



Appeal Decision

Inquiry held 10-13 May and 17-18 May 2022

Site visits made on 9 May and 12 May 2022

by Mike Worden BA (Hons) DipTP MTRPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/N5090/W/21/3289161

Barnet House, 1255 High Road, LONDON, N20 0EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Healey Development Solutions (Barnet House) Limited against London Borough of Barnet.
 - The application Ref 21/3726/FUL, is dated 6 July 2021.
 - The development proposed is the redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace through the conversion of Barnet House from offices to residential, including extension at roof level, and the front, rear and side elevations alongside the provision of Class E use at ground floor of Barnet House, and the demolition of rear annex and erection of new residential buildings, together with associated public realm, landscaping, access improvements, car and cycle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace through the conversion of Barnet House from offices to residential, including extension at roof level, and the front, rear and side elevations alongside the provision of Class E use at ground floor of Barnet House and the demolition of rear annex and erection of new residential buildings, together with associated public realm, landscaping, access improvements, car and cycle parking at Barnet House, LONDON, N20 0EJ in accordance with the terms of the application, Ref 21/3726/FUL, dated 6 July 2021, subject to the conditions on the attached schedule.

Preliminary Matters

2. I made an unaccompanied site visit on 9 May before the Inquiry opened. I followed an itinerary drawn up jointly and agreed by the two main parties. I made a further site visit on 12 May in the company of the appellant and the Council and went onto the appeal site and inside both Barnet House and the annex. I also visited Baxendale Care Home and its gardens in the company of the main parties and Mr Ellis, but did not go inside the building as a result of covid protocols. I also visited the flat of a resident of Regent Court, at her request.
3. The Inquiry was held in a physical format with the exception of the round table sessions on Planning Obligations and Conditions, and the closing submissions, which were held virtually.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to height, scale, massing and density.

Reasons

The appeal site and its surroundings

5. The appeal site comprises a building of 12 storeys, a three storey annex to the side and rear and a car park. **The existing buildings form an 'L' shape.** The car park is on two levels, with both basement and surface level car parking.
6. The appeal site is vacant having been used as offices from the 1960s until around two years ago. The buildings were designed by Richard Seifert and partners and contain many features such as a stilted undercroft, typical of the **architect's style.**
7. The main building has a concrete frame on its roof which houses plant. This adds an additional 4 metres to the height of that building.
8. The appeal site lies on the main road running through Whetstone town centre and the main building is the tallest building in the immediate area. The High Road runs north-south along a ridge which makes the main building even more prominent in the local and wider landscape, particularly from the west. This is largely due to the land sloping down towards the Dollis Brook to the west of the appeal site.
9. The High Road is the commercial core of Whetstone and contains a number of commercial and retail premises along its route. There are a number of recent newly built or converted residential blocks on either side of the High Road, close to the appeal site. These are typically around 5 storeys. A little further to the north along the High Road is a 12 storey building, Northway House, which has been converted from offices to apartments and extended to the rear.
10. Baxendale runs from the High Road past the appeal site and leads to the Baxendale Care Home immediately behind the appeal site. Beyond the Care Home access road, Baxendale turns to the south and becomes a cul de sac with residential properties either side of it.
11. The proposed development would extend the main building upwards and to the side, and demolish the annexe. A new group of buildings would be constructed on the site of the annexe and extend around the rear of the site. These buildings would vary in height as the ground slopes east to west. The proposal also includes garden courtyards and basement car parking.
12. I shall consider the main elements of the proposed development, then consider their combined effect on the character and appearance of the area.

The main building (Barnet House)

13. The main building, known as Barnet House, dominates the street scene in this part of the High Road and is prominent in views from the west. Its presence in views looking up Totteridge Lane towards the High Road is strong. This is particularly true from that part of Totteridge Lane from the Brook, past the Tube station and up to the junction with the High Road. On the High Road itself and from Oakfield Road and from the gaps between the buildings on the east

- side of the High Road, including Regent Court, it has a presence as a big physical block. Its large east and west side elevations are dominant. At the time of the site visits the appeal site was fenced off by hoardings but in my view the open, stilted undercroft would do little to reduce this dominance from street level.
14. The main building faces the High Road and its much slimmer end elevations are less dominant in the streetscene. However, the height, form, design and materials of the main building do jar with the surroundings when viewed side or end on. The height is significantly greater than any building in the immediate area, with Northway house being a little further to the north.
 15. The building clearly presents as an office building from the 1960s and contrasts sharply with later and more recent residential blocks and conversions in the immediate vicinity. Councillors and local residents have described it in quite emotive terms including being an “eyesore”, “extremely ugly” and “oppressive”. Although also described as an **anomaly by the Council’s witness**, having been there for more than 50 years it is nevertheless an established part of the character of the High Road.
 16. Policy DM05 of the Barnet Local Plan Development Management Policies DPD (2012) (the DPD) states that outside the strategic locations set out in the Barnet Core Strategy (the Core Strategy), tall buildings will not be considered acceptable. The appeal site is not within a strategic location identified in Policy CS5 of the Core Strategy. However, Barnet House is already a tall building as defined by the Core Strategy since it is taller than eight storeys. The Council does not object to the principle of a tall building on the site for this reason.
 17. Policy DM05 of the DPD also states that proposals for the redevelopment or refurbishment of tall buildings will be required to make a positive contribution to the townscape. Paragraph 6.1.7 of the supporting text, makes it clear, amongst other things, that redevelopment of tall building will need to consider the potential to improve on the impact of the existing building. The starting point is therefore the building as it is now and the impact of the proposal on the character and appearance of the area compared to the existing building.
 18. The main building has a parapet frame around the top which is designed to screen rooftop plant. It is not set back or set in. It is not solid on the east and west elevations which enables glimpses of the sky from ground level. From some of the surrounding viewpoints, the plant machinery can be seen inside the frame. The frame adds to the height and in my view does little to break up the mass of the building.
 19. The proposed development would remove this frame and replace it with two storeys which would be set in. This would lead to a total increase in height of the building of around 2.1m. The removal of this frame and replacement with set in residential blocks on the roof would help to clearly mark the building as residential and would be more compatible in design terms with some of the existing residential mansion block buildings along the High Road.
 20. I consider that the increase in the height of Barnet House would not, particularly because it would be a modest increase together with the removal of the frame and the design approach as set out above, result in an adverse impact to the character and appearance of the area.

