological Appraisal (Delta-Simons Project No. 21-1208.01; Issued: March 2022) produced by Delta-Simons
- NORTH LONDON OFFICE MARKET REPORT (undated) Produced by SPC Property Consultants
- BUILT HERITAGE TOWNSCAPE & VISUAL ASSESSMENT (Dated September 2022) Produced by Bridges Associates
- BUILT HERITAGE TOWNSCAPE & VISUAL ASSESSMENT – ADDENDUM (Dated January 2022) Produced by Bridges Associates
- Air Quality Assessment for the proposed development at East Finchley Sub-Station (ref: AQ_assessment/2021/EastFinchley_Sub_Station, Version 1; dated: August 2021) produced by Aether
- Biodiversity Net Gain Report (ref: 21-1208.02; dated: 21st September 2021)

- produced by Delta-Simons
- DAYLIGHT & SUNLIGHT REPORT (ref: EFS [Rev 1]; dated: September 2021) produced by CPMC
- Fire Statement (Ref: 2108310L, Issue 3; dated: 22/09/2021) produced by Innovation Fire Engineering
- Flood Risk Assessment (Ref: FRA 0675, Rev P1.1; dated September 2021) produced by MAB Consultancy
- UTILITIES STATEMENT REPORT (dated: September 2021) produced by XCO2
- Phase One Contaminated Land Assessment Report (October 2010) produced by Mott MacDonald
- East Finchley Sub-Station Site – Landscape Statement (September 2021) Produced by TurkingtonMartin
- Acoustic Planning Report (Project No 2120448; dated: 9th September 2021) Produced by Sharps Redmore Acoustic Consultants
- Overheating Assessment (Revision B; Dated: September 2021) Produced by JS LEWIS LTD
- Energy and Sustainability Statement (Revision B; Dated: September 2021) Produced by JS LEWIS LTD
- Proposed Highway Access Alterations Stage 1 Road Safety Audit (September 2021) Produced by Alpha Consultants
- Statement of Community Involvement (September 2021) Produced by Engage Communicate Facilitate
- BREEAM Pre-Assessment and Strategy (Rev 2.2; dated: 22/09/2021) produced by Carbon Consult
- Transport Statement (Rev 01; dated: September 2021) produced by Transport Statement

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

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

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

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

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

Policy D4 of the London Plan 2021.

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

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

- 5 No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Statement submitted shall include, but not be limited to, the following information:
- 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 provision 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 contractor's compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development.
 - xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 Prior to occupation of the development, the accessible blue badge parking spaces as illustrated on drawing no. 3649/PA/022A shall be provided and used only as agreed and not for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. The active charging points shall be implemented in full accordance with the approved details prior to first occupation and thereafter maintained as such.

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

- 8 No works on the public highway including creation or modification of a vehicular access or reinstatement of redundant accesses, signage and lining works as well as new tactile paving at the access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway 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 184/278 of the Highways Act, for these works and reinstatement of any 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

- 9 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 68 cycle parking spaces (47 long-stay and 21 short stay) comprising in accordance with the London Plan Cycle Parking Standards and London Cycle

Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012, and Policy T7 of the London Plan 2021.

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

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

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

- 12 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented, as approved, within 3 months of first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policy DM17 of Barnet's Local Plan Development Management Policies (adopted September 2012).

- 13 a) Prior to carrying out works above slab level, 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.

b) Prior to the first occupation of each 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 and DM04 of the Barnet Development Management Policies (adopted) September 2012, and Policy D11 of the London Plan 2021.

- 14 The level of noise emitted from any mechanical ventilation plant associated with the development 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.

- 15 a) Prior to occupation of the development hereby approved, an acoustic assessment and report shall be 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.

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

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

- 16 The scheme of proposed noise mitigation measures against externally generated traffic (rail and road) noise submitted within Sharps Redmore's acoustic report of 9th September 2021 shall be implemented.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016), and Policy D14 of the London Plan 2021.

- 17 a) Prior to the super-structure of the building beginning, a vibration assessment on the sub-structure/ foundations shall be undertaken in respect to rail activity. The assessment shall consider both vibration and re-radiated noise into the dwellings and commercial areas, and indicate if additional mitigation measures are required. The scheme shall be submitted to and approved in writing by the Local Planning Authority.

b) If mitigation measures are required as outlined in a) those shall be implemented in their entirety in accordance with details approved 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, in accordance with Policy DM04 of Barnet's of the Development Management Policies DPD (adopted September 2012)

- 18 a) No commercial unit shall be occupied 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 Class E usage; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 19 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 2016) and Policy SI13 of the London Plan 2021.

- 20 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SD1 and D10 of the London Plan 2021.

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

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

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

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

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

23 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and

construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy SI1 of the London Plan 2021.

- 24 a) Notwithstanding the details submitted with the hereby approved documents and plans, a final 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.

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A 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 immediately 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.

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 Policy G7 of the London Plan 2021

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 26 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.

- 27 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be

planted as part of the approved landscaping scheme.

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

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

- 28 Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details'.

Reason: In the interest of enhancing biodiversity on site and preserving ecology for the wider area, in accordance with Barnet Local Plan (2012) Policy DM01, Policies CS5 and CS7 of the Local Plan (2012) Core Strategy DPD and Policies G6 and G7 of the London Plan 2021.

- 29 Prior to occupation of the development and the installation of any external lighting, a lighting strategy that details measures and mitigation that will minimise the impact on bats and their insect food shall be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall be implemented in full accordance with the approved details, prior to occupation of the development.

Reason: In the interest of protecting bats, in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 30 Prior to demolition on site, a suitably qualified and competent ecologist shall make an assessment of the presence of nesting birds and other species, to ensure the site is clear of species prior to the commencement of work. A general pest management (GL41) license should be required for the demolition of the building, if necessary. The findings of the Ecologist's assessment and the general pest license, where applicable, shall be submitted to the Local Planning Authority for their records, and works shall commence following the Local Planning Authority's acceptance of the contents.

Reason: To protect biodiversity and species, in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 31 No works shall commence until a detailed mitigation method statement to

demonstrate the impacts on hedgehogs as a result of the development; and, the details of avoidance with the integration of mechanisms to sustain free movement of hedgehogs is submitted to and approved in writing by the Local Planning Authority.

The scheme shall be carried out in full accordance with the approved details, and maintained as such thereafter.

Reason: To protect hedgehogs, as a protected species, in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 32 The development shall be carried out in full accordance with the recommendations in section 6.0 of the hereby approved Preliminary Ecological Appraisal (Delta Simons Environmental Report August 2021) document.

Reason: To ensure that the development enhances, preserves and protects protected species in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 33 a) The development shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 34 Prior to the first occupation of the development, the dwellings 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 DM03 of Barnet's Local Plan (Development Management Policies) DPD 2012 and Policy D7 of the London Plan 2021.

- 35 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI2 of the London Plan 2021.

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

The development shall be maintained as such in perpetuity thereafter.

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

- 37 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 or development 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 or any part of 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.
- The upwards extension, by virtue of adding additional stories, to the building.
- The change of planning use of the hereby permitted commercial floorspace to residential use.

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 of the Local Plan.

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

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

- 39 Prior to occupation the hereby approved development shall be constructed and maintained thereafter in full accordance with the details set out in the Fire Statement (Ref: 2108310L - Issue 3 - dated: September 201) produced by Innovation Fire Engineering submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's London Plan (2021).

- 40 Prior to occupation of the development, it shall have been constructed in full accordance with the air quality mitigation, carbon reduction measures and overheating mitigation as set out within the hereby approved reports "Overheating Assessment" (Revision B, September 2021) by JS Lewis Ltd; "BREEAM Pre-Assessment and Strategy" (Revision 2.2, 22/09/2021) by Carbon Consult Ltd; "Energy and Sustainability Statement" (Revision B, September 2021) by JS Lewis Ltd; and "Air Quality Assessment" (August 2021) by Aether.

Reason: To ensure that the development improves air quality, reduces carbon emissions and overheating, in the interest of climate change and protecting residential amenities, in accordance with policies DM01, DM02 and DM04 of the Barnet Development Management Polices document (2012), Policies SI1, SI2, SI4, and D6 of the London Plan 2021.

Informative(s):

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

to existing floor space of more than 100 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from:

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

- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

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

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

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

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

- 9 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highways.licensing@barnet.gov.uk.

- 10 The Drainage Strategy required by condition should include the following but not be limited to;
 - o A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
 - o SuDS design input data and results to support the design.
 - o Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed;
 - o Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
 - o Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020;
 - o Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.

- o 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.
- o 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;
- o SuDS operation and maintenance plan;
- o SuDS detailed design drawings;
- o 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), Policy SI13 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).

- 11 Bat Guidance: An integrated bat box such as a Schwegler 1F Bat tube, or similar approved should be installed within the fabric of the building during construction. This feature should be positioned on a southern elevation, over a height of 5 metres, ideally close to the eaves of the new build. The flight line to the box should be unobstructed by vegetation of other structures

- 12 The footway and carriageway on the Great North Road should not be blocked during demolition and construction period. Temporary obstructions during the development process should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the Great North Road. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

- 13 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are 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-yourdevelopment/>

Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx.. 1 bar)

and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

RECOMMENDATION III:

That if the above agreement has not been completed by 30th September 2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

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

2. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

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 development plan documents. 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. This is not repeated here.

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

- GG2 (Making Best Use of Land),
- SD1 (Opportunity Areas),
- G5 (Urban Greening),
- G6 (Biodiversity and access to nature),
- G7 (Tree and woodlands),
- D1 (London's form, character and capacity for growth),
- D2 Infrastructure requirements for sustainable densities,
- D3 (Optimising site capacity through the design-led approach),
- D5 (Inclusive design),
- D6 (Housing quality standards),
- D7 (Accessible housing),

D8 (Public realm),
D10 (Basement development),
D11 (Safety, security & resilience to emergency)
D12 (Fire safety)
D13 (Agent of change),
D14 (Noise),
H1 (Increasing housing supply),
H4 (Delivering affordable housing),
H5 (Threshold approach to applications),
H6 (Monitoring affordable housing),
H10 (Housing size mix),
S4 (Play and informal recreation),
T5 (Cycling),
T6.1 (Residential Parking),
SI1 (Improving air quality),
SI2 (Minimising greenhouse gas emission),
SI5 (Water infrastructure),
SI12 (Flood risk management),
SI13 (Sustainable drainage),
DF1 (Delivery of the plan and Planning Obligations).

Barnet's Local Plan (2012)

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

Relevant Core Strategy (Adopted 2012):

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

Relevant Development Management Policies:

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)

DM14 (New and existing employment space) DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

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 needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

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

PLANNING ASSESSMENT

Site Description

The site contains a disused, two-storey sub-station building and other associated structures. These formerly comprised of TfL infrastructure works associated with the Northern line. The remainder of the site is overgrown with self-seeded grass and bushes and there are a number of trees located around the site. During the lifetime of the application a London Plane tree to the front of the site, has been adopted into a Tree Preservation Order (TPO Ref: 21/TPO/030).

To the south, the site adjoins the Harrison Varma House site accommodating a three-storey office building finished in red brick with large horizontal windows. This building has previously benefited from planning permission to extend the building upwards by a further two storeys, under planning application reference: 17/0284/FUL. To date, this has not been implemented. Beyond this there is a four-storey Edwardian building (nos.94-96) in use as offices, followed by a car showroom with a large forecourt area.

On the south side of Great North Road the buildings are predominantly in residential use, with Cherry Tree House being in mixed use – comprising office use on ground floor and residential above. The street further south and towards the west is characterised by residential development in a suburban setting. The buildings on the south side of Great North Road range between two and four storeys.

To the north beyond the railway line is East Finchley, designated as a District Town Centre in the Council's Core Strategy. The town centre contains a mix of uses, building styles and heights.

