

Mclean, Josh

From: [REDACTED]@smplanning.com>
Sent: 11 January 2021 16:55
To: Mclean, Josh
Subject: 84 West Heath Road amended plans
Attachments: HVL_84WHR_AIA_01a (LR).pdf; 2031-DIS_201222.pdf; 2031-PL_0200_Updated Dwg Package.pdf; DAS_Resi Scheme_Car Lift-compressed.pdf

Hi Josh,

I hope you are well and had a pleasant Christmas/new years break.

Following discussions with the Tree Officer please find attached an amended drawing pack, including the following:

Drawing	Drawing Number
Drawing Issue Sheet dated 22/12/2020	-
	-
Proposed Site Plan	2031-PL-0200 REV D
Proposed Basement Plan	2031-PL-0208 REV C
Proposed Lower Ground Floor Plan	2031-PL-0209 REV E
Proposed Ground Floor Plan	2031-PL-0210 REV F
Proposed First Floor Plan	2031-PL-0211 REV E
Proposed Second Floor Plan	2031-PL-0212 REV E
Proposed Third Floor Plan	2031-PL-0213 REV D
Proposed Fourth Floor Plan	2031-PL-0214 REV C
Proposed Fifth Floor Plan	2031-PL-0215 REV D
Proposed Roof Plan	2031-PL-0216 REV C
Proposed Elevations	2031-PL-0230 REV C
Proposed Elevations Through Lightwells	2031-PL-0231 REV C
Proposed Sections	2031-PL-0235 REV B
Area Plan (NIA) – Basement	2031-PL-0700 REV D
Area Plan (NIA) – Lower Ground Floor	2031-PL-0701 REV D
Area Plan (NIA) – Ground Floor	2031-PL-0702 REV D
Area Plan (NIA) – First Floor	2031-PL-0703 REV D
Area Plan (NIA) – Second Floor	2031-PL-0704 REV D
Area Plan (NIA) – Third Floor	2031-PL-0705 REV D
Area Plan (NIA) – Fourth Floor	2031-PL-0706 REV D
Area Plan (NIA) – Fifth Floor	2031-PL-0707 REV D
Amended Design & Access Statement	
Amended Arboricultural Impact Assessment dated 23/12/2020	

The amendments incorporate a car lift and we have also adjusted unit LGF-01 to avoid the TPZ zone of the sycamores. The total GIA works out to 9655m²

If these drawings could replace the existing set it would be very much appreciated but any questions please do let me know.

Many thanks

Allen



DDI: [REDACTED]
M: [REDACTED]



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T: 07900 413080

DDI: 0207 692 0643

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W: www.smplanning.com

80-83 Long Lane,
London,
EC1A 9ET

19 January 2021

Dear Josh,

Re: 20/4748/FUL – 84 West Heath Road, London, NW3 7UJ

Further to the submission of the above planning application, and following your consultation exercise, we remain committed to working with the community in order to ensure our submission allows a thorough and proper assessment of the proposed development to be made. Therefore, in order to avoid any confusion and offer clarity on our submission please find the following response to public representation which we hope is of assistance in your continued consideration of the application.

Many of the representations originate from a single letter and the matters raised are therefore repeated several times. Instead of addressing each representation individually therefore, we have commented below on the fundamental matters raised through the consultation.

Objection: The current lawful C2 use is protected by development plan policy and its loss has not been considered

The most persistent historical use of the application site is as a residential care home. Barnet's Core Strategy is clear that there is an oversupply of traditional residential care homes in Barnet stating specifically that '*although the demand for nursing home places is constant current supply is sufficient to meet demand*'.

On this basis it was considered that the loss of the care home use would not be contrary to policy and this was confirmed during pre-application engagement.

The interim use of the property as a boarding school was confirmed by Barnet as similarly being a C2 use, therefore not requiring planning permission. However, during the process of confirming lawfulness, several objections were received regarding the use of the site as a boarding school and these are summarised in Barnet's report on the application as follows:

- *Noise arising from school playground which may last into the evenings and weekends because of boarding principles.*
- *The scheme would cause significant and harmful traffic problems.*

- *The use will be a mixed boarding and day attendance school and will bring about a range of issues.*
- *The school use would bring about dangers which would be harmful to highway flow and highway safety.*
- *There are too many schools in the area.*
- *There should be more resident only parking bays in the area to prevent parking in association with the school.*
- *The (day) school use has already commenced.*
- *Loss of valuable residential accommodation in the area*
- *Loss of care home accommodation in the area.*
- *Air pollution generation would be harmful.*

The issues listed above are not exhaustive but nevertheless paint a picture of the plentiful issues involved in operating a boarding school in this location. There are of course competing objectives in the application of Policy DM13 but the ultimate balance rests on the appropriateness of use against the associated need. In this case, there are clear reasons why a boarding school is inappropriate in this location, usefully summarised by the local objections listed above. Thereafter, the strategic priority of increasing the supply of housing in sustainable locations is engaged, supporting the provision of C3 accommodation.