21. The main building would be extended outwards in width by around 6.3m to the south, 6m to the east and around 2.4m to the north. The main reason for these extensions is to enable the provision of a central corridor. The location of the existing lift shafts and stairwells would not currently provide a suitable configuration for apartments, and I could see this on my site visit inside the building.
22. The widening of the main building would increase its bulk and dominance in the street scene. It would take the building closer to the existing pedestrian footway on the High Road, and on Baxendale. It would make it more prominent in the streetscene. This can be seen in AVR02 and AVR04 of the Verified Views document (CD1.21).
23. I consider that the impact of the widened main building is partly off-set by the design and materials of the proposed development. The use of exposed balconies on the corners and the use of brick help in this regard. These factors also would help to assimilate it more into the character of the High Road where the use of balconies and residential form are more prevalent. They would help to break up the mass of the building. The public realm scheme would also assist at ground level as would the filling in of the stilted undercroft and the widening of the pavement on the High Road. Nevertheless, I consider that there would be some adverse impact to the character and appearance of the streetscene as a result of the extension in the width of the main building. I will return to this later.

Baxendale Gardens

24. I shall now turn to that part of the proposed development which does not include the main building. The new build blocks of Baxendale Gardens would be predominantly five storey buildings with two communal landscaped roof amenity spaces, together with a higher corner building, Block B. Baxendale Gardens would replace the existing annex. It would be higher and more extensive than the annexe, most notably at Block B as it turns the corner at the Holm Oak and runs along the western side of the appeal site, facing onto the Baxendale Care Home. **It effectively forms an 'L' shape and together with Barnet House would lead to a development virtually enclosed on three sides.**
25. Baxendale slopes down from the High Road and the design of the proposed development uses the drop in height such that the Baxendale Gardens development would vary in form and appearance. The building at the Holm Oak corner would be comprised of six storeys plus an enclosed and set back plant screen on the roof. However, the building at this point would also have a basement/car park entrance and so from street level would appear to be more like seven storeys plus the set-back plant screen block. In my view these buildings would not be in the category of modest, petite or low as they were **described by the appellant's witness.**
26. At its highest point Block B would be around 25m above ground level. This would be at the south western corner of the site where the street level is lowest. This height is just below the 26m definition of a tall building set out in Policy CS5 of the Core Strategy. That definition also refers to eight storeys. With the set-back plant screen and the partly above ground basement/car park entrance, part of Block B would be eight storeys high.

27. The buildings on the south side of the Baxendale/High Road junction, on the former B&Q site, comprise a mansion block of around five storeys in height which forms a corner block to a development which has blocks of similar height on the High Road and lower rise development towards the rear of the courtyard.
28. In terms of impact of the proposed development on the streetscene on that part of Baxendale between the Holm Oak and the junction with the High Road, the increased height of the proposal compared to the existing annex together with it sitting significantly further forward towards the pavement would alter the character and appearance of the immediate area. Verified View AVR11 (CD1.21) shows the effect of the change in the streetscene which would result at this point. This is also clearly shown on a plan agreed by the parties at the Inquiry (ID 12.6). This sets out the building heights from road level up to the top of the plant screen.
29. Whilst the form and materials of the Baxendale Gardens scheme facing out to Baxendale would be more compatible with the residential surroundings than the existing annex, the height and position of the buildings would have an adverse impact on the character and appearance of the area at this point. This is principally because of the increased height of the proposed buildings particularly Block B and that they would be brought to the back of the pavement, compared to the setting back of the existing annex. This would be offset to some extent by the top storey plant housing on Block B being set back and not so visible from the street level directly in front of it. It is also clear that the increased height of Block B is intentional in design terms to act as a corner building.
30. Beyond the Holm Oak, Baxendale sweeps round to the south and the character of that area becomes suburban. It is quite noticeable that the sound and connection with the busy High Road drops off significantly beyond this point **and Baxendale's character** becomes one of a pleasant cul de sac with three storey housing in terrace blocks. I consider this change to be dramatic.
31. The green spaces including the island at the head of the cul de sac and glimpses through to the open spaces around the lake at the rear of the houses contribute to this distinct character difference. Though Barnet House is visible at some points through and above some of the trees, I consider that the character of the Baxendale area beyond the turn at the Holm Oak running down to the turning island, would not be harmed by the proposed development. The adverse impact to character would occur in the stretch of Baxendale between the High Road and the Holm Oak. I consider that this would be limited and concentrated within that short stretch of Baxendale.
32. The proposed development would wrap around the corner in an L shape such that new blocks would face towards the Baxendale Care Home. The Care Home is accessed off a short unnamed stretch of road which runs off Baxendale. A couple of the Baxendale houses are served off it then it becomes private. It serves the former warden's house and the Care Home itself. The appeal site sits to the east of this road. Currently there is a high wall behind which sits the existing basement parking for Barnet House with the surface parking situated above it.
33. The proposed buildings would be set back from the edge and would be separated from it at surface level by a green walkway called Orchard Walk. The

majority of the proposed Baxendale Gardens buildings would stand around five storeys higher than the surface level. From the care home entrance road, due to the slope of the land, these would be actually appear as six storeys due to the end wall of the below ground car park. The wall is there now but above it can be seen the mass of Barnet House. Baxendale Gardens would be considerably closer to the Care Home than Barnet House. Nevertheless I do not consider that this would be harmful to the character and appearance of the area. I have had regard to the fact that the entrance road to the Care Home is private at this point.