The east / north-east of the site is bound by a large retaining wall, upon which the London Underground Northern Line runs atop of.

The site does not fall within a Conservation Area designation, although it sits opposite the Hampstead Garden Suburb which begins at the Bishops Avenue junction opposite. The site does not contain any statutory listed monuments or buildings, however, the East Finchley London Underground station, circa 127m to the north-west, is a Grade II listed building.

Proposed Development

This application seeks planning permission for the demolition of the existing substation building and ancillary structures, and the erection of a part-five, part-six storey building, comprising 449m² of retail space (Class E), 3,937m² of office (Class E) space, and 9no. self-contained residential flats together with associated amenity space, refuse storage, cycle parking, and disabled parking spaces along with highway and landscaping works.

Site History

No relevant prior planning history.

Public Consultation

Consultation letters were sent to 60 neighbouring properties and the application was advertised by Press (5th October 2021) and Site Notice (7th October 2021). 49 responses have been received, comprising 48 letters of objection and 1 letter of support.

Comments of support can be summarised as follows:

- General support for the development
- A grocery store like Waitrose or Marks and Spencer should operate from the retail element, as there is both limited and expensive grocery provision within the town centre.

The objections received can be summarised as follows:

- Design, size, scale, height and mass of the building is unacceptable and disproportionate to the site and surrounding area – an overdevelopment of the site, contrary to policy DM01.
- Development will be dominant, overbearing, and visually harmful within the street and from views within Cherry Tree Wood
- The main road adjacent to the development floods from surface water and loss of trees and planting will exacerbate this issue.
- Drainage of the road needs to be improved.
- Increases risk of flooding.
- The site should be developed in accordance with the draft allocations within the Regulation 19 draft local plan – 29 homes with 95% residential use and small element of office on the ground floor.

- The site is more appropriate for housing and affordable housing, which would support the viability and vitality of the town centre.
- The planning statement questions the five year housing land supply, despite not providing housing numbers in accordance with the draft housing site allocation within the draft Local Plan
- A larger supermarket outside of the town centre would undermine / harm the viability and vitality of existing established supermarkets and independent shops within the town centre, contrary to policy.
- No visuals have been provided to illustrate the development when the trees are not in full leaf and so it is not possible to fully assess the impact of the proposal from the adjacent Hampstead Garden Suburb Conservation Area
- Loss of open sky vistas
- The development would not respect the character and appearance of the area and adjacent Conservation Area.
- Harm to Metropolitan Open Land (Cherry Tree Wood) and wildlife/ecology contrary to policies DM15, DM16; and, Emerging Local Plan Policy ECC05.
- Light pollution impacts on wildlife and ecology in Cherry Tree Wood – particularly with respect to bats.
- Adverse impact on the character of East Finchley
- Harms the natural environment as opposed to adapting to it.
- Lack of affordable housing
- Lack of community facilities/services provision
- Only serves the developers need and not the community
- Overshadowing of, and loss of light to Cherry Tree Wood
- It will create additional traffic congestion locally
- Mental health and wellbeing impacts over loss of green space
- Building will block flight corridor for bats and create extra noise that is harmful to them
- Overlooking of the woods and harm to personal amenity of those using the wood.
- Lack of Environmental Impact Assessment for this scheme.
- Contrary to climate change objectives
- Impact it will have on short distance views from the Summerlee Avenue gate to East Finchley Tube.
- Adverse impact on Site of Importance for Nature Conservation/Ecology.
- Insufficient consideration of Cherry Tree Wood across all assessments.
- Barnet does not need more offices.
- Overpopulation / overcrowding of the area
- Lack of renewable energy plans
- No play space for children
- Developer may try to gain additional development through additional storeys like 12-14 High Road N2
- Transport / road safety implications
- Access from under the bridge is dark and likely to put off prospective home owners and companies
- Incorrect policy references within the submitted documentation
- Poor engagement of the community
- Impact on parking locally and in the adjacent Borough in Haringey
- Insufficient delivery and servicing provisions
- Insufficient consideration given to green energy / renewable energy and overheating considerations
- Asbestos may be present in the old building – lack of assurance on how this will be managed

- Lack of detail on plant machinery serving the building.
- The transport assessment only considers access into and out of the development, not the junction with Bishops Avenue that is due to get traffic lights as part of the 12-18 High Road development.
- Did not receive notification of the application despite having attended an online briefing for it as a resident
- A previous interested party of the site sought pre-application advice on its redevelopment for housing, and the Council advised that the site was inappropriate for residential development due to the noise from the adjacent rail line and lack of outdoor space. To recommend approval would be contrary to previous planning advice.
- The number of potential comings and goings, over the proposed operating hours, means there is the strong potential for a detrimental impact on the amenities of the proposed residential units as well as the surrounding residential uses.
- Bedroom windows facing the railway line will not be openable due to a London Underground covenant, thereby only allowing for mechanical ventilation for these rooms, which will be detrimental to the amenities of the future occupiers.
- Installation of mechanical ventilation / air conditioning is contrary to the NPPF, and policy CS13 of the local plan, which require efficient use of natural resources. Air conditioning is not energy efficient.
- Balconies on the rear facing side of the development with full height glass screens will detract from the purpose of outside amenity space, providing sub-standard enclosed spaces for the future occupiers. There will be insufficient private amenity space.
- Outlook for rear facing first floor occupiers will be poor.
- The daylight and sunlight report does not take account of the amenities of 98 Great North Road. This prejudices the future residential development potential of this site.
- The scheme presents future overlooking/loss of privacy issues for any prospective residential development of 98 Great North Road.
- The application has not been submitted with any verified views to determine harm to Cherry Tree Wood (as metropolitan open space) and the Conservation Area.
- There has been no assessment of the viability of retaining the existing building and its conversion to residential.
- Scheme does not provide affordable housing and is considered a duplicitous attempt at circumventing the planning system and avoiding the obligation of providing affordable housing.
- The scheme does not make best use of the site.
- The building is currently occupied by bats. A full Ecological Assessment has not been undertaken with the requisite bat surveys.
- The layout of the lower ground floor does not appear to provide adequate space for cycles to be brought in and out, with appropriate turning areas, nor do the lifts appear large enough to accommodate a bike.
- The proposed cycle storage for the office uses, being located down several stair cases, through narrow corridors and doorways, is contrary to London Cycling Design Standards, and therefore the London Plan
- The scheme includes significant works adjacent to an existing TFL rail line, including a large retaining wall. No supporting assessment of the ground works, stability of the land, structural capacity of the wall and soils have been submitted with the application. Without the appropriate geotechnical information, it is not clear how the impact on the adjacent rail line can be appropriately assessed. Therefore, insufficient information has been submitted for the Council to fully assess these impacts.
- A construction method plan has not been submitted with the application. This

should be considered and assessed at application stage, rather than as a condition.

Officer Comment

All comments have been considered and addressed, where relevant in the main body of the Officer's assessment in the determination of the planning application and are addressed in the Officer report below.

Responses from Internal/External Consultees

Environmental Health

No objections, subject to conditions relating to contaminated land, air quality, overheating and noise mitigation.

Drainage / Lead Local Flood Authority

Initial objections, requiring more information on surface water matters. Following receipt of additional information, no objections raised, subject to condition.

Traffic and Development

No objections subject to conditions and the completion of a legal agreement. Comments detailed further within the assessment of the application.

Travel Plan Team

No objections, subject to S.106 obligations.

Metropolitan Police Service

No objection, subject to a condition requiring the building to achieve the Secure by Design Accreditation.

British Transport Police

The terraced areas proposed on the top levels will need a high enough barrier around the terrace edges to prevent any obstacles being thrown onto the tracks.

Thames Water

Waste comments: No objection, subject to informatives.

Water comments: No objection, subject to informatives.

Advice offered: Management of surface water from new developments should follow London Plan Policy S113 Sustainable drainage, subsection B (the drainage hierarchy).

Affinity Water

No comments received.

UK Power Networks

No comments received.

Arboricultural Officer

No objection, subject to conditions and S.106 securing:

(i) an obligation to value all trees being removed using CAVAT system and details of the costs for all the proposed new tree planting to be submitted to the LPA. The balance of values, between the trees lost and the cost of new tree planting to be paid to the local authority to ensure that the required level of mitigation planting is achieved.

(ii) a contribution of CAVAT value of Tree T2 (Silver birch) within the public realm to provide mitigation for the loss of canopy cover - £16,312.00

(iii) 10 new street trees proposed to the north of T1 (applicant's plan) as indicated on the draft landscape plan - cost £700.00/tree total - £7,000.00

Planning Policy Unit

Objection. The site falls outside of the East Finchley town centre designation. The Local Plan adopts a Town's first approach. Insufficient justification is provided for such development outside of the town centre. The site should be predominantly residential.

Ecology

No objection, subject to conditions for a lighting strategy that is designed to minimise impact on bats; a survey for nesting birds prior to commencement of works on site; and, a detailed mitigation method statement to demonstrate impacts on hedgehogs. Further, a condition that requires the development be carried out in accordance with the recommendations of the Delta Simons Report (August 2021) submitted in support of the application.

Network Rail

No objection, subject to conditions relating to works in proximity to the operational railway environment (asset protection and drainage); and, boundary treatments, landscaping and lighting. Informatives also provided.

TFL Engineering – Infrastructure Protection Unit

The applicant is in communication with London Underground engineers with regard to the development. Subject to the applicant fulfilling their obligations to London Underground and Transport for London under the legal requirements between ourselves and the promoter of the development we have no objection to make on this planning application.

TFL Spatial Planning Team

No objection subject to conditions.

Waste & Recycling Unit

No objections – the waste strategy is acceptable.

Green Spaces

No objection, subject to a S.106 agreement securing a Parks and Open Spaces Contribution Index Linked towards the improvement and enhancement of Cherry Tree Wood 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 or improvements; (d) Improvements to sports courts; (e) Improvements to children's play area; (f) Safety in parks including soft and hard landscape improvements; and, (g) Disability access improvements - £5,300.00; and, a Parks and Open Spaces Contribution Index Linked towards Tree planting in the vicinity of the development - £1,590.00

London Fire Brigade

No comment

Health & Safety Executive

No comment.

Urban Design & Heritage

No objections - The overall urban design and landscape strategy is supported. The scale, size and height is acceptable in the context of immediate and local setting. The applicant proposes building with elements/blocks of different heights. The variety in building heights is considered to add legibility to the scheme and make for a better contribution to the local skyline and the views from Bishops Avenue. The positioning of the building with the taller element at the north is successful. The general architecture is welcomed. The recessed vertical element and the change in the brick colours (red and brown tones) between the uses provides a clear delineation between residential and office blocks. This approach breaks down the massing and adds visual interest. The fenestration strategy provides symmetry and variation at the same time which brings visual balance to the elevations. At ground floor, the canopy has been redesigned to a long and linear canopy and the increased height gives additional prominence to the ground floor. The number of entrances/doors would bring activity at this level and passive surveillance.

London Borough of Haringey (Neighbouring Borough)

No comment.

Elected Representatives

Cllr Claire Farrier

I would like to call this application in for a decision by a planning committee, if recommended for approval. My reason for call-in is the size and bulk of the proposed building, and consequent impact on Cherry Tree Wood. Although the site is in Hampstead Garden Suburb ward, the impact will be on facilities in East Finchley, and the objections received are from residents of East Finchley.