Objection: Lack of justification for housing use

Section 7.1 of the supporting Planning Statement refers to the principle of residential development and highlights the government's primary objective of significantly boosting the supply of housing. In a localised context, the London Plan sets out that a minimum ten-year target for the borough of Barnet of 23,489 new homes, equating to an annual target of 2,349. This figure is increased to 23,640 in the Intend to Publish Version of the Plan and is supported by Barnet Core Strategy Policy CS1 which expects 28,000 new homes to be delivered within Barnet up to 2025/26.

Objection: Principle of demolition has not been established

The host property is an unlisted building and is not located within a conservation area.

The building has limited interest, and this does not qualify for its identification as a non-designated heritage asset. Pre-application consultations in 2015 and as recently as July 2020 confirmed as such and accordingly, the subject building was not included in the updated January 2020 local list.

A Heritage Statement has subsequently been submitted to support the application and this sets out further detailed justification for the demolition of the building.

Objection: The scale/mass/bulk/design of the development is detrimental to the character and appearance of the area

It is accepted and acknowledged that these are subjective matters and therefore not necessarily subject to the more objective considerations of planning principle. However, the supporting Planning and Design & Access Statements detail that the proposed development sympathetically adjoins neighbouring development, would not be overly prominent in the wider surroundings and would provide for an elegant building that both respects and responds to its context.

Objection: Overdevelopment of the site

The site is capable of accommodating the proposed quantum of residential floorspace and would not fall short of either parking provision or amenity space and would not therefore represent an overdevelopment of the site. The development has been carefully designed to ensure neighbouring residents do not suffer from a loss of amenity and while the scale and mass of the building have been increased, these are subjective matters that are not to be considered in the context of overdevelopment.

Objection: The proposal will exceed the London Plan density matrix

Table 3.2 of the London Plan sets out a density range guide and advises that the site could accommodate a density range of between 35-95 units per hectare although crucially, the Plan states that the table should not be applied mechanistically. This is particularly pertinent in this case because the proposed development, given the limited footprint of the site, intends to create a dense form of development to make the best use of the land. This corresponds with local plan policy that highlights a need to optimise land for housing.

The proposed density corresponds with the characteristics and constraints of the site. In this context therefore, it is clear that this unique site must be considered on its merits and the density standards are not therefore a key determinative.

Objection: The Barnet Characterisation Study (2010) sets an even lower density threshold of 10 dwellings per hectare

An objector refers to the Barnet Characterisation Study of 2010 and is critical that the density of the proposed development far exceeds the densities identified over the immediate surroundings through the characterisation study.

Firstly, it is noted that the document referred to is a characterisation study and not a design guide. It is however acknowledged that the document usefully identifies important characteristics in the character area and for those purposes, the document also notes the following:

- *There is no consistent house type or period and materials and styles are equally diverse.*
- *Although the more recent houses tend to be on narrower plots the planting – and especially trees and hedges – are the main contributors to the character of the area.*

- *One of the primary distinguishing factors of linear rural routes includes the manner by which the street space is enclosed. Unlike the vast majority of the Borough's residential streets, where the public realm is defined by residential buildings, the public space along linear rural routes remains primarily enclosed by mature vegetation, including trees and hedgerows*
- *The dense belt of trees and vegetation that lines the street space grants a high level of privacy and exclusivity to the properties, a key characteristic of this secondary typology*
- *Linear rural routes are also distinguished from other residential streets by the complete lack of any consistent architectural period or style. These lanes have historically featured development of a range of sizes.*

These key defining characteristics are ones that are to be retained by the proposed development. Density is acknowledged but as above, subject to detailed design considerations of course, this is not a key determining factor and it is certainly not a requirement, either locally, regionally or nationally, that a development in this location be limited to between 2 and 10 dwellings per hectare or to between 1 and 3 storeys in height.

Objection: The lack of affordable housing

A Financial Viability Assessment (FVA) has been prepared by DS2 to robustly examine the financial viability of the application. The results demonstrate that the proposed scheme cannot viably support the provision of any affordable housing on a present-day basis. Please refer to the FVA for full details.