34. At the Inquiry there was some dispute about the nature of the rooms and spaces which relate to the windows on the east elevation of the care home. This has not been aided by internal alterations which took place in the past and do not necessarily correspond with existing plans. This includes a staff room which has since been converted to a bedroom.
35. The Care Home is undergoing a scheme of refurbishment and I could see evidence of this on the site visit. The Council and appellant produced an agreement statement (CD 12.10) on the status of the rooms on the east elevation including the position post refurbishment. In the plans for the refurbishment there would be three bedrooms on the south-east corner, one on each floor as part of those plans. Other rooms which have windows on that elevation include respite rooms which are not habitable rooms.
36. The main parties agree that there would be no harm to outlook as a result of the proposal. Nevertheless, it is a concern for the Care Home. Most of the windows on the Care Home elevation facing the appeal site do not contain habitable rooms and it would appear that those that do are dual aspect. The Baxendale Gardens development would face on to the Care Home and present a built form not there at present. The views of Barnet House would be largely blocked by the new buildings and it would be the new buildings which would dominate. Whilst the scheme would present a different outlook from those rooms, I do not consider that there would be harm to residential amenity with regard to outlook as a result of the proposed development. The parties agree that there would be no harm to living conditions of the Care Home residents as a result of privacy, overlooking or sunlight/daylight as a result of the proposal. I have no evidence to indicate otherwise. I also have no evidence to indicate that there would be harm to outlook to the occupiers of any other property.

Other elements of the proposal

37. The proposed development would include a central courtyard. It would also include landscaped terraces. Car parking would be provided in the basement area. I have no evidence that these features would lead to harm to the character and appearance of the area.

Effect of the scheme as a whole

38. The existing development is a commercial type scheme which by its form and appearance as a non-residential site does jar somewhat with the prevailing buildings. It makes a statement on the high ridge which runs through Whetstone. The annex is somewhat dwarfed by Barnet House but it is an integral part of the development and adds to its 1960s office headquarters feel.

39. Whetstone has developed around the appeal site considerably since the 1960s and the context for the site is now more of blocks of residential apartments to the east and south. Lower rise development still exists northwards and westwards towards the tube station and beyond, and to Baxendale immediately adjacent.
40. I have already found that the increased height of Barnet House would not have an adverse impact on the character and appearance of the area but that there would be some adverse impact through the widening of that building.
41. Baxendale Gardens would be more extensive and taller than the existing annex and in respect of Block B would be closer to the Baxendale footpath and highway itself. I have found that there would be some adverse impact in this respect.
42. The development of the Baxendale Gardens part of the proposal would represent a gradation down from the high tower of Barnet House towards the Baxendale Care Home which comprises of 4 storeys including an expansive Mansard type roof, and then to the three storey housing on Baxendale. There are some parallels with the pattern of a graded approach which can be found on the development immediately to the south and the developments opposite which step down to Sweets Way.
43. The three schemes are very different in design and nature. The appeal site is more compact and lies on a significant slope. Nevertheless, there would still be a clear gradation of height away from the High Road as with the other schemes. Notwithstanding the adverse impact that I have already identified, I consider that there would be no harm caused generally to the character and appearance of the area through this graded approach.
44. The appeal site is quite visible in the wider surroundings particularly given the height and form of Barnet House. It stands out currently as a large, tall building. The proposed development as a whole would only materially alter the effect of the site on the wider townscape from certain locations.
45. Beyond the tube station to the west and from the residential areas on the west side of the Dollis Brook such as Hill Crescent and Greenway, I consider that the views of the site as proposed would not be materially different and there would be no adverse impact on townscape. This is mainly because Baxendale Gardens would sit to the west side of the enlarged Barnet House and although taller, more extensive and bulkier than the existing annex, would be seen as a transitional block in front of, or partly to the side of it. AV9 of the verified views document (CD1.21) is an example.
46. The proposed development would add some bulk to the skyline but this would be some distance away and in my view this change would not be significant or harmful to the character and appearance of the area. I consider that the proposal as a whole would not be of excessive height and there would be no conflict with Policy D9 of the London Plan, CS5 of the Local Plan and DM05 of the DPD which seek to prevent adverse impacts from tall buildings.
47. The proposed scheme would have more mass and density than the existing scheme. I have already found that the increased width of Barnet House and the bulk of Block B would have an adverse impact on the character and appearance of the area, although limited and specific in location. There would be more built

form on the appeal site than at present and the Baxendale Gardens section would place built form of some substance where in relation to the rear section there is not currently built development above the car park level.

48. The Council acknowledges that the scale and density of the proposed scheme would be broadly comparable to the that at Northway House. I agree with the **appellant's view that this site and Northway House are not outliers but rather bookends at generally either end of the active high street**. Overall I consider that the increased mass, density and scale of the proposed scheme would not be harmful to the character and appearance of the area and would therefore not constitute overdevelopment of the site.
49. The design of the scheme before me has evolved from a previous proposal which was refused by the Council. During the Inquiry this was referred to as the 2018 scheme. Policy D4 of the London Plan seeks to ensure the delivery of good design and amongst other things requires at least one design review early on in the pre-application process for those schemes which would be referable to the Mayor. Such an approach is encouraged in paragraph 132 of the National Planning Policy Framework (the Framework).
50. The appellant sought the advice of the Design Review Panel (DRP) on a draft scheme. The parties are in dispute about the role of the DRP in this scheme.
51. It is clear that the DRP had concerns about the emerging plans and made a number of comments some of which were quite detailed around specific elements. The scheme was not taken back to the DRP for further comment. The letter of March 2021 refers to a further review. It ends with a comment that the DRP look forward to seeing the scheme as it progresses. This is somewhat ambiguous wording and I do not consider it as a process failure that the scheme did not go back to the DRP for further comment. The DRP process was not referred to in the officer report to Planning Committee. In that report the view of the officer responsible for urban design and who had attended the DRP meetings was simply reported as no comment.
52. Although it seems that the DRP would have welcomed a further review, I consider that not going back would not be a breach of Policy D4 of the London Plan which seeks to deliver good design in schemes. I have also had regard to the comments of the Greater London Authority on the design of the scheme in coming to this view and Part D of Policy D4 which refers to proposals needing to go through a local borough process of design scrutiny based upon design principles of Part E of the policy. Although the way in which the process should have been carried out and completed is disputed, the proposals have nonetheless been through a design review stage. It is for me to consider the appeal scheme on its merits and on the evidence before the Inquiry.
53. Policy D3 of the London Plan seeks to achieve optimisation of site capacity through the design led approach. It requires schemes to make the best use of land following a design led approach to ensure that development is of the most appropriate form and land use for the site.
54. The appeal site is well connected to public transport and so is suitable in principle for higher density development in accordance with the policy. Of particular importance are those requirements of the Policy D3 (part D) of the London Plan which relate to form and layout, and quality and character. I