Consultation responses from neighbouring associations other non-statutory bodies

Friends of Cherry Tree Wood

The Friends of Cherry Tree Wood object to this scheme and consider it should be refused on the following grounds:

1. The proposed development will cause significant detriment, and demonstrable harm to both the visual amenity and character of Cherry Tree Wood which is designated as Metropolitan Open Land and thus will be contrary to policy DM15 in the existing and similar policy in the emerging Barnet Local plan.
2. By reason of overbearing mass, scale, inappropriate design, and height the impact of the proposed development on Cherry Tree Wood will cause detrimental harm contrary to Local Plan policy DMO1.
3. An inadequate ecological assessment means the biodiversity impact of the proposed development on Cherry Tree Wood a site of local importance for nature conservation and thus is contrary to Policy DM16 – Biodiversity.
4. The proposed development comprises a mix of development that is completely contrary to proposal 25 contained within the emerging local plan and thus undermines the borough's commitment to increase housing including affordable housing on an identified Local plan housing site.

The Friends of Cherry Tree Wood

The Friends of Cherry Tree Wood is a Registered Charity (1997) established [1] to promote high standards of planning and architecture in or affecting the area of benefit [2] to educate the public in the geography, history, natural history and architecture of the area of benefit; [3] to secure the preservation, protection, development and improvement of features of historic or public interest in the area of benefit.

The Friends is an active local voluntary group and has, in partnership with Barnet Councils greenspaces department undertaken a series of improvements to the Wood. We are in receipt of nearly £19,000 of Area Committee funding to pay for these improvements including bin replacement, creation of wildflower meadows, an orchard, new flower beds and purchase of a bat detector (considering the numerous bat sightings in the Wood in the past year.) Barnet Council have recently invested over £130,000 in refurbishing the tennis and basketball courts.

The Friends have over five hundred supporting members.

Objections to the proposed planning application

We strongly object to the proposed development and ask that it be refused on the basis that it is contrary to a range of planning policies contained within both the 2012 Local Plan and emerging Local Plan agreed for submission to Examination under regulation 22 at the 19th October 2021 Council meeting.

Cherry Tree Wood is remnant Ancient Woodland, purchased and operated by the Council as an open space since 1915. It is designated as Metropolitan Open Land and as a Site of Local Interest for Nature Conservation. The Capital Ring an eighty plus mile circular walking route around London uses the path through the Wood and attracts many walkers from across London. Cherry Tree Wood is thus both an entrance and an exit to hundreds of Londoners and a showcase for the green open spaces of Barnet that the Council

promotes. This development will ruin that showcase.

Metropolitan Open Land

Metropolitan Open Land is strategic open land within the urban area. It plays a significant role in London's green infrastructure – the network of green spaces, features and places around and within urban areas. MOL protects and enhances the open environment and improves Londoners' quality of life. Cherry Tree Wood performs these functions and provides the locality sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity. The tranquillity, character, visual openness, and greenness of the Wood and open space has been well appreciated over time and became more so during the pandemic when use of the wood acting as an aid to people's mental health came to the fore.

The introduction of this development, a new building two thirds the length of a tube train and over three double decker buses high will loom up and over Cherry Tree Wood. This will detrimentally and significantly impact on the visual amenity of the Wood.

The documents submitted with the application pay no heed to the existence of Cherry Tree Wood. The only photograph of the site from Cherry Tree Wood is a long-distance shot taken from near the basketball court when the trees are in full leaf. No winter assessment when leaves have fallen is given of the significant impact this will have on this view and no thought at all has been given to the much greater detrimental impact it will have on short distance views from the Summerlee Avenue gate to East Finchley Tube. Drawings included with the application suggest the ground is flat across Cherry Tree Wood whereas there is a steep slope up from the tube line to Brompton Grove which will exacerbate the visual impact of this scheme on the current open aspect above the tube.

The introduction of this block of building looming over Cherry Tree Wood is contrary to maintaining the openness of the Wood and the Metropolitan Open Land. It is thus contrary to both London Plan Policies and specifically to Barnet Local Plan Policy "DM15: Green Belt and open spaces" which states at a) vi. Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings. The proposed development most certainly will have a significant detrimental impact on both the visual amenity and character of the wood as it expressly ignores the presence of the wood and has been designed as a one-dimensional urban building addressing the High Road will no respect shown to the designated metropolitan open land on the other side of the building. Emerging Local Plan Policy ECC05 on Green Belt/MOL reinforces this approach.

Site of Importance for Nature Conservation/Ecological assessment

The Local Plan para 17.1.6 states that, "proposals which may affect a site of importance for nature conservation (SINC) should avoid adverse impact on the nature conservation value of the site, or if this is not possible minimise such impact and seek mitigation of any residual impacts. The significance of the impacts should be set out in a report supported by survey work. In exceptional circumstances, where development is to be permitted because of reasons which are judged to outweigh significant harm to nature conservation, appropriate compensation should be made."

The "Preliminary Ecological Assessment" supplied with the application does not even acknowledge or note the existence of a large site of Local Interest for Nature Conservation a mere 35metres over the tracks from the site. This is a fundamental flaw, and it cannot be

considered adequate to address any impacts the proposed development may have on the Site of importance for nature conservation as it does not acknowledge its existence and therefore no assessment of this point has been made.

In addition, a bat survey submitted with the scheme suggests that no bats roost on the premises yet “The northernmost building on the site was locked at the time of the survey with no internal access possible.” The nearest bat record is given as 850m away yet from personal experience we know bats frequent Cherry Tree Wood and are often seen along the tube line. Indeed, the Council have funded the purchase of bat recording equipment in the last two months because of the need to do more work on this area.

Design and Appearance

The proposed development does not accord with Policy DM01 of the local plan which aims to Protect Barnet’s character and amenity. Part of this policy states; “b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.” The proposed design makes no reference to the adjoining open space which it is clearly out of character with by way of overbearing mass, scale, and height. The design intrudes a coarse urban grain into an open and wooded landscape setting which does nothing to preserve, enhance or respect this valued Metropolitan Open Land and remnant ancient woodland.

Point f of the policy notes that “Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.” Given as noted above that there is a fundamental flaw with the preliminary ecological assessment there is no way of assessing the impact on the biodiversity of Cherry Tree Wood as no survey work has been undertaken on its biodiversity by the applicant.

Emerging Local Plan

The emerging local plan has reached Regulation 22 submission stage to Examination in Public. The National Policy Planning Framework (Para 48) notes that weight can be given to emerging policies depending on the stage of the plan and the level of unresolved objections.

This site is the subject of a site-specific proposal for 95% residential (29 units) and 5% commercial use. The proposed development fundamentally breaches this approach and undermines the core direction of the plan to provide more and especially affordable housing. It should therefore be refused on grounds of prematurity.

OFFICER ASSESSMENT

Principle of development

Policy GG2 (Making best use of land) of ‘*Chapter 1: Planning London’s Future - Good Growth*’ in the Mayor’s London Plan 2021 states that “*to create sustainable mixed-use places that make the best use of land, those involved in planning and development must:*

A enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites

B prioritise sites which are well-connected by existing or planned public Transport

C proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling

D applying a design-led approach to determine the optimum development capacity of sites

In essence the policy seeks to make best use of the land by directing growth towards the most accessible and well-connected town centres. These objectives broadly align with the principles of Policy CS1 (*Barnet's place shaping strategy – protection, enhancement and consolidated growth – the Three Strands Approach*) of Barnet's Local Plan Core Strategy (2012) which seeks to “concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development”. It should also be of note that Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination. Whilst the Regulation 22 Local Plan has not been adopted, it sets out the Council's draft planning policy framework together with draft development proposals for 65 sites – of which the application site is designated for housing.

The application site falls outside of the District Town Centre boundary of East Finchley which concludes on the northern side of the London Underground Northern line flyover - circa 90 metres from the application site. In spatial terms, this is a relatively short distance, one in which the site could be read as being immediately adjacent to the District Town Centre. Notwithstanding its exclusion from the adopted town centre boundary it is considered that the proposal would make good use of a vacant, under-utilised brownfield site, on the edge of the East Finchley District Town Centre. It would be well-connected by existing public transport - being located in an area with a PTAL rating of 4/5 (Good / Very Good) – and would have access to jobs, services, infrastructure and amenity by public transport, walking and cycling.

Although the site is one of the 65 sites within the regulation 22 draft Local Plan, which indicates that the site would be suitable for residential use – i.e. facilitating circa 29 residential units - Officers have considered the reasonable practicality of delivering this, given the site's physical constraints. There is a substantial retaining wall (circa 7.5m) that bounds the east/north-eastern edge of the site, which the LU Northern Line runs atop of, and for which a structural maintenance buffer (circa. 3.3m) must be retained (as required by TFL) to enable access by engineers and associated machinery. Attempting to achieve close to 29 residential units with a suitable housing mix (larger 2 bed and 3 bed units) on the site would mean that a notable number of units would likely fall below the retaining wall and not benefit from satisfactory outlook and light access. It would also mean a larger number of units exposed to the noise associated with the Northern Line operation. It is therefore considered that, subject to compliance and balance with other relevant policy and material considerations, that a mixed-use development would be more appropriate in this location, with less prejudice to the amenities and accommodation quality of the future occupiers.

The development would broadly comply with the objectives of Policy GG2 of Mayor's London Plan (2021) and Policy CS1 of Barnet's adopted Local Plan Core Strategy (2012).

New Employment Space / Sequential Test

Notwithstanding the above considerations, owing to the site's location outside of the town centre boundary, it is necessary to consider the relevance of the two policy tests of principle, in relation to the office and retail uses – the sequential test and the impact test.

Policy SD7 (Town centres: development principles and Development Plan Documents) of the Mayor's London Plan (2021) states that:

When considering development proposals, boroughs should take a town centres first approach, discouraging out-of-centre development of main town centre uses in accordance with Parts A1 - A3, with limited exceptions for existing viable office locations in outer London (see Policy E1 Offices). Boroughs should:

- 1) apply the sequential test to applications for main town centre uses, requiring them to be located in town centres. If no suitable town centre sites are available or expected to become available within a reasonable period, consideration should be given to sites on the edge-of-centres that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport. Out-of-centre sites should only be considered if it is demonstrated that no suitable sites are (or are expected to become) available within town centre or edge of centre locations. Applications that fail the sequential test should be refused;*
- 2) require an impact assessment on proposals for new, or extensions to existing, edge or out-of-centre development for retail, leisure and office uses that are not in accordance with the Development Plan. Applications that are likely to have a significant adverse impact should be refused; and,*
- 3) realise the full potential of existing out-of-centre retail and leisure parks to deliver housing intensification through redevelopment and ensure such locations become more sustainable in transport terms, by securing improvements to public transport, cycling and walking. This should not result in a net increase in retail or leisure floorspace in an out-of-centre location unless the proposal is in accordance with the Development Plan or can be justified through the sequential test and impact assessment requirements in Parts A(1) and A(2) above.*

Aligning with the principles above, Policy CS6 (Promoting Barnet's Town Centres) of Barnet's Core Strategy (2012), together with Policies DM11 (Development principles for Barnet's town centres) and Part (b) of Policy DM14 (New and existing employment space) of Barnet's adopted Development Management Policies DPD (2012) adopt a 'Town Centres First approach', thereby requiring that a sequential test approach is taken with regards to evidencing whether new commercial development (e.g. retail and offices) is appropriate outside of the Town Centre.

i. All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.

ii. New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.

iii. Proposals for new employment space will be expected to provide on site

servicing for the intended use and include space for waiting for goods vehicles.

The applicant submitted a sequential test within their “Planning Statement and Sequential Assessment” document (produced by CENTRO Planning Consultancy, dated: September 2021). In the pretext to the sequential assessment, the applicant presents case law (Aldergate Properties case 2016 EWHC1670 (admin)), from which they opine that one should assess the development which is proposed in the application - i.e. a scheme comprising 3,937m² of office and 449m² of retail floorspace, along with nine residential flats - and should not disaggregate the proposed development into component parts. They reason that it is a mixed-use development for which there are strong regenerative benefits and significant policy support at all levels, and that this position is further supported by the precedence of the Dundee judgement (Tesco Stores Ltd v Dundee City Council [2012] UKSC 13) and further reaffirmed in the 27 LXB RP (Rushden) Ltd against East Northamptonshire District Council (appeal ref: APP/G2815/V/12/2190175).