Objection: The proposal would result in an over concentrating of 2 bed units and no justification to support the lack of family housing

The Council acknowledge that there is a need and/or demand for dwellings of every size and locally, the area is saturated with large detached homes comprising of 5 bedrooms or more.

In this context the development of predominantly 2-bedroom units of accommodation would add to the mix and type of residential accommodation that is available locally, contributing to the range of homes to meet the needs of the borough and providing a level of accommodation that is available to a wider demographic. This position is flexibly supported by Barnet's Core Strategy which acknowledges a need to address the demands for family accommodation at lower densities while meeting the demands for higher densities driven by the planned growth as part of development pipelines and housing targets in the London Plan.

Objection: The proposal would result in an over provision of vehicular parking

A total of 66 parking spaces will be provided within the Site, 2 of which will be allocated for use by blue badge holders. At ground floor level, 11 parking spaces will be provided, with the remainder located at lower ground and basement level. The level of parking proposed will ensure no residents park on the surrounding highway network and the provision will be primarily located at basement level, ensuring the site would not be dominated by hardstanding.

In addition, a draft Residential Travel Plan has been prepared by Caneparo Associates in support of the application. This emphasises that residents and visitors will be encouraged to travel to the site by sustainable / active modes through the implementation of the Travel Plan. The primary objective of the document will be to set out a long-term strategy to facilitate and encourage modes of travel to the site by means other than the private car, which reflects current central Government policy. Therefore, in the overall balance, the level of parking proposed is entirely consistent in the context of the site and surroundings and accords with the overarching aim of the development plan in striking an appropriate balance between the level of parking and the promotion of new development.

Objection: The Statement of Community Involvement is misleading in stating there is good support locally

The Statement of Community Involvement, prepared by Kanda Consulting, sets out that an extensive consultation exercise was undertaken prior to the submission of the planning application.

Objections may well have been received in response to the formal planning application and this is not unusual. However, the Statement of Community Involvement accurately sets out that, based on the pre-application consultation exercise, there was and still is, a good level of support for the application.

An amended SCI from Kanda Consulting supports this letter and expands on the consultation exercise undertaken by the applicant.

Objection: Impact on the amenity of no's 72 and 74 West Heath Road by virtue of overshadowing

A technical Daylight & Sunlight report supports the application. This identifies that the amenity values of daylight and sunlight to neighbouring residential properties would be retained to a level that would satisfy the BRE criteria at every location.

Objection: Impact on residential amenity by virtue of overlooking

The footprint of the proposed building was deliberately moved away from the southern boundary of the site to ensure adequate distances to the site boundaries and importantly, to neighbouring residential elevations, could be either maintained or improved. While the height of the building has been increased, views to neighbouring gardens would be severely limited by the presence of mature landscaping which is proposed to be carefully maintained and supplemented where necessary. In addition, the upper floors are set back from the extremities of the building, restricting overlooking possibilities from these vantage points.

Objection: Environmental and health risks and noise and environmental pollution

A Draft Construction Management Plan (CMP) has been submitted in support of the application which will ensure the impact of construction, both for construction on site and the transport arrangements for servicing will be minimised.

The CMP carefully sets out how operations are intended to be carried out and outlines a commitment to liaise with the local community. The CMP confirms the standard working hours will accord with Barnet's expectations and sets out how any potential impacts will be mitigated and managed in accordance with the afore mentioned documents. Please refer to the Draft Construction Management Plan for full details.

Sustainability issues relating to the site as a whole, the construction process, building design and operation have been considered and these are set out in detail in supporting Energy Statement.

The energy statement assesses 'Best Practice', energy efficiency measures and renewable energy solutions for the proposed development. The inclusion of energy efficiency measures has been discussed to minimise on-site energy use compared to a building regulation compliant design. These include improved insulation levels, high specification glazing and energy efficient lighting and appliances.

SAP and SBEM calculations have been carried out to confirm the energy strategy delivers a high standard of fabric efficiency in conjunction with high efficiency heating systems to exceed Building Regulations 2013 Part L compliance for the residential units.

The proposed development will meet all relevant policies and requirements set out within the Barnet Local Plan and the London Plan, the result of which is the provision of a resource efficient, sustainable development.

Objection: The proposal would result in an over intensification of the highways network

Firstly, it is emphasised that this site is defined as 'previously developed land'. The lawful C2 use, most recently in operation as a boarding school and before that a care home, generated its own intensification of the highways network. The site is sustainably located and is therefore suitable for residential development which can adopt measures to reduce reliance on the motor vehicle, something care homes and/or boarding schools could not do to the same degree because of the dependent nature of those uses.