- consider that the proposal generally meets those criteria and the scheme optimises rather than maximises the development of the site.
55. The National Design Guide is based upon the objectives set out in the Framework and lays down more detail and principles for good design. I have placed some weight on it as a material consideration.
56. **The Council's** design and townscape witness considered there would be harm to the character and appearance of the area but in cross-examination described the harm as being neither major nor significant. I have already found that there would be some adverse impact on the character and appearance of the area as a result of certain parts of the proposal. However, that impact is limited and specific. It would be confined to certain parts of the scheme and a particular location and viewpoints. Policy DM01 of the DPD sets out 11 criteria. I find that there is some conflict with criterion b of that Policy in this regard, but overall the policy would be complied with.
57. I consider that the proposal would not be of excessive height, scale, massing and density and would not represent over development of the site.
58. I find no conflict with Policy CS5 of the Core Strategy which seeks to protect **and enhance Barnet's character** to create high quality places, nor with the provisions of section 12 of the Framework which seek to achieve well designed places. I also consider that the proposal would accord generally with the National Design Guide.
59. Overall I consider that the proposal accords with Policies D3, D4 and D9 of the London Plan, Policy CS5 of the Core Strategy and Policies DM01 and DM05 of the DPD.
60. Other Considerations
- 61. Benefits*
62. The proposed development would make positive use of a vacant and tired site. By using the Barnet House concrete structure and adapting it the proposal would save a significant amount of embodied carbon. The estimated saving of around 825 tonnes CO₂e was not challenged. The combined benefit of using this site and a significant part of the existing structures, for a positive use affords significant weight.
63. The proposal would provide 260 new units of residential accommodation and attracts significant weight. The parties agree that following a viability assessment, the maximum number of affordable dwellings which could be accommodated on the site would be 32 units. I have no evidence to indicate that this is not the maximum number of affordable units which could be viably accommodated in accordance with Policies H4 and H5 of the London Plan, CS4 of the Core Strategy and DM10 of the DPD which all seek to ensure the provision of affordable housing. I attach significant weight to the provision of these affordable housing units.
64. The ground floor of Barnet House would be used as a dedicated workspace, potentially for local community health services. I attach moderate weight to this benefit.

65. The landscape and public realm improvements particularly to the High Road pedestrian environment are a benefit, as are the creation of green areas within the site itself. This compares favourably to the harsh concrete feel of the site at present. I consider that the greenery lost on Baxendale by bringing the building closer to the pavement, reduces the value of this benefit slightly. Overall though this is a benefit to which significant weight can be attached.
66. There would be economic benefits during construction phase. I have had regard to paragraph 81 of the Framework in this regard but consider in relation to this scheme moderate weight should be attached to these benefits. Once operational there would be some benefits to the local economy from local spend, although there would have been a benefit to the local economy when the site was used as offices. Nevertheless the site is currently vacant and unused and has been for some time. I afford moderate weight to operational economic benefits.

Housing Land Supply

67. The parties are in dispute as to whether the Council can demonstrate a five year supply of housing land. The parties agree on the five year requirement and the application of a 5% buffer. The buffer has reduced from 10% as a result of positive action from the Council. The parties also agree on the shortfall against the adopted housing requirement and that the shortfall should be addressed in full in the five year period. The total agreed five year requirement is 12,779 dwellings.

The supply is in dispute. The difference in supply figures is 4,688 dwellings as a result of the appellant disputing the inclusion of a number of sites within the deliverable five year supply. There are some 32 sites in dispute plus some schemes for student accommodation. The Council considers that it has a housing land supply of 6.5 years, the appellant 4.65 years. According to the **appellant's case**, the supply is 890 dwellings short of a five year supply.

Other Matters

Transport

68. The site is in an accessible location and within a few minutes walking distance of Totteridge tube station. Oakleigh Park station is around 15 minutes on foot. The site has a PTAL rating of 4 which indicates that a car light approach to car parking should be adopted. It is common ground between the main parties that the proposed level of car parking accords with Policy T6 of the London Plan.
69. I have no demonstrable evidence that the proposal would lead to car parking stress on local roads or parking that would lead to issues of highway safety. I place significant weight on the view of the highway authority, as set out in the Committee report, in this regard.
70. Provision is made within the Section 106 for contribution to a Controlled Parking Zone which would work to prevent unauthorised parking. In addition, a car parking management plan is a requirement of an imposed condition and will assist in managing car parking for residents and visitors.
71. Provision is also made in the Section 106 agreement for a Car Club scheme and the approval and implementation of a Travel Plan, both of which will seek to aid the use of non-car means of travel. In addition, there is a financial contribution

to work to assess improvement options for the Totteridge Lane/High Road junction.

72. The swept path analysis provided by the appellant's transport witness indicates that service vehicles could enter and leave the site in forward gear. The exception would be larger commercial vehicles such as refuse vehicles. I have no evidence that such manoeuvres would cause harm to highway safety. A condition requires details of refuse collection arrangements to be submitted and approved by the Council and this could provide control over the movement of refuse vehicles for example when and how collections are made.
73. I also have no evidence that the proposed development would lead to any issues of highway safety in relation to the Care Home access road or any other road or footpath. I have placed considerable weight on the view of the highway authority that the proposal would not harm highway safety subject to conditions and planning obligations. I have imposed conditions on car parking and cycle parking in the interests of sustainable transport.
74. Overall I consider that the proposed development accords with Policy DM17 of the Development Management Policies DPD which sets out parking requirements, Policy T6 of the London Plan.