Accordingly, the applicant’s sequential test was carried out on an aggregated basis, examining sites following a review of: the Barnet Local Plan (2012) site; the Barnet Town Centre Floorspace Needs Assessment (2017); draft Local Plan site allocations; 5 year housing land supply sites within the Authority Monitoring Report (2019/20); and a review of aerial maps and centre walkaround. Sites were excluded where they were unavailable or outside of the East Finchley catchment, and only three sites were identified for further testing, including: the Bobbath Centre; East Finchley Station Car Park; and, Park House. The assessment concluded that all three sites were either not available, suitable, and/or sequentially preferable.

Notwithstanding, the applicant’s position on disaggregation of the site, in discussions Officers suggested the applicant should still explore the disaggregation of the separate components of the development (i.e. residential, office space and retail space) and that the scope, particularly with regards to the retail element, should also be extended to the nearest town centre (identified as Muswell Hill, in the neighbouring borough of Haringey – within a circa 1.5km radius). In response, the applicant produced a further document titled: “Sequential Assessment – Supplementary Note” (dated 14th January 2022), containing a further assessment on the basis of what was discussed with Officers.

The supplementary note identified that East Finchley District Town Centre, at the time of the applicant’s site visit, had only one vacant site with a floorspace of circa. 47m², falling significantly short of the proposed 300-400m² required by the proposed development, and being located significantly further away from the public transport links (i.e. East Finchley Northern Line in particular) comparatively. The supplementary note also elaborated on the previously considered sites:

- a) that there would be land use challenges i.e. competing interests between established community use at the Park House site, and the proposed retail element of the development, which would require ground floor access;
- b) the Bobbath Centre is unavailable (not for sale / leased until 2034); and,
- c) East Finchley Station Car Park would be unsuitable, generating public opposition and being difficult to achieve the same type of development due to the Listed nature of East Finchley’s (EF) station building, and being unavailable.

In the case of the car park site, Officers acknowledge the Listed nature of the EF’s station building and the actual availability of the site would carry weight in the overall assessment, however, the matter of public objection/opinion about the redevelopment of the site would

not be a reason for discounting from the sequential approach.

The assessment of sites in Muswell Hill District Centre (with the London Borough of Haringey) revealed that none of the Site Allocations within LB Haringey's 2017 Site Allocations Development Plan Document were within the District Centre Boundaries, and therefore, were not relevant to the sequential test. A site visit conducted by the applicant on 11th January 2022, also revealed that there were no sites of a suitable size to accommodate the full development proposal. There were six vacant units in Muswell Hill District Centre (all in Class E Use), however the largest was 200m², of which 76m² was at ground floor level. All other units had less than 100m² floorspace, and thus concluding overall it would not have been reasonable to disaggregate the proposed scheme's component parts and distribute these across multiple separate smaller units in either of the examined District Centres.

Following review of the additional information submitted, Officers queried whether the applicant could provide any further evidence of demonstrated need for the proposed Office space element. The applicant supplied a document titled "North London Office Market Report" (produced by SPC Property Consultants, dated 8th February 2022) which opined that *"demand for suburban London office space has greatly increased... Businesses have adapted to the shift to working from home, recognising that the higher rents and commuting times associated with central London office spaces are unnecessary constraints which hinder the success and sustainability of their business... Working close to home in well-appointed offices close to good local amenities are major factors in the suburban office market.. We assert that rental "take-up" would be much greater in new, well-finished, well-located office buildings in line with the proposed development at 98 Great North Road."*

In addition, the applicant also supplied a list of enquiries received by Savills for office space within a catchment area covering north London, to demonstrate the demand for suburban office space set out in the Office Market Report. Officers consider this evidence to be limited, although it does merit some weight in the overall assessment of the in-principle acceptability of the scheme.

The Council's Policy Unit were approached for comment on the scheme and raised objection on the grounds of the proposals being outside of the District Town Centre boundary – thereby being harmful to its vitality and viability. The scheme was also discussed with the Council's Town Centre Team, and contrary to the Policy Unit's view, they have suggested that the site would be suitable for Office space given that it is sustainably located in context with the existing District Town Centre and the immediately adjacent East Finchley London Underground station (Northern line). They also suggested that the development should provide affordable work space, although did not indicate how much. Despite their support for the Office use, the Town Centre team were of the view that the East Finchley is already well served by Food Convenience retail units, and therefore, considered that the retail element of the proposal was not necessary.

Officers acknowledge the comments of both the Council's Policy and Town Centre consultees, which offer slightly conflicting observations about the in-principle acceptability of the scheme. It is considered that the supporting information supplied by the applicant is moderately convincing at demonstrating the demand for the flexible / co-working office space within Greater London and that the applicant has taken a reasonable and proportionate approach to demonstrating that the site is sequentially preferable. Further, despite there being a limited policy basis for requiring affordable workspace in this instance, the applicant has agreed to provide 200m² of commercial floorspace at 90% of

the Market Value, which Officers consider to be both fair and reasonable offer that will contribute towards the Borough's shortfall in provision. Overall, the proposed development may be somewhat contrary to the 'Town Centres First' approach objectives set out within the London and Barnet Local Plan policy frameworks, however, it is considered that there are a number of relevant material considerations which must be afforded appropriate weight in the overall planning balance of the proposal's assessment (considered later in this report) to determine whether the disbenefits of the proposed development would satisfactorily outweigh the benefits of the scheme.

Impact Test

The proposed food / convenience retail element of the scheme at 449m² floorspace falls below the 500m² threshold for the impact test suggested within the pre-text for Policy DM11 of the Barnet Local Plan (2012), and thus, Officers consider that retail element does not warrant a retail impact assessment on EF District Town Centre.

With regards to the proposed Office space element, as submitted by the applicant in their Planning Statement, the London Plan (March 2021) Policy SD7 refers to the impact test as being applicable to office development (as well as retail and leisure uses), although the current NPPF (July 2021) post-dates this, omitting any reference to office development from the impact assessment process. It is still a material consideration that Policy SD7 remains a current policy within the current London (2021), however the appropriate level of weight needs to be afforded to this in the overall planning balance with regards to the proposed Office space element. Officers have regard to this in the overall planning balance section of this report.

It is understood that the Council's Policy Unit have raised concerns about the potential for the Office floorspace of the proposed development to be converted to residential at a later stage under provisions of the General Permitted Development Order 2015 (as amended), and that such a process would help the applicant to avoid meeting the requirements of other planning policy instruments, e.g. such as affordable housing. The planning assessment at this stage can only be based on the what has been applied for within the submitted application and not any speculative alternative developments/uses. In any case, Officers would recommend a planning condition to be attached to any planning approval decision that would prevent conversions taking place without expressed planning permission.

Impact on the character of the area

Density:

The Council's approach to density is set out in Policy CS3 of Barnet's adopted Local Plan Core Strategy DPD Document (2012) which refers to the superseded density matrix of the London Plan (2016), however, it subsequently states that the Council will seek to optimise density to reflect local context, public transport accessibility and provision of social infrastructure. It is considered that the latter three principles of this policy broadly align with the objectives of Policies GG2 (Making the best use of land), D2 (Infrastructure requirements for sustainable densities), and D3 (Optimising site capacity through the design-led approach) of the Mayor's London Plan 2021, which requires developments to make the best use of land, through a design-led approach - i.e. density being informed by good, sustainable design that reflects and respects local character and distinctiveness. Policy D6, inter alia, states that particular consideration 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.

With regards to public transport accessibility and access to social infrastructure, the application site is located within an area that has a PTAL rating of 4, which is regarded as good, however, immediately adjacent to the site the PTAL rating is 5 (very good) where the East Finchley Northern Line Station sits, circa 130 metres to the north west, which is also where the town boundary designation starts. There are also bus stops on the High Road / Great North Road, which serve major routes in and out of London. All public transport nodes and the shops and services are accessible by pedestrian and cyclist friendly routes. Accordingly, it is considered that there are no objections to the scheme when having regard to the public transport and social infrastructure accessibility dimensions of both the London Plan and Local Plan density criteria.

Given the immediate adjacent location of the East Finchley District Town Centre, the site is regarded as being situated within an urban area, where the design, size, density and form of other mixed-use buildings are varied. Read in conjunction with the wider urban townscape of East Finchley District Town Centre and the buildings adjacent to and opposite the site, where there are a range of densities, it is considered that the residential density proposed would not be out of keeping with the surrounding context. The site is 0.1951 hectares (ha) in size and has 42 habitable rooms (hr), yielding a density of 215hr/ha. Whilst the density matrix is no longer the London Plans (2021) preferred approach to considering density, it still provides a useful indicator, and in this case, it is considered that the proposed development would be of an acceptable density relative to the site location.

Design / Layout:

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

The development is proposed as a single 6 storey building, although there is a clear strategy to the design of the massing. The separate elements – residential, retail and office spaces – are made into legible components with the north part of the development comprising the residential element. This is clearly delineated from the office element with a recessed gap (set back) on the principal elevation and a notable gap left between the recessed top storeys of the residential and commercial components. This reduces the perceived bulk and massing of the top floors, but also breaks up the bulk of the building as a whole. The retail element, occupying the ground floor, projects out at 1.5 storeys, and again, aids in breaking up the massing of the street facing elevation cumulatively with the other staggered elements of the design.

The 'pan handle' element of the building, occupies the southern part of the site but is largely concealed behind Harrison Varma House. Nevertheless, the design of this element still adheres to similar design principles by having a recessed top floor. It is considered that the composition of the massing creates a well proportioned building that optimises the use (physically) of the site without becoming overly dominant within the street scene. Although the development it will be taller than the existing substation structure, the

adjacent buildings (Varma House) and those on the opposite side of the road, the recesses, and staggers in the volumes help it to be read comfortably against the area's existing streetscape. As such, Officers consider that the proposed development has an appropriate scale and mass that is commensurate with the surrounding context.

Layout

The layout of the development, between the proposed uses, is considered to be appropriate, with the entrances to each component kept separate from each other, as well as their refuse and recycling provisions. The servicing area under the residential element is considered to be an appropriate use of this ground floor space as it would not be suitable for residential habitation due to the high retaining wall to the north / north-east. It facilitates functional servicing in a well-concealed part of the site that can be accessed and egressed appropriately. The internal configuration of each element of the development is also considered to be acceptable, with both commercial spaces offering flexible layouts. A suitable area to the front has been retained to ensure that the development can be softened by landscaping and planting, to create a space that would integrate well with the public realm and wider street scene.

Façade design / articulation / Materials

With regards to articulation and materials, the architectural expression follows a very gridded approach. Vertically, a single grid is applied to the residential block with narrow brick piers, which is then followed by the Office element of the scheme which features wider brick piers. This pattern has similarly been applied on the horizontal plane across both components (residential and commercial) – with a stone (residential) / light grey (commercial) metal banding delineating each level. This is staggered at different heights on both buildings, owing to the different heights between floors (created by the split lower-ground/ upper-ground, result from the gradient of the land on site).

Cumulatively, the difference in heights; the size of, and spacing in between the windows; the ratio of glazing to solid material; and, the variance of brick colour between the different use components (residential – London stock brick / Office – red brick) all help to break up the mass of the overall building and create a visually appealing form of development that fits in within the character of the street. Comparative to surrounding buildings within the wider street scene, which are comprised of brickwork, render, metal and other forms of cladding of varying colour palettes, it is considered that the application development's proposed material selection would not be demonstrably out of keeping with the character and appearance of the surrounding area.

Notwithstanding the above assessment of materials, it is recommended that further details and samples of the final materials to be used in the external elevations are required to be submitted to, and agreed in writing by the Local Planning Authority, by planning condition. This is to ensure that an acceptable palette of materials is selected that will achieve a satisfactory visual appearance for the building upon its completion, and for the future to come.