Notwithstanding the above, the application is supported with a Transport Statement which concludes that the proposals will have no material impact on the local transport network, and are in accordance with relevant adopted national, regional and local policy guidance.

Objection: Insufficient amenity space

Barnet's Residential Design Guidance states that '*every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces*'. The application proposes that all units will have access to private amenity spaces through gardens, terraces and/or balconies. In addition, the remainder of the site will comprise communal gardens, further enhancing the quality of the residential environment and the sense of community cohesion, in accordance with the development plan and national planning policy guidance.

Objection: Loss of trees

A separate Arboricultural Impact Assessment from Adam Hollis at Landmark Trees supports the application and this has been amended during the course of the application. This sets out a technical rebuttal to all objections received on landscape grounds.

I trust this is helpful in your ongoing consideration of the application but please do let me know if I can clarify further.

Many thanks

Stuart Minty
Director
SM Planning

Carter, Richard

From: Mclean, Josh
Sent: 19 January 2021 09:02
To: 'Stuart Minty'; [REDACTED]
Subject: RE: [REDACTED] Updated PPA and Submission of Application

Morning Stuart,

Here's the signed PPA for 84 WHR.

Would you mind getting Anil to re-sign and then this one is complete.

Thanks
Josh

Josh McLean MRTPI
Planning Manager
Planning and Building Control
2 Bristol Avenue, Colindale, NW9 4EW
Tel: 0208 359 6039 | [Barnet Online: www.barnet.gov.uk](http://www.barnet.gov.uk)

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From: Stuart Minty [mailto:Stuart@smplanning.com]
Sent: 18 January 2021 13:50
To: Mclean, Josh <Josh.Mclean@Barnet.gov.uk>; [REDACTED]@smplanning.com>
Subject: RE: [REDACTED] Updated PPA and Submission of Application

[REDACTED]

You may have missed it on the last email, but could you send over the final signed PPA for 84WHR ?

Many thanks

Stuart

Stuart Minty
Director

M: 07900 413080
DDI: 0207 692 0643

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From: Mclean, Josh <Josh.Mclean@Barnet.gov.uk>
Sent: 18 January 2021 10:07
To: [REDACTED] <[\[REDACTED\]@smplanning.com](mailto:[REDACTED]@smplanning.com)>; Stuart Minty <Stuart@smplanning.com>
Subject: RE: [REDACTED] - Updated PPA and Submission of Application

[REDACTED]

[REDACTED]

Josh

Josh McLean MRTPI
Planning Manager
Planning and Building Control
2 Bristol Avenue, Colindale, NW9 4EW
Tel: 0208 359 6039 | **Barnet Online:** www.barnet.gov.uk

Please note that the comments are provisional and represent an informal view by an officer; the views contained within this email do not constitute an official determination, are not legally binding and do not bind the council to a particular course of action.

From: [REDACTED] <[\[REDACTED\]@smplanning.com](mailto:[REDACTED]@smplanning.com)>
Sent: 18 January 2021 10:02
To: Mclean, Josh <Josh.Mclean@Barnet.gov.uk>; Stuart Minty <Stuart@smplanning.com>
Subject: RE: [REDACTED] - Updated PPA and Submission of Application

Hi Josh,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Many thanks

[REDACTED]

[REDACTED]

Associate

DDI [REDACTED]
M: [REDACTED]

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From: Mclean, Josh <Josh.Mclean@Barnet.gov.uk>
Sent: 18 January 2021 09:48
To: Stuart Minty <Stuart@smplanning.com>
Cc: [REDACTED] <[\[REDACTED\]@smplanning.com](mailto:[REDACTED]@smplanning.com)>
Subject: RE: [REDACTED] - Updated PPA and Submission of Application

Morning Stuart,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,

Josh

Josh McLean MRTPI
Planning Manager
Planning and Building Control
2 Bristol Avenue, Colindale, NW9 4EW
Tel: 0208 359 6039 | Barnet Online: www.barnet.gov.uk

Please note that the comments are provisional and represent an informal view by an officer; the views contained within this email do not constitute an official determination, are not legally binding and do not bind the council to a particular course of action.

From: Stuart Minty [<mailto:Stuart@smplanning.com>]
Sent: 15 January 2021 13:11
To: Mclean, Josh <Josh.Mclean@Barnet.gov.uk>
Cc: [REDACTED] <[\[REDACTED\]@smplanning.com](mailto:[REDACTED]@smplanning.com)>
Subject: [REDACTED] - Updated PPA and Submission of Application

Hi Josh,

Just a heads up – [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On PPA matters could I also bother you to send over the signed copy of the West Heath Road document. We can't seem to locate our end.