Living conditions of future residents of the scheme and occupiers of neighbouring properties

75. During the planning application process a number of local residents expressed concerns about potential impact on living conditions as a result of privacy; loss of daylight and sunlight; and internal and external space standards.
76. In respect of privacy, all adopted standards would generally be met and conditions can be imposed relating to the provision of privacy screens in certain locations. The proposal therefore meets Policy DM01e of the DPD which requires schemes to be designed to allow adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It also complies with Policy D6 of the London Plan which seeks to ensure housing quality and standards, and the Barnet Residential Design Guidance SPD, in this regard
77. The submitted daylight and sunlight report shows that the scheme is broadly compliant with BRE standards and therefore with Policy DM01e of the DPD and Policy D6 of the London Plan.
78. All of the proposed residential units and proposed amenity space would comply with the requirements set out in Policy D6 of the London Plan and with Barnet **Council's adopted Sustainable Design and Construction SPD (2016)**. In respect of play space, the proposal complies with Policy S4 of the London Plan which sets out requirements for play and informal recreation. Additionally I have imposed a condition relating to the provision of play equipment within the scheme.

Loss of employment space

79. Policy DM14a of the DPD seeks to protect existing employment space. Amongst other things the policy states that loss of office space will only be permitted in town and edge of centre locations where it can be demonstrated that the site is no longer viable or suitable for its existing or alternative use. **The appellant's** Employment Land Study sets out that the building is no longer suitable for

prospective occupiers' requirements without significant and likely unviable refurbishment.

80. The proposal includes affordable workspace at ground floor level which the Council considers would support employment in the local economy.
81. The Council considers that the proposal meets Policy DM14a of the DPD and in the light of the evidence before me including that the site is proposed to be allocated for residential led uses in the submitted Barnet Draft Local Plan, I agree.

Impact on local infrastructure

82. The Council did not cite this as a reason for refusal but it has nonetheless been raised by a number of respondents. The completed S106 makes provision for contributions to off site infrastructure and the proposal will also be liable for CIL payments which would help to improve local community infrastructure. I have no evidence that there would be any undue impact on local infrastructure which cannot be mitigated through these provisions.

Biodiversity

83. Subject to the imposition of a condition requiring the submission and approval of a Landscape and Environmental Management Plan, the proposal accords with Policy DM16 of the DPD and Policy G6 of the London Plan which both seek to protect and improve biodiversity provision.

Micro climate impact

84. Based upon the submitted microclimate assessment, the Council considers that the proposal would be an improvement on the existing development in terms of potential for adverse wind conditions at pedestrian level and I have no evidence before me to the contrary. This, together with the improved greening of the site, would lead to the proposal being compliant with the relevant parts of Policies D8 and D9 (part 3) of the London Plan which are concerned with securing suitable public realm provision and with avoiding adverse environmental impacts of tall buildings.

Planning Obligations

85. A signed Section 106 agreement has been submitted. It sets out details of affordable housing provision and other provisions including details of the establishment of a car club scheme, and financial contributions relating to carbon offset projects, monitoring fees, a feasibility study for the improvement of the Totteridge Lane/High Road junction and the review of controlled parking zones within the vicinity of the site. The section 106 also includes provision for viability reviews, new street trees, travel planning, the provision of health care facilities on the site and off-site highway works.
86. The Council has submitted a CIL Compliance Statement setting out justification for the provisions. I have taken this into account in my decision.
87. Having regard to paragraph 57 of the Framework and planning practice guidance (PPG), I consider that all of the planning obligations are necessary to make the proposed development acceptable in planning terms, are reasonably related in scale and kind to the development and meet all the statutory

requirements of Regulation 122 of the CIL regulations. I have taken the planning obligations into account in reaching my decision.

Conditions

88. The appellant and the Council have agreed a set of suggested conditions. These were discussed at the Inquiry and an amended set were submitted to me. I have considered these in relation to the tests in the Framework and in planning practice guidance. I have made some minor, non-material, alterations for conciseness and clarity.
89. In addition to the standard condition on time limit, there is a need for a condition setting out the plans to which the permission relates. There is a need for a materials condition.
90. There is a need for a condition to set appropriate levels on the site given the sloping form of the site and the nature of the proposed development. A Demolition and Logistics Management Plan will be required to be submitted and approved before work commences and a condition is necessary to require this in the interest of amenity and highway safety. Details of trees to be felled or pruned and those to be protected are required in the interests of amenity and safety and conditions are imposed to secure this.
91. Conditions are imposed to secure construction works details, a Construction Management and Logistics Plan, details of mobile machinery and hours of construction working in the interests of amenity. The remediation of the site will take place in accordance with submitted details and a verification report required by condition is necessary. Details of drainage works are required in the interests of minimising flood risk and a condition is imposed. A condition is imposed in the interests of water efficiency in accordance with Policy CS13 of the Core Strategy. A condition is required for the submission of a fire safety statement in accordance with Policy D12 of the London Plan. Conditions are required to secure noise attenuation measures.
92. A condition is imposed to ensure the development accords with secured by design requirements in the interests of community safety and a condition secures details of photovoltaic panels in the interests of the character and appearance of the area. In the same interest a condition requires details of any communication structures to be submitted to the Local Planning Authority for approval.
93. Conditions are imposed to secure details and implementation of car parking, cycle parking and electric car charging point facilities in the interests of sustainable transport. A Delivery and Servicing Plan and a Parking Plan are necessary in the interests of highway safety and conditions secures these.
94. Details of on-site play provision will need to be submitted and approved and a condition is imposed to secure this. Conditions are imposed to secure appropriate levels of accessible accommodation and to secure the incorporation of carbon dioxide reduction measures. A condition is imposed to secure details and implementation of appropriate external lighting in the interests of amenity and ecology.
95. Conditions are imposed to secure approval and implementation of a Landscape and Environmental Management Plan, appropriate landscaping, green roofs, and tree replacement in the interests of the character and appearance of the

area and biodiversity. In the interests of living conditions of occupiers of the development and nearby properties a condition is imposed requiring details of privacy screen measures to be submitted, approved and implemented.