Visual Impact

It is noted that a number of objections have been received with regards to the building's visibility from Cherry Tree Wood and the suggested adverse impact that it would have on the visual amenity and character of Cherry Tree Wood enjoyed by public/residential users. The application is supported by the submission of a Built Heritage Townscape and Visual

Assessment (September 2021) and Addendum (January 2022) which provides rendered images of the development during the spring/summer (trees in full leaf) and winter (trees without leaves). It is acknowledged that the development would be visible from Cherry Tree Wood in both seasons, however, owing to its acceptable height, scale and massing, it is not considered that it would appear unduly obtrusive and overbearing when viewed from this location. Further, owing to the variety of trees (some deciduous, some not) within Cherry Tree Wood and the north line embankment, the development would be largely screened from this area, with mainly the top two floors being slightly visible through the trees in winter. With the trees in full bloom in the spring/summer months the upper floors would be significantly less visible – with only the top edge of the uppermost floor likely being visible. It is not considered that it would unduly detract from the open space of Cherry Tree Wood.

From the Great North Road the development will be more visible, but it will be read against an urban environment, where it will be largely in keeping with the character and appearance of the surrounding area. There will be less tree cover during the winter months, however, as per the observations of the design above, it is considered that the height, scale, and mass is adequately broken up through well-considered articulation, materials, and staggered recessing of various components. It will be read against the existing commercial environment on the north side of the Great North Road, as a natural extension fitting in with the established context, and would therefore not detract significantly from the lower rise residential buildings on the opposite side of the road. Officers are satisfied that the development would sit comfortably within the site and that it would have an acceptable visual impact on the surrounding townscape and views from all directions explored within the Built Heritage Townscape and Visual Assessment (September 2021) and Addendum (January 2022).

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies – thereby respecting and preserving the character and appearance of the site and surrounding area.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to consider the effects of development on listed buildings and their settings – specifically, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 194 of the National Planning Policy Framework 2021 requires applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 require Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Further, Paragraph 199 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Aligning with the statutory duty and principles of the above, Policy HC1 (Heritage conservation and growth) of the Mayor's London Plan (2021) states that "*Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings... Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process*".

Similarly, Policy CS5 of Barnet's Local Plan Core Strategy (2012) and Policy DM06 of Barnet's adopted Development Management Policies DPD (2012) seek to ensure that all heritage assets will be protected in line with their significance, and that development proposals have regard for local historical context. Development is required to demonstrate, where appropriate, amongst other things, the impact of the proposal on the significance of the heritage asset and how the benefits outweigh any harm to the heritage asset.

Approximately 130m to the north-west of the site, on the opposite side of the Great North Road / High Road, sits East Finchley London Underground Station (Northern Line), which is a Grade II Listed Building. In recognition of its presence, the application is supported by a Built Heritage Townscape Visual Assessment (Bridges Associates, September 2021). The assessment does not identify any demonstrable harm to the significance of the heritage asset. Whilst the development will be glimpsed within the panoramic view down the High Road, and looking up from the Great North Road, the development would not be overly dominant and would not demonstrably compete visually with the Listed East Finchley Station building. It is considered that there would be no demonstrable harm to the significance of the heritage asset, by virtue of its distance, but furthermore, it is also considered that there would be no demonstrable harm to its setting. The Council's Conservation team were approached for comment at the pre-application stage, and raised no objections, and further, raised no objections in response to the formal consultation of this application.

The development sits opposite the Hampstead Garden Suburb Conservation Area where there is equally a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and requirement under the aforementioned policies, to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. Officers consider that the proposed development would not amount to any harm to the significance of the adjacent Conservation Area.

In light of the above, it is considered that the proposed development would accord with the heritage and conservation objectives (i.e. no harm to significance or setting of heritage assets) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 16 of the NPPF (2021); Policy HC1 of the Mayor's London Plan (2021) and Policies CS5 and DM06 of Barnet's adopted Local Plan (2012).

Impact on the residential amenities of neighbours

Part of the 'Sustainable development' imperative of the NPPF 2021 is pursuing improvements to amenity through the design of the built environment (para 127). In addition, Policy DM01 of Barnet's Development Management Policies DPD (2012), as well as the Sustainable Design and Construction SPD (2016), provide further requirements and guidance, to avoid and mitigate against harmful impacts on neighbouring residential amenities.

The application site does not abut any residential curtilages – with the Harrison Varma

building (No. 98 Great North Road), No. 94-96 and 82-92 all being in use for commercial purposes. As such, the closest residential properties would be opposite the site on the south/south-west side of Great North Road – all in excess of 23 metres elevation to elevation. It is therefore considered unlikely that the development would impact the existing residents to by means of overbearing impact, loss of outlook, overlooking and loss of privacy.

The application is accompanied by a daylight and sunlight assessment (Ref: EFS Rev.1; September 2021, by CPMC Ltd) which assesses the daylight and sunlight impacts on the neighbouring properties of 5 Beaumont Close, Bishops Court, Cherry Tree Hill House, 3 Great North Road, 4 Great North Road, and, 94 – 96 Great North Road. The assessment report demonstrates that the minimum Vertical Sky Component (i.e. the ratio of the direct skylight illuminance falling on a vertical face at a reference point - usually the centre of a window - to the simultaneous horizontal illuminance under an unobstructed sky) criteria established within the 2011 BRE Daylight and Sunlight Standards would be met at all six sites.

With regards to Daylight Distribution, the assessment report also demonstrates that the minimum standards of the 2011 BRE guidelines would be met for all of the sites, except one minor adverse transgression caused to a ground floor window at 94 – 96 Great North Road. Given the marginal nature of the transgression; the fact that the building is in commercial use, within an urban environment; and, that it would satisfy the Vertical Sky Component criteria, it is considered that this would be acceptable on balance.

Overall, Officers are satisfied that the proposed development would not adversely impact the amenities of neighbouring residential occupiers, in accordance with Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) and Policy D9 of the Mayor's London Plan (2021).

Impact on existing businesses

Whilst amenity impacts (e.g. loss of light, overshadowing, loss of privacy, overlooking and overbearing impact and sense of enclosure) are not a material planning consideration for commercial and educational uses, it is material to consider the impact that the development could have on existing businesses and community facilities.

Paragraph 182 of the National Planning Policy Framework (2021) states that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and it subsequently places the responsibility on the applicant to provide suitable mitigation, where this may be identified as an issue. This policy has been transposed and adopted within the Mayor's London Plan (2021) Policy D13 (Agent of Change), with a particular focus on design-integrated mitigation and management of noise and other nuisance.

It is considered unlikely that the proposed development's individual components i.e. residential, retail, and office, would neither, individually or cumulatively, have an adverse impact on the function and convenience of the adjacent commercial properties.

The residential aspect of the scheme sits to the northern part of the site and would be screened by the retail and office part of the development. The residential element would therefore be sufficient distance from the neighbouring commercial sites to avoid placing any undue pressure on their current operations.

The retail element is modest in size, and the design accommodates for off-street servicing and deliveries, which could be reasonably managed by a servicing and delivery plan. The parking on site is limited to Blue Badge Holders (2 spaces) and thus, traffic disruption and congestion to the adjacent commercial properties would be unlikely.

The office space is moderate in size, however, again as there would only be increased footfall at peak times, with less personal motor vehicle travel owing to the car-free nature of the development.

Further, there are no aspects of the design or plant that would be regarded as particularly disruptive to the adjacent existing business. It is therefore considered that the scheme would meet the objectives of Paragraph 182 of the NPPF (2021) and Mayor's London Plan (2021) Agent of change policy (D13).

Housing Quality

Unit Mix / Dwelling Sizes:

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan 2021 Policy H10, and 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.

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

Type	Number of Units	Percentage
2 bed 4 person	3	33%
3 bed 4 person	1	11%
3 bed 5 person	4	45%
3 bed 6 person	1	11%
Total	9	

It is considered that the proposed development provides a reasonable mix of home sizes. The larger family sized units proposed (3 bed 4 person, 3 bed 5 person and 3 bed 6 person) account for 67% of the dwellings that would be delivered, and larger 2 bedroom units would account for the remaining 33%. This is considered to be appropriate given the site's characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Barnet Local Plan (2012) Policy DM08.

Standard of accommodation

In terms of the standard of accommodation for the future occupiers of the proposed development, the Council expects a high standard of internal design and layout in new residential development. The standards expected are set out within Barnet's adopted Sustainable Design & Construction SPD (2016), and these align with the objectives and standards that are stipulated in Policy D6 of the Mayor's London Plan (2021), and Policy DM02 of Barnet's adopted Development Management Policies DPD (2012).

All of the proposed residential units would meet the minimum internal space standards, as set out within the policies referenced above. In terms of ceiling heights and addressing the

Urban Heat Island affect, as required by Policy D6 of the Mayor's London Plan (2021), all units will have a ceiling height of 2.5m for at least 75% of the gross internal floor areas. This will ensure that the new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space.

Daylight & Sunlight:

The applicant has not undertaken a formal review of the internal sunlight and daylight levels within the residential aspect of this development in their Daylight & Sunlight report. Nevertheless, Officers are satisfied that the development would achieve satisfactory levels because there is no residential accommodation that would be unduly restricted by the railway embankment or neighbouring properties. Furthermore, the units are also well-glazed, with each being afforded a degree of dual aspect, and no room within any of the units are excessively deep to an extent that would prevent light from reaching them.

Overall, Officers are satisfied that the proposed residential units would receive good levels of daylight and sunlight.

Privacy / Overlooking

It is considered that the proposed development would achieve a satisfactory degree of privacy for the future occupiers. With adequate separation from the adjoining uses within the application development and other neighbouring commercial and residential uses, there would be no demonstrably harmful overlooking of the residential aspect of the development, with measures controlled by privacy screening – required by a suitably worded planning condition. Overall, it is considered that the proposed development would achieve a satisfactory standard of privacy in accordance with the objectives of DM01 of Barnet's adopted Development Management Policies DPD (2012).

Amenity Space

Policy D6 (Housing quality & standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction (SDC) SPD (2016) require that sufficient, functional amenity space be provided for all new homes and flats wherever possible.

The Council's adopted SDC SPD (2016) requires 5m² of space per habitable room, but recognises that this is not always achievable in town centres and flatted residential development. Based on the SDC SPD (2016) standards the requisite amount of amenity space required across the entirety of the scheme is 210m². The overall provision across all units is 104m², with only one of the units (a 104m² 3 bed duplex unit on floors 4/5) meeting the 2016 SDC SPD's requirements. It is of note that the amount provided both overall and individually would meet the requirements of Policy D6 of the London Plan (2021), however, as the SDC SPD is part of the Council's current Local Plan (2012) policy framework, the standards within this document remain the primary point of reference.

In lieu of the shortfall of amenity space, both the SDC SPD (2016) and Barnet's Planning Obligations SPD (2013) state that the Council can seek a planning obligation.

The Council's Greenspaces team have been consulted on the amenity space shortfall and have suggested a Parks and Open Spaces Contribution for the sum of £6890.00 (Index Linked) towards tree planting in the vicinity of the development and the improvement and enhancement of the Cherry Tree Wood 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

Cherry Tree Wood is the closest public open amenity space to the application site, which will provide amenity benefits to the residential aspect of the development, and thus, a contribution towards its enhancement would be considered to be both reasonable and necessary in outweighing the shortfall of amenity space provided.

Overall, subject to the recommended planning obligations and conditions, it is considered that the private amenity space provision would accord with the objectives of Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012); and, Policy D6 of the Mayor's London Plan (2021).

Playspace

Policy DM02 of Barnet's adopted Development Management Policies DPD (2012) states that the requirements for children's playspace will be calculated in accordance the London Plan. The Council's Residential Design Guidance SPG states at paragraph 8.19 that playspace will be required for new flatted development that has the potential to contain 10 or more children.