Many thanks

Stuart

Stuart Minty
Director

M: 07900 413080
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Small Scale Major Application Planning Performance Agreement

In respect of:

84-86 West Heath Road, London, NW3 7UJ

[Application reference number: 20/4748/FUL]

This Agreement is made between

The London Borough of Barnet [The Council], 2 Bristol Avenue, Colindale, NW9 4EW

and

Harrison Varma Projects Ltd [The Applicant], Unit 1 South Oxgate Centre, Oxgate Lane, London, NW2 7JA

On 12.10.2020 .

1 Introduction and General Scope of the Agreement

- 1.1 This Planning Performance Agreement is made pursuant to the powers contained within section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000, section 93 of the Local Government Act 2003 and section 1 of the Localism Act 2011.
- 1.2 The London Borough of Barnet (LBB) is the Local Planning Authority for development within the area in which the development site is located.
- 1.3 The Applicant is Harrison Varma Projects Ltd.
- 1.4 The Site's Address is 84-86 West Heath Road, London, NW3 7UJ.
- 1.5 The Proposed Development is: "Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 55 off-street parking spaces within the basement and 11 further spaces above ground.
- 1.6 The Applicant and the Council agree to enter into this Planning Performance Agreement (PPA) to provide a project management framework and agree a timetable containing milestones that establish the level of resources and actions required to ensure that all key planning issues are properly considered and resolved (the "Application Programme").
- 1.7 The Applicant and the Council agree to enter into this PPA to cover the planning application stage. The fees chargeable under the terms of this Agreement relate solely to that part of the work that relates to the processing of the planning application.
- 1.8 The Applicant and The Council recognise that the Development will be accompanied by a number of Application Documents and will give rise to a range of planning issues, and

accordingly, they acknowledge that in order to properly assess those planning issues the PPA does not anticipate determination of the Planning Applications within the 13 week statutory target date or within any amendment thereto. Nevertheless, both parties wish to ensure that the application(s) is/are considered in a timely manner and as expeditiously as is practicable, having regard to the timetable set out in this PPA and compliance with relevant statutory procedures. An agreed list of documents required to validate the planning application is appended at Appendix D of this document.

- 1.9 This agreement does not give a guarantee of planning permission. It relates to the process of considering development proposals and not the decision itself. Nothing in this agreement shall restrict or inhibit the Applicant(s) from exercising their right of appeal under Section 78 of the Town and Country Planning Act 1990.
- 1.10 The Applicant agrees that despite positive collaboration and recommendation to approve the application, Members might refuse permission and overturn a recommendation.

2 Term

- 2.1 This agreement will come into force on the date hereof and shall remain in force until the earlier of:
- 2.1.1** The date a planning decision is issued on the Planning Application;
- 2.1.2** The date that the Applicant submits an appeal under Section 78 of the Town and Country Planning Act 1990 in relation to the application (for whatever reason);
- 2.1.3** Any of the applications are called in by the Secretary of State, or taken over by the Mayor of London; or

3 Amendment and Review

- 3.1 This PPA shall be subject to review as may be agreed between the Council and the Developer and any agreed variation of the terms shall be evidenced in writing signed by both parties

4 Definitions

- 4.1 "Agreement" means this Planning Performance Agreement between the Council and the Applicant.
- 4.2 "Application Documents" means the documents listed in Appendix D or as otherwise agreed between the Council and the Applicant.
- 4.3 "Development" means the proposed development as set out in paragraph 1.5.
- 4.4 "Parties" means the Council and the Applicant.
- 4.5 "Planning Application" means an application or applications for the Development.
- 4.6 "Application Programme" means the programme set out in Appendix C of this Agreement
- 4.7 "Re" means Regional Enterprise Limited, the joint venture between the London Borough of Barnet and Capita (Registered in England 08615172 at 17 Rochester Row, London, England SW1P 1QT) to run the development and regulatory services of the Council from 1st October 2013

- 4.8 “Service Standards” means the service standards set out in Appendix B.
- 4.9 “Services” means activities and advice provided by the Council using Re to deliver including town and country planning, design and support services pursuant to this Agreement.
- 4.10 “The Site” means the Site Address set out in paragraph 1.4.
- 4.11 “Working Days” means a day which is not a Saturday, Sunday or a Bank Holiday

5 Objectives

- 5.1 The objectives of this PPA are to:
- 5.1.1** Agree requirements and timescales including meetings, proposed submission and determination deadlines in respect of the Planning Application;
- 5.1.2** Set out agreed timeframes for a response from the Applicant and the Council’s Project Teams when actions are raised during the project;
- 5.1.3** To establish a regular review mechanism to enable the effective project management of the Planning Application.