Planning Balance

96. I have found that although there would be some limited and specific adverse impact on the character and appearance of the area, overall the proposal as a whole would not lead to harm in this regard.
97. The proposed scheme would realise a number of benefits including the positive re-use of a major brownfield site in a prominent and accessible location.
98. The proposal could deliver new housing. Since I have found the proposal accords with the development plan as a whole and I am allowing the appeal, I do not need to consider the disputed housing land supply issue further. Even if the five year land supply position was as the Council argue, the proposal would still **accord with the Government's objective of significantly boosting the supply** of housing, set out in paragraph 60 of the Framework. The Council considers that moderate weight should be given to housing delivery as a benefit even with the 6.5 years housing supply it contends it has. These benefits and those others I have identified add to the case for the appeal.
99. I have found no harm to highway safety, microclimate, biodiversity or to the living conditions of future occupiers of the scheme or those of neighbouring properties. The proposal would accord with Policy DM14a in respect of loss of employment space and there is no evidence of adverse impact on local infrastructure which could not be mitigated by planning obligations and other provisions.
100. For the reasons set out above, I conclude that the proposal would not fail to respect the local context and established pattern of development, and would not cause harm to the character and appearance of the area with particular regard to height, scale, density and massing. I conclude that the proposal accords with Policies D3, D4 and D9 of the London Plan, Policy CS5 of the Core Strategy and Policies DM01 and DM05 of the DPD.
101. It would also accord with the provisions of the Framework including section 12 which seeks to achieve well designed places, and with the National Design Guide.
102. The Council has indicated that if the appeal were to be dismissed it may open the door for a revised scheme to be drawn up and come forward. I have to determine this scheme on its merits and since I consider that it accords with the adopted development plan, I do not need to give consideration to the potential of an alternative scenario notwithstanding **the site's** proposed allocation for around 139 units in the submitted Barnet Draft Local Plan.

Conclusion

103. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Katkowski QC Assisted by Alan Evans of Counsel They called:	instructed by Town Legal LLP
Lloyd Bush MSc MCIHT	Director, Velocity Transport Planning Ltd
Sarah Brown BA (Hons)	Executive Director, Tate Hindle Architects
Peter Radmall MA, B Phil, CMLI	
Charles Mills MRICS, ARTPI	Daniel Watney LLP
Ben Pyecroft BA (Hons), Dip TP, MRTPI	Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Ms Anjoli Foster of Counsel She called:	Instructed by Patrick Kelly, London Borough of Barnet
Narita Chakraborty BA (Hons) MSc IHBC RTPI	Revive and Tailor (Design and Townscape)
Carl Griffiths BA (Hons) MPlan	Principal Planning Officer LBC
James Gummery BSc (Hons) MA MRTPI	Principal Planning Officer LBC (Housing Round Table)

INTERESTED PARTIES:

Ray Ellis	Trustees of Baxendale Care Home
Jo Cowan	Chairman, Baxendale Residents Association Planning Sub-Committee
The Rt Hon Theresa Villiers MP	Member of Parliament for Chipping Barnet

DOCUMENTS

ID 1	Appellant's opening submission
ID 2	Barnet Council's opening submission
ID 3	Statement of Baxendale Residents Association
ID 4	Statement of Baxendale Care Home
ID 5	Five plans of Baxendale Care Home refurbishment
ID 6	Plan showing Block B building heights submitted by Appellant
ID 7	Floorplans of Baxendale Care Home (1998)
ID 8	Statement of Rt Hon Theresa Villiers MP
ID 9	Plan of Baxendale Care Home refurbishment (2022)
ID 10	Agreed position of appellant and Council regarding Baxendale Care Home layout
ID 11	Barnet Council's closing submission
ID 12	Appellant's closing submission

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

PL(02)-100 Rev-01 - Location Plan, PL(02)-101 Rev-01 - Site Plan, PL(02)-102 Rev-01 - Site Sections (1), PL(02)-103 Rev-01 - Site Sections (2), PL(03)-099 Rev-19 - Proposed Basement Plan, PL(03)-100 Rev-19 - Proposed Ground Floor Plan, PL(03)-101 Rev-12 - Proposed First Floor Plan, PL(03)-102 Rev-10 - Proposed Second Floor Plan, PL(03)-103 Rev-11 - Proposed Third Floor Plan, PL(03)-104 Rev-10 - Proposed Fourth Floor Plan, PL(03)-105 Rev-14 - Proposed Fifth Floor Plan, PL(03)-106 Rev-10 - Proposed Sixth Floor Plan, PL(03)-107 Rev-10 - Proposed Seventh Floor Plan, PL(03)-108 Rev-10 - Proposed Eighth Floor Plan, PL(03)-109 Rev-10 - Proposed Ninth Floor Plan, PL(03)-110 Rev-10 - Proposed Tenth Floor Plan, PL(03)-111 Rev-10 - Proposed Eleventh Floor Plan, PL(03)-112 Rev-08 - Proposed Twelfth Floor Plan, PL(03)-113 Rev-10 - Proposed Thirteenth Floor Plan, PL(03)-114 Rev-09 - Proposed Roof Plan, PL(04)-101 Rev-08 - Proposed Sections (1), PL(04)-102 Rev-09 - Proposed Sections (2), PL(04)-103 Rev-08 - Proposed Sections (3), PL(04)-103_A_Rev-01 - Proposed Sections (3) demonstrating floor to ceiling heights, PL(05)-100 Rev-09 - Proposed North Elevation, PL(05)-101 Rev-09 - Proposed South Elevation, PL(05)-102 Rev-09 - Proposed East Elevation, PL(05)-103 Rev-08 - Proposed West Elevation, PL(05)-104 Rev-09 - Proposed Internal Courtyard Elevation, PL(05)-105 Rev-05 - Proposed Internal Courtyard Elevation, PL(72)-101A Rev-04 - Barnet House First Floor Apartment Layouts - South, PL(72)-101B Rev-04 - Barnet House First Floor Apartment Layouts - North, PL(72)-102A Rev-03 - Barnet House Typical Apartment Layouts - South, PL(72)-102B Rev-03 - Barnet House Typical Apartment Layouts - North, PL(72)-112A Rev-02 - Barnet House Twelfth Floor Apartment Layouts - South, PL(72)-112B Rev-02 - Barnet House Twelfth Floor Apartment Layouts - North, PL(72)-113A Rev-02 - Barnet House Thirteenth Floor Apartment Layouts - South, PL(72)-113B Rev-02 - Barnet House Thirteenth Floor Apartment Layouts - North, PL(72)-200A Rev-03 - Baxendale Gardens Ground Floor Apartment Layouts - South, PL(72)-200B Rev-02 - Baxendale Gardens Ground Floor Apartment Layouts - North, PL(72)-201A Rev-02 - Baxendale Gardens First Floor Apartment Layouts - South, PL(72)-201B Rev-03 - Baxendale Gardens First Floor Apartment Layouts - Core D, PL(72)-201C Rev-03 - Baxendale Gardens First Floor Apartment Layouts - Core A, PL(72)-202A Rev-03 - Baxendale Gardens Second Floor Apartment Layouts - South, PL(72)-202B Rev-03 - Baxendale Gardens Second Floor Apartment Layouts - North, PL(72)-202C Rev-03 - Baxendale Gardens Second Floor Apartment Layouts - Core A, PL(72)-203A Rev-01 - Baxendale Gardens Third Floor Apartment Layouts - South, PL(72)-203B Rev-02 - Baxendale Gardens Third Floor Apartment Layouts - North, PL(72)-203C Rev-02 - Baxendale Gardens Third Floor Apartment Layouts - Core A, PL(72)-204A Rev-01 - Baxendale Gardens Fourth Floor Apartment Layouts - South, PL(72)-204B Rev-02 - Baxendale Gardens Fourth Floor