Based on the housing mix proposed and the PTAL rating of the area, the GLA's Population Yield Calculator estimates the child yield from the development will be circa 4.3 children. This figure falls below the identified threshold of 10 or more children. The scheme makes no provision for children's playspace, however, the estimated yield would fall below the Council's adopted Residential Design Guidance SPD (2016) threshold. Nevertheless, the site is not in an area that is deficient in open space and there are parks within less than 1 mile walking distance of the site at Cherry Tree Wood (0.1 mile) Highgate Wood (0.9 mile) and Market Place playground (0.6 mile).

Highways / Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential car parking

It is recognised within the Barnet Local Plan policies that the residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided.

The Highways Authority have commented that *“The site fronts directly onto Great North Road, A1000, a key north-south route through the borough. The section of the A1000 fronting the site is a single carriageway road with parking on both sides. There are “residents permit holders only” bays, bus stops, yellow lines and a southbound cycle lane in the section of the A1000. This section of the A1000 has a mixture of commercial (offices) and residential properties.*

The site is in a CPZ which operates Mon-Sat, from 8.30am to 6.30pm and it lies in an area with a PTAL rating of 4 (on a scale of 1-6, where 1 is poor and 6 is excellent) which denotes good public transport accessibility for the site. Four bus routes (234, 263, 143 & 102) can be accessed from stops within 2 minutes walking distance of the site. East Finchley tube station is within 3-4 minutes walking distance of the site.

The proposal consists of the erection of a part five and part six storey building to provide 9 self-contained flats, 3937sqm metres of office floorspace and 449sqm of retail space. The parking requirement for the residential element of the site based on policy DM17 is between 9 – 13.5 spaces. For the 3937sqm of office space, based on London Plan standards, a maximum of 39 spaces is allowable. Likewise for the 449 sqm of retail, 6 spaces are needed.

Given the site’s location and good PTAL score, Highways would not insist on any parking provision for the office except for disabled parking. Likewise, for the residential, the provision of 1 disabled bay is recommended. The development will provide a car free scheme with the provision of 2 disabled bays which is the minimum requirement under London Plan. Given the fact that the site is in a CPZ, Highways would accept the proposed car free scheme with 2 disabled bays provided the applicant agrees to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits.

In relation to electric vehicle charging points, it is recommended that both bays are fitted with active charging points.”

It should be noted that the Highways Authority’s comments with regard to parking and the London Plan (2021) standards broadly align with the standards set out within Barnet’s Regulation 22 draft Local Plan, which is currently being examined by the Secretary of State. Owing to the draft nature of Barnet’s Regulation 22 Local Plan, only limited weight can be afforded to this policy, however, weight can be afforded nonetheless, particularly given its consistency with the established standards set Mayor’s London Plan (2021). Furthermore, it should be noted that parking standards set out within Policy DM17 of the current Barnet Local Plan (2012) are maximal standards and not minimum.

Officers consider that the Parking Management Plan condition requested by the Highway Authority is unnecessary given that there are only two parking spaces within the development and these are designated for blue badge holders only. Notwithstanding, Officers agree with the Highway Authority recommendation that an amendment to the Local Traffic Order should be carried out in to prevent future residents of the development from purchasing permits for existing controlled areas. This would ensure that the development does not increase parking pressures / overspill within the local area. This is

considered both reasonable and necessary, and thus, it is recommended that this obligation is secured via legal agreement in the event of a recommendation for approval.

Cycle Parking

Based on London Plan (2021) standards set out in Table 10.2 of Policy T5, a minimum of 18 long stay and 2 short stay cycle parking spaces are required for the residential; 26 long stay spaces and 8 short stay spaces for the office use; and, 3 long stay and 11 short stay spaces for the retail use. Cumulatively, a total of spaces and 47 long stay and 21 short stay cycle parking are required for the site.

In accordance with the above, 18 long-stay covered and secure cycle parking spaces will be provided for the residential dwellings, within the residential building. 26 long stay spaces, 8 short-stay spaces and 1 accessible cycle parking space will be provided internally for the office space; and, 15 covered spaces will be provided for the retail space, in front of the building. It is proposed of the 3 of the 15 short stay spaces provided for the retail are designated as long stay spaces.

The Highways Authority have commented that “*long stay cycle parking should be provided in a covered, sheltered, lockable, enclosed compound, while short stay cycle parking should be provided in a covered, sheltered, lockable environment and 5% of the spaces should be provided for larger bicycles. The type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a condition*”. It is considered both reasonable and necessary that the details of cycle storage provision are secured via condition, in order to ensure that it is provided in accordance with London Plan (2021) standards.

Delivery / Servicing / Access and Layout

The Highway Authority consider that the layout of the site is acceptable. The swept path drawings provided in Appendix D of the Transport Assessment illustrate that a 10m long rigid vehicle can enter and exit the site in forward gear, without unduly compromising the safety, function and convenience of the local highway network and its users.

The Highway Authority raise no objection to on-street servicing subject to a refuse and recycling management plan that details a designated holding area needs to be indicated on a plan and which requires bins to be brought to the front of the site. This can be secured by condition, in the event of a recommendation for approval.

The principles set out within the submitted draft delivery and servicing plan (DSP) are considered acceptable by the Highway Authority. Notwithstanding, elevations of the refuse store, recycling arrangements and steps to minimise the number of deliveries need to be indicated in a final DSP, secured by planning condition – to ensure that the delivery and servicing arrangements do not compromise the safety, function and convenience of the local highway network.

It is noted that there are two existing crossovers serving the site on A1000, one of which is to be altered (widened/upgraded) and the other closed/ reinstated to footway. The Highway Authority advise that the applicant will be required to enter into a s184/s278 for these works on the public highway. Officers concur with this recommendation.

Trip Generation / Road Safety

The Highway Authority have advised that vehicle trip generation associated with the development overall is not expected to be a significant issue, as the scheme is car free.

Notwithstanding, they have advised that the scheme will generate a significant number of person trips, and as such, it is recommended that a financial contribution of £50,000.00 be sought towards measures (by way of signalised junction/crossing) to enhance pedestrian safety on The Bishop's Avenue and Great North Road junction. The Highway Authority have suggested this is necessary because of 8 historic accidents that have occurred within the local area within the previous 5 years. Three of these were recorded as serious accidents and five were recorded as slight in severity. Officers acknowledge the Highway Authority's concern with regards to the safety of the highway and its users, however, not all of these collisions were between pedestrians and motorists. Furthermore, this is an existing highway related problem, and not one that would be created or made demonstrably worse by the proposed development. With exception of the blue badge parking provision (2 spaces) the scheme would not be demonstrably adding to the number of vehicles on the road. Although the scheme will result in an increase in pedestrian movements associated with both the residential and commercial elements, there is a safe crossing point approximately 150m (circa. 1.5 – 2 minutes) north of the site by East Finchley Tube station. Accordingly, it is not considered that the additional pedestrian movements would amount to a significant increase in the potential for motorist/cyclist-pedestrian collisions and it remains a possibility that such events will occur between existing road users regardless of the presence of the proposed development.

Notwithstanding the above, it should also be noted that since the previous accidents were recorded in the area, a cycle lane (running from North Finchley to Hornsey via A1000 / High Road / Great North Road) was introduced in September 2020 under an experimental Traffic Management Order which is to run for 18 months, although it is understood that the provision of green/sustainable transport facilities along the A1000 are an objective of Barnet's Long Term Transport Strategy. The permanency of this infrastructure in the long term is unknown, however, there have not been any recorded collisions since its installation. Accordingly, it would be reasonable to surmise that the presence of this infrastructure is likely to have increased the level of road awareness amongst all users of the highway.

Overall, Officers would consider that it would not be appropriate to seek a financial planning obligation towards the measures that the Highway Authority have suggested. Paragraph 57 of the National Planning Policy Framework states that "*Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development."*

In terms of the above tests, it is considered that the scheme would be acceptable in planning terms, with very little direct impact on a pre-existing highway issue, that is not caused by the existing application site in any way. Furthermore, Officers would not consider it to be fair and reasonable in terms of the scale and kind of development which will be car free, with exception of the blue badge parking space provision.

The application has been supported by a Stage 1 Road Safety Audit (by Alpha Consultants, September 2021) which assesses the site access and adjacent cycle lane. It identifies turning/emerging vehicles (particularly HGVs) at the site access as a potential risk to cyclists and motorists - due to visibility splays at the access point – as notable

issues. The audit recommends road markings and signage to alert drivers of the presence of cyclists. The Highway Authority agree that mitigation will be necessary, in the interest of pedestrian, cyclist and motorist safety, and there recommend that a scheme of road safety mitigation be required as part of the Section 184 / Section 278 off-site highway works that will be required as part of the development. Officers concur with the Highway Authority's suggestion, in the interest of maintaining the safety, function and convenience of the local highway network in accordance with Policy DM17 of Barnet's adopted Development Management Policies DPD (2012).

Travel Plan

The applicant has submitted a framework travel plan, which the Highway Authority consider is acceptable in principle. In the event of a recommendation for approval, the formal submission of the travel plan and its monitoring by the Council would be secured by a legal agreement, along with a financial contribution of £15,000 towards travel plan monitoring. A further contribution of £2700 equating to £300 per household towards travel plan incentives would also be sought, in accordance with the Council's Planning Obligations SPD (2013).

Construction Management Plan

In the event of a recommendation for approval, a demolition, construction and logistics management plan, required by planning condition, has been recommended by both the Highway Authority and Environmental Health, in the interest of managing the construction phase traffic and construction associated pollution throughout the development's construction phase. This is considered to be both reasonable and necessary to protect the safety and amenities of the public, neighbours and local highway network, in accordance with the objectives of Policies DM04 and DM17 of Barnet's adopted Development Management Policies DPD (2012).

Refuse & Recycling

The Council's Waste Management Department have been consulted on the scheme, and is satisfied that adequate refuse and recycling provisions have been provided. As per highway recommendations, details around the servicing should be provided by condition, in the event of a recommendation for approval.

Highway related Planning Obligations:

In conclusion of the above, the following planning obligations listed below and a number of relevant conditions attached to the report are recommended:

- S.278/S.184 agreement for stopping up of footway / creation of new access and a scheme of road safety mitigation / improvements in accordance with the findings and recommendations of the Road Safety Audit and the Highways Authority.
- Submission of travel plan and financial contribution towards its monitoring (£15,000.00), and contribution towards travel incentives (£2,700.00 i.e. £300.00 per household);
- A £2392.01 contribution towards CPZ permit restrictions - i.e. future occupiers to be restricted from obtaining residential parking permits.

Drainage / SuDs

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

The application site is in Flood zone 1 and the scheme is accompanied by a Flood Risk Assessment, including drainage calculations and surface water drainage recommendation.

The information submitted has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development, subject to conditions.

If permission were granted, a condition securing the submission of further details of the surface water drainage scheme would be attached. This is considered both reasonable and necessary, in the interest of preventing on-site and off-site surface water flooding, in accordance with Policy C13 of the Barnet Core Strategy (2012) and Policies D3, SI12, and SI13 of the London Plan 2021.

Environmental Considerations

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

Contaminated Land:

The application is accompanied by a Phase One Contaminated Land Assessment Report (by Mott MacDonald, October 2010). It concludes that the site is not considered, in its current state, to present any unacceptable risks to the defined receptors, and that there is no requirement for remedial action. Notwithstanding, it does recommend that Ground Investigation, including analytical testing prior to redevelopment works should be undertaken to assess the presence of contamination sources.

Environmental Health have considered the submitted report and consider that as the site is a brownfield site, and that the building on site is to be demolished, along with significant groundwork, that has the potential to release any harmful contaminants. It would therefore be reasonable and necessary to recommend a contaminated land condition that requires analytical ground testing, to establish whether remediation of the site is required. This would be in the interest of protecting the public, neighbouring occupiers and the future occupiers of the proposed development, in accordance with Policy DM04 of Barnet's adopted Development Management Policies DPD (2012).