6 The Project Team

- 6.1 The names and contact details for the members of the project team for the Applicant and the Council are set out in Appendix A to this Agreement.
- 6.2 In the event that membership of either parties project team changes, the contact details shall be updated at the first possible meeting.

7 The Application Programme

- 7.1 The Application Programme is set out in Appendix B of this Agreement. The Parties recognise that there are any number of issues that might arise that may have an impact on the Application Programme. The parties shall use their reasonable endeavours to ensure that the Application is progressed in accordance with the Project Programme. However, should any delays be incurred, then the parties shall discuss and review the Application Programme to identify what targets and timescales may need to be changed.
- 7.2 The Application Programme is devised to provide a realistic timeframe for determining the planning application. The Applicant and the Council acknowledge that the timetable may be subject to change which will be kept under review moving forward.
- 7.3 In agreeing to this timeframe, the Applicant and the Council agree to extend the statutory period for determination of the planning application under Article 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 7.4 The Applicant further agrees not to request the return of the planning application fee.

- 7.5 If there is a delay in the Application Programme, the Project Team will review whether the Application Programme is still realistic or whether the Application Programme and the Planning Performance Agreement determination timeframe need to be revised. Any revisions to the Planning Performance Agreement determination timeframe shall be agreed in writing by the Applicant and the Council.
- 7.6 In terms of committee dates the agreed committee date is January 2021 where the application will be reported to the soonest available Planning Committee (A, B or C). As a fallback, and should circumstances arise where this date is not possible, the Council shall, by agreement with the applicant, move to a fallback date to February 2021.
- 7.7 In the event that the application does not require consideration of the planning committee, then a delegated decision will be reached WC 14/12/2020

8 Service Standards

- 8.1 The Council and the Applicant agree to use their reasonable endeavours to work in co-operation at all times in accordance with the Service Standards contained in Appendix C.
- 8.2 The Council and the Applicant agree to act with the utmost fairness and good faith towards each other in respect of all matters in respect of the handling of the pre-application and or planning application for the Development and to work jointly with each other in complying with their respective obligations under this Agreement.
- 8.3 The Council and the Applicant agree to work together as a team and in good faith, and to respect each others' interests and confidentiality.
- 8.4 The Council and the Applicant agree to be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and understood.
- 8.5 The Council and the Applicant agree to seek to use the period prior to the determination of the application to address matters that would otherwise arise via planning conditions, and reduce the level of potential conditions, particularly in respect to those preventing commencement of works.

9 The Council's Dedicated Planning Officer

- 9.1 Without prejudice to its other obligations, the Council shall designate a Dedicated Planning Officer through Re to be the planning officer who alone or as part of the Project Team shall be responsible for overseeing or carrying out the Council's obligations in accordance with this Agreement and for the Development.
- 9.2 The Council shall designate a Dedicated Planning Officer who has the relevant experience of a type and scale required in order to handle the tasks covered in the Agreement
- 9.3 If the Dedicated Planning Officer should become unavailable during the lifetime of this Agreement for whatever reason, the Council shall designate an alternate sufficiently experienced planning officer to be the dedicated to and responsible for overseeing or carrying out the Council's obligations in accordance with this Agreement and for the Development.

10 Freedom of Information

- 10.1 The Developer acknowledges that the Council may be required under the FOIA and the Environmental Information Regulations 2004 or the Local Government Acts to disclose Information concerning the Developer or this PPA (including commercially sensitive information) without consulting or obtaining consent from the Developer. In these circumstances the Council shall, in accordance with any relevant guidance issued under the FOIA, take reasonable steps, where appropriate, to give the Developer advance notice, or failing that, to draw the disclosure to the Developer's attention after any such disclosure.
- 10.2 Notwithstanding any other provision in this PPA, the Council shall be responsible for determining in its absolute discretion whether any Information relating to the Developer or this PPA is exempt from disclosure in accordance with the FOIA and/or the Environmental Information Regulations 2004 or the Local Government Acts.

11 The Developer's Obligations on Funding and Resource

- 11.1 In consideration of the supply of the services referred to in this Agreement the Applicant agrees to pay to the Council a payment of £6,979.84 (excluding VAT) upon completion of this agreement to assist the Council in providing the level of service required to meet its obligations in respect of the work under this Planning Performance Agreement.
- 11.2 The applicant agrees to pay on a case by case basis reasonable costs which may be incurred with the appointment of external consultants (such as Independent Financial Viability Consultants) to progress the planning application. It has been agreed with both parties that Gerald Eve will review the financial viability assessment on behalf of the Council. All appointments whose costs are covered by the Applicant will be by mutual agreement, with the Council obtaining quotes and issuing these to the Applicant prior to appointment.
- 11.3 The Council will instruct their legal services team within two weeks of registration of the application, to ensure the matter does not become protracted and elongate the process following any resolution. The application will provide draft heads of terms with the submission.
- 11.4 The applicant agrees to pay the Council's reasonable legal costs incurred in association with the preparation of the S106 Agreement.
- 11.5 This fee is in addition to the application fees payable under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008.

12 Agreement

- 12.1 The London Borough of Barnet and the Applicant hereby agree to the content of this Planning Performance Agreement.

London Borough of Barnet

Name	Fabien Gaudin
Position	Service Director Planning and Building Control
Signature	
Date	18.01.2021

The Applicant

Name	Anil Varma
Position	Director
Signature	
Date	

Appendix A – The Project Team

The Council's Team:

Name (Position)	Contact Details
Name: Josh McLean Planning Manager	Address: 2 Bristol Avenue, Colindale, NW9 4EW Phone number: 020 8359 6039 Email Address: josh.mclean@barnet.gov.uk
Name: Fabien Gaudin Service Director – Planning and Building Control	Address: 2 Bristol Avenue, Colindale, NW9 4EW Phone number: 020 8359 4258 Email Address: fabien.gaudin@barnet.gov.uk

The Applicant's Team:

Name (Position)	Contact Details
Andy Goodchild Project Architects	Director Wolff Architects 0207 229 3125 agoodchild@wolffarchitects.co.uk
Stuart Minty Planning Consultant	Director SM Planning 0207 692 0643 stuart@smplanning.com

Appendix B – Service Standards

The Council's Service Standards:

- Comply with and facilitate the compliance by the Applicant with the Application Programme set out in Appendix C.
- Provide professional advice as required in relation to matters including but not exclusively limited to planning, design, trees and landscaping.
- Respond substantively to all urgent emails, letters and telephone calls within 2 Working Days of receipt. Where circumstances beyond the reasonable control of the Council prevent its compliance with this service standard, the Council shall in each case notify the Applicant of such circumstances forthwith and the Council shall endeavour to respond substantively no later than 10 Working Days after receipt of any communication.
- Notify the Applicant no later than 5 Working Days prior to any meeting of the Council's Planning Committee at which any report or matter relevant to the Development will be discussed and or considered and to provide the Applicant with a copy of any report to the Planning Committee at that time including for the avoidance of doubt any officer's report and/or recommendation.
- Provide to the Applicant at least 5 Working Days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action or agenda points identified. These will be provided in electronic format.

The Applicant's Service Standards:

- To use reasonable endeavours to comply with and facilitate the compliance by the Council with the Application Programme set out in Appendix C.
- To provide to the Council at least 5 Working Days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda identified.
- To provide the Council within 3 Working Days of any meetings the action points arising from that meeting.
- To provide the Council with such additional information as may be requested within 5 Working Days of such written request from the Council (or such other time period as may be agreed) in order to enable the Council to discharge its Functions under this Agreement.
- To use their reasonable endeavours to address any concerns raised by any Consultee
- To submit to the Council the Application Documents for the Planning Application, subject to agreement of planning deliverables with the Council.

Appendix C – Application Programme

Date – w/c	Processing of application	Responsibility	Indicative date
Week 1	Submission of application in accordance with pre-validation checklist meeting	Developer	W/C 12/10
Within 2 days of submission	<ol style="list-style-type: none"> 1) Registration of application 2) Validation of the Planning Application 3) Identification of consultation process including neighbours, statutory consultees and publications 	Dedicated Planning Officer Vetting team	W/C 12/10
Within 2 weeks of submission	Councils Planning Officer to Instruct Legal Services	Dedicated Planning Officer	
Week 1 - 6	Statutory Consultation period	Dedicated Planning Officer	W/C 12/10 - 16/11
Week 5	<p>Consultation review</p> <ol style="list-style-type: none"> 1) Evaluation of responses 2) Share with applicant 3) Agree amended plans if necessary 	Dedicated Planning Officer Developer	W/C 09/11
Week 6	Receipt and evaluation of consultancy reports	Dedicated Planning Officer	16/11
Week 7 – 8	Further consultation exercise (14 day) if required	Dedicated Planning Officer	23/11 – 30/11
Week 7 – 8	<p>Roundtable / Workshop</p> <ol style="list-style-type: none"> 1) To include evaluation of consultant report 2) To evaluate Heads of Terms 3) To consider the status of the application 	Planning Officer/Developer	23/11 – 30/11

Report Stage			
Date – w/c	Phase	Responsibility	Indicative date
Week 6 - 13	Preparation of report to Planning Committee	Dedicated Planning Officer	16/11
Week 9 - 11	Planning Conditions to Developer for comment	Dedicated Planning Officer Developer	07/12 – 21/12
Week 10	If the application does not require consideration of the planning committee, then a delegated decision will be reached	Dedicated Planning Officer	14/12
Week 12 (dependent on committee cycle)	Sign off, submission and presentation of Report to Planning Committee A, B or C (January 2021)	Dedicated Planning Officer	28/12
Week 4 – 12	Section 106 and legals 1) Negotiations	Dedicated Planning Officer LBB's legal representative / Developer	02/11 – 28/12

Issue of Planning Permission (where appropriate)			
	Signing of S106 agreement and Issue of Planning Permission	LBL's legal representative/ Developer / Planning Officer	

Appendix D – Planning Application Documents

The Planning Application deliverables to be agreed with LBB

	Planning Application Deliverables
1	Planning Application forms / Certificates / CIL / Covering letter
2	Red Line Plan / Site Location Plan
3	Planning Application fee
4	Drawings
5	Planning Statement
6	Design & Access Statement
7	Affordable Housing Viability Report
8	Ecological Report
9	Tree Survey / Arboricultural Report
10	Tree Protection Plan
11	Landscape Masterplan
12	Transport Assessment
13	Demolition and Construction and Logistics Plan
14	Flood Risk Assessment
15	Sustainable Drainage Assessment
16	Ground Investigation / Contamination Report
17	Air Quality Assessment
18	Noise Impact Assessment
19	Daylight and Sunlight Report
20	Refuse and Waste Management Plan
21	Energy / Sustainability Statement
22	Statement of Community Involvement

From:Stuart Minty
Sent:Thu, 11 Feb 2021 14:14:30 +0000
To:McClean, Josh
Subject:RE: 84 WHR - GE Viability report

Hi Josh

As discussed earlier in the week, there is no policy basis for a deferred contribution/review mechanism and both DS2 and GE have agreed that no upfront contribution is viable. Nevertheless, Anil has explained to me that he initially agreed to make a unilateral offer and after discussing with him he is happy to honour his commitment in this regard. DS2 have calculated a pro-rata figure based on the recent development at 54BA and this produces a figure of £906,110, and this is the offer we would like to include as part of the S106 as an alternative to the deferred contribution/review mechanism.

I hope this finds you well and look forward to hearing from you in due course.

Many thanks

Stuart

Stuart Minty

Director

M: 07900 413080

DDI: 0207 692 0643

SMPlanning

80-83 Long Lane

London, EC1A 9ET

www.smplanning.com

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From: Mclean, Josh <Josh.Mclean@Barnet.gov.uk>

Sent: 08 February 2021 17:58

To: Stuart Minty <Stuart@smplanning.com>

Cc: [REDACTED]@smplanning.com>

Subject: 84 WHR - GE Viability report

Evening both,

Final report attached from GE.

Any queries, please let me know.

Josh

Josh McLean MRTPI
Planning Manager

Planning and Building Control

2 Bristol Avenue, Colindale, NW9 4EW
Tel: 0208 359 6039 | Barnet Online: www.barnet.gov.uk

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This message has been scanned by Exchange Online Protection.

From:Stuart Minty
Sent:Tue, 16 Feb 2021 09:25:27 +0000
To:McClean, Josh
Subject:84WHR Road
Attachments:12th February 2021 (1).pdf

Morning Josh

Hope you are feeling better.

Please see attached letter from SQR security, which have analysed the impact [REDACTED] [REDACTED] in terms of security, and concludes no increased risk as a result of our development.

Given it raises potentially sensitive information id be grateful if this could be kept confidential and not posted on the website

Many thanks

Stuart

Stuart Minty

Director

M: 07900 413080

DDI: 0207 692 0643

SMPlanning

80-83 Long Lane

London, EC1A 9ET

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12th February 2021

Anil Varma
Harrison Varma Projects Ltd
Unit 1 South Oxgate Centre
Oxgate Lane
London NW2 7JA

Dear Anil

Re: Heathside 84 West Heath Road London NW3 Planning Application

We provide security services to the old school building site currently unoccupied.

[Redacted]

Based upon my assessment I would comment:

- [REDACTED] **does not have any increased risk from the proposed development in terms of security and visibility.**

[REDACTED]

[REDACTED]

I trust that this is satisfactory but please let me know if you need anything else.

Yours Sincerely

[REDACTED]

Director