Apartment Layouts – North, PL(72)–204C Rev-02 – Baxendale Gardens Fourth Floor Apartment Layouts –Core A, PL(72)–205A Rev-01– Baxendale Gardens Fifth Floor Apartment Layouts – South 1, PL(99) – 103 Rev- 00 – Proposed Third Floor Plan – Adjacency Plan, DEM(03)–100 Rev-01 – Demolition Ground Floor Plan, DEM(03)–101 Rev-01 – Demolition First Floor Plan, DEM(03)–102 Rev-01 – Demolition Second Floor Plan, DEM(03)–103 Rev-01 – Demolition Typical Third – Eleventh Floor Plan, DEM(05)–100 Rev-00 – Demolition - East Elevation, DEM(05)–101 Rev-00 – Demolition - South Elevation, DEM(05)–102 Rev-00 – Demolition - West Elevation, DEM(05)–103 Rev-00 – Demolition - North Elevation, 2065_GF_DR_L_100 Landscape GA Plan (Ground Floor), 2065_GF_DR_L_200 Planting Plan (Ground Floor), 2065_RF_DR_L_101 Landscape GA Plan (Roof Terrace), 2065_RF_DR_L_102 Landscape GA Plan (Biodiverse Roof), 2065_00_RF_DR_L_201 Planting Plan (Roof Terrace).

- 3)
 - (a) No development shall take place until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways 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.
- 4) No site works including demolition or construction work shall commence until a Demolition Management and Logistics Plan 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 Management and Logistics plan submitted shall include, but not be limited to, the following information:
 - a) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures.
 - b) site preparation and demolition methodology.
 - c) details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials.
 - d) details showing how all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway.
 - e) the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition works.

- f) 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.
 - g) details of the tree protection measures to be implemented to protect the trees to be retained through the demolition process, including the Holm Oak on Baxendale and the London Plane trees on High Road.
 - h) noise mitigation measures for all plant and processors.
 - i) details of contractor's compound and car parking arrangements.
 - j) Details of interim car parking management arrangements for the duration of demolition works.
 - k) Details of a community liaison contact for the duration of all works associated with the development.
 - l) Provision of a competent banksman.
- 5) 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 carried out prior to the issuing of the Practical Completion certificate 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 following completion of the development.
- 6) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.
- All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).
- 7) 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.
- The development shall thereafter be implemented in accordance with the materials as approved under this condition.
- 8) No development or site works, other than demolition, shall take place on **site until a 'Construction Management and Logistics Plan' has been** submitted to and approved in writing by the Local Planning Authority. The

Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- a) Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures.
- b) Site preparation and construction stages of the development
- c) Details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials.
- d) Details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt on to the adjoining highway.
- e) The methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works.
- f) 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
- g) Details of the tree protection measures to be implemented to protect the trees to be retained through the development, including the Holm Oak on Baxendale and the London Plan trees on High Road.
- h) Noise mitigation measures for all plant and processors
- i) Details of contractors compound and car parking arrangements
- j) Details of interim car parking management arrangements for the duration of construction
- k) Details of a community liaison contact for the duration of all works associated with the development

The statement shall be informed by the findings of the assessment of air quality impacts of construction and demolition phases of the development.

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

- 9) No development except temporary enabling works, site clearance and demolition shall take place until:

A Drainage Strategy detailing all drainage works to be carried out in respect of the development and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

- 10) No development except demolition, internal and or external stripping and site clearance shall take place until an overheating assessment carried out by suitably qualified consultant which assesses the likely impacts of

overheating within the development, alongside a final detailed scheme of mitigation for overheating aligning with and taking account of technical acoustic considerations, has been submitted to and approved in writing by the Local Planning Authority.

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

The measures approved in accordance with 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.

- 11) Prior to commencement of piling works, details of foundations must be submitted and approved to this authority that will minimise the harm to tree roots of the protected trees. The foundations must take account of trees growing in proximity to the development and place piles through the roots to maintain an intact root system. Any beams across any the root protection area must be placed at a level that will not require excavations and root severance for their installation.
- 12) Prior to works above slab level, a final fire statement shall be submitted to and agreed in writing by the Local Planning Authority. In addition to the details within the Fire Statement (Report Ref: 55418-CBD-00-ZZ-RP-F-5700; Revision P02 - 7th May 2021 - produced by chapmanbdsp) hereby approved, the final fire statement shall contain:
 - a) Detailed sections of the different external wall types and specified attachments that make up the building and the products and materials to be used
 - b) Details of the fire evacuation procedures for the occupiers of the development

The development shall be implemented and managed in perpetuity in accordance with the approved details.

- 13) Prior to works above slab level, an assessment and report shall be carried out by an approved acoustic consultant. These will assess the likely impact of road noise and ventilation/extraction plant associated with the residential use of the scheme and set out a series of measures to be implemented to address its findings. The report shall include all calculations and baseline data to enable auditing and analysis. The report shall be submitted to and approved in writing by the Local Planning Authority.

The measures approved in accordance with this condition shall be implemented fully prior to first occupation of the development and retained as such thereafter.

- 14) 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 each building or relevant part of each building can achieve full **'Secured by Design' Accreditation.**

Prior to the first occupation of Barnet House and of Baxendale Gardens, a Secured by Design Accreditation shall be obtained for that particular building.

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

- 15) 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.
- 16) Prior to occupation of the development, the parking spaces shown on the 'Proposed Basement Plan' (drawing no. A-PL(03)-099) shall be provided in accordance with the illustrated layout, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not for any purpose other than the parking and turning of vehicles in connection with approved development.
- 17) Prior to occupation of the development, active electric vehicle charging facilities shall be installed for not less than 20% of the approved residential parking spaces, and 80% shall be provided with passive electrical charging facilities. The electric vehicle charging facilities shall be thereafter be maintained as such in perpetuity.
- 18) Prior to occupation of the development, remediation of the application site shall be carried out in full accordance with the details contained within the hereby approved Desk Study Report (ref: J17036; dated 16 April 2021, produced by Geotechnical & Environmental Associates Limited) and Letter (ref: J17036A/KtM/2; dated, 18th April 2021; authored by Katie Mansion of Geotechnical & Environmental Associates Limited). 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.
- 19) Notwithstanding the details shown on the hereby approved plans, prior to occupation of the development, 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, a minimum of 450 cycle parking spaces shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.
- 20) Before the permitted development is occupied an updated 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.
- 21) Before the permitted development is occupied an updated Parking Management Plan (PMP) 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 Parking Management Plan.
- 22) Notwithstanding the details within the hereby approved plans, prior to the occupation of the development, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings shall be submitted to and approved in writing by the Local Planning Authority.
The approved play equipment shall be implemented no later than 3 months post practical completion of the entire development.

- 23) Prior to occupation of the commercial units, an assessment and report shall be carried out by an approved acoustic consultant that assesses the likely noise impacts from the ventilation/extraction plant associated with the commercial use of the development on the residential occupiers of the development and neighbouring buildings, shall be submitted to and approved by the Local Planning Authority. This report shall include all calculations and baseline data and measures of proposed mitigation including sound insulation details, in line with the findings to ensure that identified noise levels will be within acceptable levels.

The measures in the report will be implemented in full prior to commencement of use of the commercial units and retained thereafter.

- 24) The residential units shall not be occupied until details of mitigation measures to show how the development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally and externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority. The details shall include calculations and baseline data.

The sound insulation shall ensure that the levels of noise generated from the plant room as measured within habitable rooms of the development shall be no higher than 35dB(A) from 07:00 to 23:00 and 30dB(A) in bedrooms 23:00-07:00.

The mitigation measures approved shall be implemented in full prior to the commencement of use of the commercial units or the first occupation of the development, whichever comes first and retained thereafter.

- 25) 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 no less than 10% of the units shall be constructed to meet and achieve all the relevant criteria of Part M4(3) of the above regulations and maintained as such in perpetuity.

- 26) Prior to its first occupation, development hereby approved 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.

- 27) Prior to the first occupation of the new dwellings (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.

- 28) A scheme of hard and soft landscaping including details of existing trees to be retained and size, species, planting heights, densities, and positions of any soft landscaping as well as any means of enclosure including boundary treatments, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. These details must make provision for the replacement of the existing TPO Scots Pine (T3) with the same or similar species within the site.

Tree and shrub species must be diverse and provide long term resilience to pests, diseases and climate change. Trees, shrubs and herbaceous plants must adhere to basis bio-security measures to prevent accidental release of pests and diseases and follow BS8545 From Nursery to Landscape recommendations. Trees should not be imported directly from European suppliers and planted but spend a full growing season in a British nursery. All imported trees must have been held in quarantine.

All landscaping work must be carried out before the end of the first planting and seeding season following first occupation or commencement of use of any building or completion of the development whichever is the sooner.

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 the development, shall be replaced with trees of shrubs of appropriate size and species in the next planting season.

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

The Plan must include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provision for existing retained trees and new soft landscaping to be planted in accordance with the approved scheme.

The Plan must include details of enhancement measures and their location. These measures shall, in accordance with the Preliminary Ecological Appraisal (ref 5848.1 dated 12 May 2021), include details of: Biodiverse roofs, SUDS, wildlife planting, species rich lawn turf within the garden walk area, provision of bird nesting opportunities, invertebrate habitat provisions, and bat roosting provision with buildings and retained trees.

The enhancement measures shall be installed in accordance with the approved plan before first occupation or commencement of use and retained thereafter. The approved plan shall be implemented in full.

- 30) Prior to the first occupation of the hereby permitted development, details of the proposed green/blue roof shall be submitted to and approved in writing by the Local Planning Authority.

The green/blue roof shall be implemented in accordance with the approved details prior to the commencement of use or first occupation of the development which ever is the sooner, 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 the development, it shall be replaced in accordance with the approved details.

- 31) Prior to occupation of the development hereby approved, details of external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

The details of the external lighting shall include the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified shall be implemented in full prior to occupation of the relevant phase.

- 32) Prior to the first occupation of the development hereby permitted, details of privacy screens to be installed and other measures to protect residential amenity and privacy of the occupiers of the development and the adjacent residential properties on Totteridge Lane, shall be submitted and approved in writing by the Local Planning Authority.

The approved measures shall be installed prior to first occupation or commencement of use and retained as such thereafter.

- 33) Notwithstanding the information submitted with the application, the following details must be submitted to the Local Planning Authority and approved in writing prior to occupation of the development:

- a) A Refuse and Recycling Collection Strategy which includes details of the collection arrangements and means of service provision whether by the Council or alternative provider
- b) Details of 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
- c) Plans showing satisfactory points of collection for refuse and recycling

The refuse and recycling facilities shall be implemented in accordance with the approved details prior to first occupation and managed in accordance with the approved details in perpetuity.

- 34) 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.

- 35) 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 on the NRMM London website.

- 36) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved.

The installation of any structures or apparatus for purposes relating to telecommunications 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 2015 (as amended) or any equivalent Order revoking and re-enacting that order.

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

END OF CONDITIONS