Air Quality:

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both

existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment (by Aether, August 2021) which concludes that with regard to emissions from road traffic on sensitive receptors, both annual mean NO₂ and PM₁₀ concentrations within the area fall below the objective benchmarks; and, that there would be no exceedances of either short term objective for NO₂ or PM₁₀. Despite the assessment predicting an increase of 0.6ug/m³ (NO₂) and 0.1ug/m² (PM₁₀) in future, this will still ensure that the emission levels will sit below the relevant objective benchmarks (40ug/m³ annual limit established within the Air Quality Standards Regulations 2010), and thus, no air quality specific mitigation is recommended.

The Council's Environmental Health team have considered the report and advise that its findings and recommendations are sound. Notwithstanding, they do note that the traffic attraction potential of the retail units cannot be quantified as it will be dependent on the retailer that occupies the space. Nevertheless, concerns about traffic generation have been considered in the Highways section of this report, where Officers are satisfied that personal motor vehicle trip generation is unlikely to be significant given the lack of parking available on site and within the surrounding area (controlled by CPZ/Pay and display parking)

The same report contains an Air Quality Neutrality assessment which concludes that as the development will use electricity, air source heat pumps, and will have relatively little-to-no trip generation, that the scheme will be Air Quality Neutral in accordance with the objectives of Policy SI1 of the Mayor's London Plan (2021). The applicant has confirmed that there will be no supplementary gas boilers that would create additional emissions, and thus, the Environmental Health Team have raised no objections to the proposed development in this regard.

The report details mitigation measures that should be followed with regards to the control of dust emissions. These should be incorporated into a construction management plan, which will be required by planning condition to ensure that the construction of development is carefully planned and managed by procedures that mitigate the emission of pollution.

Accordingly, subject to conditions the proposed development would ensure that adverse air quality impacts are minimised and mitigated appropriately in accordance with Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Noise:

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

In support of the application, the applicant has submitted a noise and vibration report by Sharps Redmore (ref. R1(RevC)-09.09.21-East Finchley Sub-Station-2120448-RDS, dated

9/9/2021), which has been considered by the Council's Environmental Health team. They agree with the overall findings and recommendations of the report, but identify that there is a need for a number planning conditions requiring further acoustic assessments to be undertaken on the final plant and insulating materials (vents, windows, facades etc) that are to be incorporated into the final development. Recommending conditions in this instance would be considered both reasonable and necessary to ensure the development does not compromise the amenity of the future and existing residents of the site and locality. In addition a bespoke vibration condition has been agreed between Environmental Health and the applicant's acoustic consultants to ensure that the impact of vibration from the London Underground line are fully considered and mitigated against prior to the occupation of the development.

Overall, it is considered that the proposed development, subject to conditions numbers 14-18 recommended at the top of this report, would achieve satisfactory internal noise levels for the residential occupiers of the development and neighbouring residential occupiers, in accordance with the objectives of Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012), and Policies D13 and D14 of the Mayor's London Plan (2021).

Accessibility and Sustainability

Accessible Housing:

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (Building Regulation requirement M4(3)).

The plans indicate that the proposed development would meet these requirements – with sufficient widths and circulation space for wheelchairs. Notwithstanding, a condition will be recommended in the event that planning permission is granted, to ensure compliance with these Policies.

Carbon Emissions

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

The applicant has supplied an Energy & Sustainability Statement (Revision B; dated: September 2021), produced by JS Lewis Ltd, which sets out how the development will accord with the objectives of the relevant policies.

In respect of carbon dioxide emission reduction, the statement confirms that the scheme has been designed to achieve a 41% CO₂ reduction over Part L of the Building Regulations and will incorporate:

- Energy efficiency measures for both fabric and fittings;
- Passive design measures and natural ventilation, wherever possible;
- Heat recovery on mechanical ventilation to commercial space;
- Solar control through layout/orientation and fenestration;
- Communal heating from air source heat pumps;

Carbon offset payments of £17,549.00 for the residential element and £60,743.00 are also proposed, to be secured by Section 106 agreement, to contribute towards the Boroughs Carbon Zero objectives.

The mitigation and stated 41% reduction, together with the carbon offset payments are considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). A condition is recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, which will subsequently ensure compliance with the aforementioned policies.

Overheating

The aforementioned Energy & Sustainability Statement contains details about the overheating implications of the development. Owing to the constraints of the site i.e. where the rear of the development overlooks the railway from a short distance. Because of this spatial relationship, natural ventilation cannot be achieved on the east/north facing sides, as there is a need to protect the rear side of the development from noise associated from the railway line. Accordingly a degree of mechanical ventilation solutions will be required in order for the development to minimise noise disturbance to the residential aspect. The overheating assessment undertaken by JS Lewis has been based upon a scenario where windows remain closed and purge ventilation is provided mechanically. This is not sufficient to overcome the risks in the TM59 methodology, raising the need for certain days of the year to provide some active cooling in the residential. Further, the TM52 assessment for the Class E space similarly identifies the need for conditioned air as a result of the lack of opportunity to ventilate via openable windows. Active cooling is unavoidable in this instance. Environmental Health have considered the overheating assessment, and following further discussions with the applicant and Officers, accept its findings. Whilst it is not desirable, it is not uncommon for sites with similar constraints to have alternative means for ventilation and cooling, so long as any carbon impacts have been taken into account in the assessment of carbon emissions. This is the case, and thus on balance, it is therefore considered that the scheme is acceptable with regards to overheating.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to facilitate the objective of minimising the level of water used by the future occupiers and development in general, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

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

Secure by Design

Policy DM01 requires that the principles set out in the National Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Metropolitan Police Service, who also notified the British

Transport Police of the application. They have raised no objections in principle to the proposed development, however there are concerns that occupiers of the development would be able to throw objects from the balconies on to the railway tracks to the rear of the development. This is unlikely to be possible from the residential units as they feature full height glazed screens that face the railway. The top-most terrace of 3 bed duplex unit would be between 8-10m from the railway lines of the northern line making it unlikely that a bulky item could be thrown on to the rail from that distance. There would be similar distances (circa. 11m) from the pan handle terrace that would serve the commercial office space. Accordingly, Officers do not consider it necessary to incorporate additional screening on this element of the development. It should also be noted that the act of throwing items onto the railway which threaten the safety of the London Underground transport service would be an anti-social / criminal act that is enforceable by the Metropolitan / British Transport Police services.

The Design Out Crime Officer has also recommended that, should the application be recommended for approval, a planning condition should be attached requiring the proposed development to achieve Secure By Design Accreditation.

Landscaping, Trees, and Ecology / Biodiversity

Trees & Landscaping:

Policy G7 of the London Plan 2021 seeks to ensure that wherever possible, existing trees of value are retained, and where planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by the CAVAT valuation system. Further it recommends that planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

The existing trees on and adjacent to the site have been surveyed by Marcus Foster Tree Consultancy, the details of which are contained within the submitted Arboricultural Survey (BS5837:2012) & Impact Assessment Report (report ref: AIA/MF/085/21; dated September 2021, updated February 2022).

The site survey included identifies 19 x trees, 7 x shrubs and 2 x Groups (T1-T28). Of all of the trees surveyed only one single 'Category A' (high quality) tree was identified (T16 – London plane TPO) and 8no. 'Category B' (moderate quality) trees (T1, T7, T8, T12, T21, T22, T23, T24), the remaining trees, shrubs and groups surveyed were identified as Category C (low quality). The Council's Tree Officer has confirmed that whilst the trees on site are important to the local environment, with exception of the London Plan TPO tree, they are not considered to have sufficient merit for special protection due to their condition, location or size potential.

As per the submitted Arboricultural Survey (BS5837:2012) & Impact Assessment Report the proposed scheme will require the removal of the following trees on site:

- (i) 3 no. 'B' category trees (T7, T8, T12)
- (ii) 5 no. 'C' category trees (T3, T9, T10, T11, T17)
- (iii) 1 no. 'C' category group (G14)
- (iv) 5 no. 'C' category shrubs (S4, S5, S6, S13, S15, S18)

In addition, Tree T2 – a Silver Birch (*Betula pendula*) – within the public realm will also

need to be removed.

Notwithstanding the proposed removal of the trees on-site, the scheme will make provision for soft landscaping on site to soften the appearance of the development and improve the quality of the space and public realm at ground level, in front of the site. Soft landscaping proposals have the potential to make it an attractive space that users of the development and members of the public would be happy to use. The building also provides the opportunity to introduce biodiverse roofs, integrated planted terraces (above the ground floor front projection) and roof terraces to help soften the building. These would be secured by a landscaping planning condition. In addition, in consultation with Council's Tree Officer and Greenspaces Team, the applicant has agreed to provide 10 street trees (value of £7,000) secured by Section 106, as compensation to help mitigate the loss and enhance the green character and appearance of the street scene. Some of these will be planted along the railway embankment to the north of the site, enhancing the existing landscape.

With regards to the removal of the Silver Birch tree (T2 – *Betula pendula*), in accordance with Policy G7 of the Mayor's London Plan (2021), the value of the tree has been assessed using the Capital Asset Value of Amenity Trees (CAVAT) methodology. The tree is valued at £16,312.00, which will be secured by S.106 agreement to make further improvements to planting enhancements within the public realm.

The Council's Tree Officer has suggested that there should be a Section 106 obligation to value all of trees being removed using CAVAT system and the details of the costs for all the proposed new tree planting to be submitted to the LPA, with a view to the balance of values, between the trees lost and the cost of new tree planting to be paid to the LPA to ensure that the required level of mitigation planting is achieved. Officers have considered this suggestion and are of the view that this would not be a reasonable and proportionate approach, particularly when the applicant will be mitigating loss of trees on site through the replanting of trees on the land to the north of the site and within the street scene.

In addition, the landscape strategy also demonstrates that the proposed landscaping scheme is able to achieve an Urban Greening Factor (UGF) score of 0.42 which aligns with the objective of Policy G5 of the Mayor's London Plan (2021), which seeks a UGF score of 0.4m for residential development. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the urban heat island effect, and sustainable urban drainage.

Overall, Officers are satisfied that the landscape strategy/plan illustrates that the proposed development could be appropriately landscaped to achieve a satisfactory appearance that complements the character and appearance of the surrounding area, and further, that the compensation / mitigation proposed would adequately mitigate the loss of trees on or adjacent to the site. Officers are satisfied that the development subject to conditions and Section 106 contributions would be compliant with Paragraph 131 of the National Planning Policy Framework, Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Ecology / Biodiversity:

The application is supported by a Preliminary Ecological Appraisal (PEA) (produced by Delta Simons Environmental Report, August 2021), which identifies that construction and operational phase protection/enhancement measures will be required. The report recommends it will be necessary to:

- Obtain a general licence (GL41) from Natural England to allow the humane removal of the feral pigeons from the building;
- Clear the Site of any suitable bird nesting habitat outside of the breeding period in advance of any proposed works – although if necessary during nesting period, appoint an experienced ecologist to check the areas of dense scrub, scattered trees and introduced shrubs immediately prior to the works commencing to confirm there are no nesting birds;
- Design a lighting strategy in line with current guidance (BCT and ILP, 2018); BCT, 2014; Stone, E.L. (2013) that minimises impact on bats;
- Provide fencing that allows the access and egress of hedgehogs;
- Install bird nest and bat boxes on the building for additional habitat; and,
- Add planting that is native which enhances existing and adjacent vegetation and enhances biodiversity.

The Council's Ecologist was approached for comment on the scheme. They have advised that the PEA (produced by Delta Simons Environmental Report August 2021) and its recommendations is sufficient to support the application. No further surveys are regarded as necessary and it is suggested that the development would have limited impact on biodiversity at a local level. The Council Ecologist raises no objections subject to conditions relating to lighting strategy (concerning bats), nesting bird removal, and hedgehog friendly fencing.

With regards to Biodiversity Enhancement, the Council Ecologist recommends that in line with the National Planning Policy Framework (NPPF) - 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 - it is that the recommendations made in Section 6.0 of the Delta Simons Report' (August 2021) are implemented. They further advise that an integrated bat box such as a Schwegler 1F Bat tube, or similar approved should be installed within the fabric of the building during construction. This feature should be positioned on a southern elevation, over a height of 5 metres, ideally close to the eaves of the new build. The flight line to the box should be unobstructed by vegetation of other structures.

These recommendations would be conditioned, subject to planning approval. Accordingly, subject to conditions requiring implementation of the development, in full accordance with the recommendations of the aforementioned reports, it is considered that the development will meet the ecological and biodiversity net gain objectives of the Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

Fire Safety

Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development, before it has obtained planning permission and thereby before any building control application is made.

Policy D12 of the Mayor's London Plan (2021) requires that all major development

proposals are submitted with a Fire Statement i.e. an independent fire strategy produced by a third party, suitably qualified assessor. The policy prescribes the content expected, including the buildings construction methods and materials, means of escape, risk reducing features (alarms/detectors), access for fire service personnel and equipment, access provision for fire appliances, and assurance that future modifications to the building will not compromise the base build fire safety/protection measures.

The applicant has provided a Fire Statement (Ref: 2108310L – Issue 3 - dated: September 201) produced by Innovation Fire Engineering, in support of the application. Both the Health and Safety Executive and the London Fire Brigade were consulted on the application, and neither raised any objections.

The content of the fire statement is acceptable in principle, and it is considered that subject to compliance with the Building Regulations and a planning condition requiring compliance with the strategy and recommendations set out within the fire statement, the development would have sufficient fire safety measures in place, in accordance with Policy D12 of the Mayor's London Plan (2021).

5.4 Response to Public Consultation

A number of objections and comments were received in response to the application's publicity via letter, site notice and press publication, and these have been considered and addressed, where possible, through the main body the Officer's assessment of the scheme above. Matters that have not been addressed, are responded to as follows:

- Views from Cherry Tree Wood area or other locations local to the site are not protected by any current planning policies. The development is not classified as a tall building and therefore there is no requirement to assess such impacts. It is therefore considered that concerns about loss of views and 'open sky vistas' are not material to the consideration of this scheme.
- Metropolitan Open Land is afforded the same protection as Green Belt, however, these protections do not extend to land and sites adjacent. Accordingly, there is no requirement to keep it open and undeveloped. The site is allocated for housing development and in order to achieve the numbers stated (29), whilst achieving high standard of design and accommodation quality, would likely result in similarly sized development.
- Matters relating to surface water drainage; ecology and impact on wildlife; parking; traffic congestion; and, road, pedestrian, motorist and cyclist safety have all been considered Officers and advising consultees (Drainage Engineers, Highway Authority, and Ecologist) and addressed in the main body of the report above.
- Owing to the minor nature of the residential aspect of the proposal – 9 residential units – the development would not be required to provide affordable housing, as it falls under the Mayor's London Plan (2021) and Barnet adopted Development Management Policies DPD (2012) threshold for affordable housing
- A neighbouring authority consultation letter was sent to the London Borough of Haringey. No comments/objections were received from them.
- Housing site allocations and their estimated capacity are a guideline, and thus, there is nothing to prevent prospective applicants from applying for more or less than what is stated within the Regulation 22 draft Local Plan - provided sufficient justification is provided.
- During the lifetime of the application visuals have been provided in an addendum to the Built Heritage Townscape and Visual Assessment to illustrate the development when the trees are not in full leaf. Officers have given this consideration in design section of this assessment.

- Officers have had regard for the developments impact on heritage assets – both the adjacent Conservation Area and nearby Grade II Listed East Finchley Station building and consider that the development does not result in harm to either of these assets.
- The development is not required to provide leisure or community facilities and given that it proposes low residential numbers it is not considered to warrant S.106 contributions to such matters.
- The development does not meet the definition of a tall building and so overshadowing of, and loss of light to, Cherry Tree Wood (CTW) would not be a material planning consideration. Nevertheless, given that the development does not significantly exceed the tree line height of the trees in CTW, it is considered unlikely to create notable overshadowing/loss of light impacts
- There will be no significant loss of greenspace given the existing developed nature of the brownfield site. There will be improvements to landscaping on and adjacent to the site.
- Cherry Tree Woods is an open public space and thus, overlooking of the woods and harm to personal amenity of those using the wood would not be a demonstrable material planning consideration.
- The application site and the size and type of development the proposal do not meet the threshold for requiring an Environmental Impact Assessment to be carried out.
- The development incorporates a number of climate change mitigation measures together with a commitment to contribute financially to the Council's Zero Carbon fund. It is therefore considered that the development would meet the London Plan and Local Plan planning policies on climate change.
- The site is not located within a Site of Importance for Nature Conservation (SINC) but it is understood that Cherry Tree Wood (CTW) is designated as a SINC. Officers have sought the advice of Ecology consultee who have not suggested that the development would adversely impact the CTW as a SINC.
- The "LB Barnet Employment Land Review" (by Ramidus Consulting Limited, dated: October 2017) which has informed the latest Regulation 22 Draft Local Plan policies demonstrates that there is a need for office space within the Borough.
- The development proposes a low number of dwellings (9 units) and so overpopulation/overcrowding of the local area is not likely.
- The development incorporates renewable energy sources.
- A planning condition preventing additional storeys from being added to the building without expressed planning permission is included in this recommendation – in the interest of protecting the character, appearance and future amenities of the site, surrounding area and neighbouring occupiers.
- The proximity of the development to the bridge is unlikely to detract prospective residents. There will be increased natural surveillance with the activated commercial uses on site, improving safety.
- Sufficient information has been submitted within the application to enable Officers to make a recommendation.
- The applicant has submitted a Statement of Community Engagement with the application. It details the engagement offered to the public.
- The presence of asbestos in the existing structure is not a material planning consideration. Nevertheless, asbestos is a controlled substance for which there are regulatory controls in place and enforcing bodies (Health and Safety Executive / Environmental Health) can exercise statutory enforcement powers where necessary.
- Consultation with the public / neighbours has been undertaken in accordance with the Council's standard consultation practices and the requirements of the Town and Country Planning (Development Management Procedure) (England) Order.
- Pre-application advice is given by Officers in good faith and to best of ability, but it neither conveys planning permission nor binds the Local Planning Authority to recommend

approval or refusal of planning permission. It is a material consideration in the determination of the future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. In this case, the application site is identified within the Council's emerging local plan as a site suitable for housing development.

- The potential impact of comings and goings causing a nuisance for future occupiers has not been raised as a demonstrable concern by Environmental Health, and Officers consider that given the schemes proximity to the town centre and the underground line that a "town centre" environment would be expected by any future residential occupier of the development. Officers consider that disturbance from deliveries and servicing can be managed through a delivery and service management plan required by condition (as attached to this recommendation).
- Sunlight and daylight impacts for No. 98 Great North Road as an Office building are not required for a amenity purposes. This is not a material planning consideration. Whilst it is understood the site has previously had Prior Approval for conversion to residential, this has not been implemented and is no longer extant, and thus, there is not a reasonable prospect of it coming forward. Officers cannot therefore apportion any notable weight to the potential sunlight, daylight or privacy impacts of the current scheme on this neighbouring Office site.
- A Built Heritage Townscape and Visual Assessment (September 2021) and Addendum (January 2022) which details impacts on views has been submitted and fully considered by Officers in the main assessment. Impacts on the Conservation Area and nearby listed building (East Finchley underground station) have also been considered.
- There is no requirement to assess the viability of the building's retention
- The scheme is employment led, and falls below the threshold for affordable housing. There is no grounds to reasonably challenge the absence of affordable housing in this instance and the assessment must be based on what has been submitted.
- The Council's ecologist is satisfied with the scope and extent of ecological consideration of the site.
- Highways are satisfied with the cycle store provisions for the development.
- TFL are fully aware of the application scheme and their Infrastructure Protection Unit have raised no objections to the development proposals in respect of its impact on the retaining wall and future maintenance and servicing. They have not requested a construction method statement, however Officers have included a planning condition requiring the submission of a demolition, construction and logistics management plan.

6. Equality and Diversity Issues

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

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

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

- age;
- disability;

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

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

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

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

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

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

Overall, it is considered that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Planning Balance

The application site is a vacant, under-utilised brownfield site immediately adjacent to the East Finchley District Town centre boundary, where a mixed-use development would not be out of character or context with its surroundings. Further, the site is designated for residential development within the emerging Local Plan (Regulation 22 draft) that is currently being examined by the Planning Inspectorate. Whilst the plan has not been adopted and cannot be afforded full weight, this nonetheless attracts some positive weight for the residential component of the development proposal. Arguably, this is somewhat countered by the fact that the emerging local plan envisions this site to be predominantly residential-led, and contrary to this the proposed scheme is more commercially-led. Nevertheless, at this stage of the local plan's examination, the allocation remains speculative, and in any case (even if adopted) it would not preclude consideration of alternative schemes being brought forward on the site, so long as the decision maker has regard for all relevant planning merits and planning considerations and undertakes an appropriate planning balance assessment of these. Officers have offered their view that achieving the level of residential units (although only a guideline) as envisioned within the emerging Local Plan (i.e. 29 residential units) would come with other finely balanced design and amenity constraints, which Officers feel are overcome or reduced by the current scheme – particularly with regards to having less residential units exposed to the railway environment.

The proposed development being outside of the District Town Centre, would be contrary to the Town Centre's First approach adopted within the London Plan (2021), Barnet Local Plan (2012), and Emerging Barnet Local Plan (Reg 22), which seek to concentrate commercial development within town centre boundaries, so that it does not compromise vitality and viability of existing town centres. This attracts negative weight, although despite being immediately adjacent to the District Town Centre boundary the development satisfies the 'Good Growth' principles of the London Plan 2021 (Policy GG1) and moderate to great weight should be attached to the fact that the development would provide a sustainably located, car-free (with exception of disabled parking space) scheme that incorporates:

- 9 residential units - all compliant with relevant quality and space standards; and a satisfactory mix of sizes;
- A 449m² ground floor retail offering that would provide additional groceries, conveniences and services to the local area, along with additional local employment opportunities;
- 3997m² of flexible / co-working office floorspace (including 200m² affordable workspace at 90% market value), which would provide growth opportunities for small to medium business enterprises – increasing local employment opportunities; but also, increase footfall within the District Town Centre which will increase its vitality and viability.
- Financial and non-financial obligations via S.106 and CIL towards pedestrian and road safety improvement measures; parking restrictions; the Borough's Zero Carbon funding; Affordable workspace; Local employment agreements (e.g. Skills, Employment, Enterprise and Training opportunities); tree replacements and enhancement of the public realm / local green spaces.

Overall, Officers consider that there are strong regenerative benefits associated with the scheme which is afforded great weight (positive). The proposed development would provide a high-quality and attractive mixed-use development, that would have an acceptable impact on the character and appearance of the site and wider locality, and no demonstrable harm to nearby assets of conservation/heritage significance. Although the development falls short on residential amenity space provision; and, that there will be increased pedestrian activity and some increase in vehicular movements associated with servicing of the development, the associated harm is not such that it would outweigh the examined benefits.

Accordingly, in considering the above-mentioned benefits and the need to make the most efficient use of the of borough's limited land and the development of a brownfield site, the package of public benefits is considered to be of importance and attracts positive weight in the decision making.

Conclusion

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

subject to conditions as set out above.

Site Location Plan:

