

Location **The Castle 452 Finchley Road London NW11 8DG**

Reference: **16/1974/FUL** Received: 24th March 2016
Accepted: 11th April 2016

Ward: Childs Hill Expiry 11th July 2016

Applicant:

Proposal: Redevelopment of the site comprising five storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

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

3. Affordable housnig contribution £430,000
A contribution towards the provision of affordable housing within the Borough.

4. Monitoring of the Agreement £9,820.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

Design and Access Statement (Wolff Architects); Planning Statement (Savills); Arboricultural Method Statement And Tree Protection Plan (Barrell Tree Consultancy); Building Facade Insulation Review incorporating an Environmental Noise Assessment (Syntegra); Construction Method Statement (BH Construction); Contaminated Land Risk

Assessment (Phase 1 Desk Top Study and Site Walkover Survey) (Soil Environment Services Ltd); Daylight/Sunlight Assessment (BVP); Drainage Strategy with intended Drainage Layout (Eckersley O'Callaghan);

Energy Strategy Report (Syntegra Consulting); Highways and Access Report, (Sanderson Associates); Ventilation Strategy (ENG Design)

201 rev A; 202 rev B; 203 rev A; 204 rev 0; 001 rev 0; 011 rev 0; 021 rev 0; 022 rev 0; 023 rev 0; 024 rev 0; 210 rev 0; 211 rev 0; 212 rev 0; 213 rev 0 ; 223 rev 0;

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Design and Access Statement (Wolff Architects); Planning Statement (Savills); Arboricultural Method Statement And Tree Protection Plan (Barrell Tree Consultancy); Building Facade Insulation Review incorporating an Environmental Noise Assessment (Syntegra); Construction Method Statement (BH Construction); Contaminated Land Risk Assessment (Phase 1 Desk Top Study and Site Walkover Survey) (Soil Environment Services Ltd); Daylight/Sunlight Assessment (BVP); Drainage Strategy with intended Drainage Layout (Eckersley O'Callaghan);

Energy Strategy Report (Syntegra Consulting); Highways and Access Report, (Sanderson Associates); Ventilation Strategy (ENG Design)

201 rev A; 202 rev B; 203 rev A; 204 rev 0; 001 rev 0; 011 rev 0; 021 rev 0; 022 rev 0; 023 rev 0; 024 rev 0; 210 rev 0; 211 rev 0; 212 rev 0; 213 rev 0 ; 223 rev 0;

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

3 Before the relevant phase of the above grounds works in connection with the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4 Commencement of the above ground works shall not take place until a revised consolidated drainage strategy is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the measures set out therein.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and the amenities of the area to comply with Policies 5.13 and 5.14 of the London Plan 2011.

5 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

6 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

7 The hereby approved B1 unit shall be used as an office only and no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

8 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 1213-A-130B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

9 Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing Portman Heights shall be glazed with obscure glass only and shall be

permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

10 Before the undertaking of the relevant part of the development commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

11 a) Commencement of the relevant phase of the development shall only take place after details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the A1 and B1 commercial units; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

12 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

13 The level of noise emitted from the mechanical extraction and ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

15 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and

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

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

16 a) Before the above ground work commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

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

Reason:

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

18 Before the building hereby approved has been occupied details shall be submitted to and approved in writing by the Local Planning Authority as to where the Toll Booth plaque shall be located on the new building. Within 1 month of the details being approved the plaque shall be installed in accordance with the approved details and thereafter permanently retained.

Reason:

To maintain the historic importance of the building in accordance with policy DM06 of the adopted Local Plan

19 Prior to the occupation of any of the units a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the Car Park shall be managed in accordance with the details thereby approved. The Car Parking Management Plan shall include details on:

Confirmation that the parking spaces provided will not be used for any purpose other than parking and turning of vehicles in connection with this development.

Confirmation that residents will not be charged for the use of parking spaces.

Details of how the parking spaces will be managed and how they will be shared between the office and residential uses.

Details of how parking spaces will be allocated and how the parking strategy will be enforced.

Locations of the Electric Vehicle Charging Points (ECVP) with an overall provision of 20% of the total parking spaces being active and 20% passive.

Details of how the ECVP will be monitored and a strategy for converting the passive points to active should monitoring indicate that there is a need.

Details of which spaces will be used as disabled parking bays and how these will be marked out and enforced.

Details of how visitors/deliveries/servicing will be accommodated within the site.

Details of any vehicular gates/barriers that are proposed and how they will be operated.

Details of how surface water drainage within the private areas will be managed to ensure that no surface water will be discharged onto the public highway.

Reason:

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

20 Prior to the first occupation of the proposed development details about the refuse/recycling/servicing arrangements shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Departments facilitating these collections. Details shall include swept paths for vehicles associated with these activities. The development shall be carried out in accordance with such details as approved.

Reason: To ensure that this operation is satisfactory in terms of highway safety and to protect the amenity of the area in accordance with the London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason:

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

22 The 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.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building regulations 2010 (or the equivalent standard in such measure of accessibility and

adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

24 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the

Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 22/04/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to provide affordable housing within the development, contrary to policy DM08 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £45850 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £176850 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from

the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 7 This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email: building.control@barnet.gov.uk, telephone: 0208 359 4500, or see our website at www.barnet.gov.uk/building-control.

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

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

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

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

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

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

- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

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

10 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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

Officer's Assessment

1. Site description

The site is a former public house and associated hotel at the junctions of Finchley Road, Cricklewood Lane and Hermitage Lane. The public house became vacant and redundant and has now been demolished. The site is now cleared of development and is secured by site hoardings.

The site is located in an area of mixed use and mixed character. To the rear of the site is Elm Park. To the north and west of the site are significant residential tower blocks which dominate the local streetscene in the immediate locality. Hermitage Lane and Cricklewood Lane consist of lower level buildings arranged over three storeys. Land levels change significantly around the site. Cricklewood Lane rises from west to east to the junction of Finchley Road where the site is located and the site is visually dominant in long distance views along Cricklewood Lane.

The site is not located in a Conservation Area and there are no statutory listed buildings which may be affected by the proposed development. The park at the rear contains trees subject to a Tree Preservation Order. Planning permission previously granted for the redevelopment of this site secured the replanting of a number of trees which are also subject to a Tree Preservation Order.

The site is located in a PTAL 4 location.

2. Site history

F/01393/13 - Planning permission was refused for the demolition of the existing building and the erection of a six storey building over a basement level to provide 13 self contained units, including A1 (retail) and B1 (office space) at ground floor level. New car parking spaces, cycle parking, provision of refuse stores and alteration to increase width of access road.

The application was refused on the basis that the proposed development would constitute an unacceptable impact on the character of the streetscene and the visual amenity of the area. In addition, the proposed development would result in harm to trees in Elm Park to the rear which are subject to a Tree Preservation Order. These trees would also harm the quality of amenity for future occupiers of the proposed development. The development would also provide inadequate external amenity space for future occupiers and would also affect the privacy through overlooking of adjoining properties.

F/05428/13 - Planning permission refused for the demolition of the existing building and erection of a six storey building over a basement level to provide 13 self-contained units. Including B1 (Office space) at ground floor level. New car parking spaces, cycle parking, provision of refuse stores and alterations to increase width of access road.

The application was refused on the grounds that the proposed development would be incongruous and visually dominant by virtue of its size, scale, bulk and massing. It would fail to provide affordable housing, would fail to provide acceptable amenity for units within the development and would adversely affect trees within the park to the rear.

An appeal was lodged against the refusal however, the Council and the developer agreed that a planning obligation would overcome reasons for refusal relating to trees, affordable

housing and amenity space. The only matter that would remain would be the impact of the proposed development on the character and appearance of the area. The appeal was dismissed. The Inspector concluded that the proposed development would be unacceptably tall, would have a significant width and depth which when combined with its prominent siting on a prominent site would unacceptably dominate this part of the streetscene.

F/03607/14 - Planning permission was granted subject to planning conditions and compliance to the obligations of a legal agreement for the demolition of the existing building and erection of a four storey building plus basement comprising of 9no self contained flats with office floorspace at the ground floor level, 13 car parking spaces, cycle parking and refused storage and alterations to the width of the access road.

It should be noted that as the planning permission has been implemented, the applicants will be able to complete the development associated with this planning permission.

3. Proposal

Planning permission is proposed for the demolition of the existing building and the erection of a new five storey building to provide offices and retail shops at upper and lower ground floor levels and 13 residential units at first, second and third floor levels, with parking at lower ground floor and basement.

The existing public house has been demolished and the previous planning consent has been implemented. This application proposes a fundamental change to the scheme, notwithstanding an uplift in the number of units from 9 to 13 and a re-introduction of retail floorspace into the scheme.

The proposed development constitutes three main built elements. At the junction, the development features a three storey building with a staggered façade and a setback at roof level. Adjoining the building to the immediate north is a four storey block with strong vertical emphasis. Projecting forward from this into the street at ground floor level is a single storey unit featuring a retail unit. There is subsequently a two storey projection facing Portman Heights of similar design to this four storey section.

The ground floor of the development facing Finchley Road and Hermitage Lane would be occupied as employment floorspace. The proposed development would provide 171sq.m of retail floorspace, 53sq.m of office floorspace. The residential accommodation would be split into 6no two bed units and 7no three bed units. The scheme provides for 16 car parking spaces at the basement level.

4. Public consultation

Consultation letters were sent to 497 neighbouring properties. 8 responses have been received, comprising 1 letter of support, 1 letter of comment and 6 letters of objection.

The comments received can be summarised as follows:

- o The proposed development would be significantly larger than the previous proposal which was allowed by the Council.
- o The proposed development does not provide for affordable housing.

- o The updated proposal is a backward step in the quality of design proposed for the site.
- o The pub is a local landmark and should be saved.
- o The proposed development would overshadow the adjoining neighbours and the public realm in general.
- o The proposed development would not fit into local environment.
- o Views of Elm Park would be lost.
- o There would be implications for pedestrian safety at the crossing because of the locally increased population.
- o The proposed development should be required to incorporate a toll booth plaque.
- o There is insufficient parking provision on the site.
- o There is insufficient pavement width around the site.
- o A lockable gate should be constructed to prevent the inadvertent access of drivers into Elm Park.
- o The proposed development would have an impact on visual amenity and the quality of the local environment.
- o The proposed retail floorspace would affect local businesses.
- o There is insufficient waste storage on the site. The scheme would exacerbate flytipping and dumping in the area.

The letter of support states as follows:

- o Although the proposed development is not as attractive as the previous scheme, this proposal would be far better than the current site conditions which contains a construction site.

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions

5. Planning Considerations

5.1 Policy context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM13, DM14, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM13 states that loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
 - ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
 - iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).
2. Residential development may be acceptable:
- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide an acceptable level of amenity for future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on security in the vicinity of the site
- Whether the proposals would make adequate provision for drainage
- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the redevelopment of the site for a mixed use residential led development incorporating retail and commercial floorspace following the demolition of the existing public house building.

The Castle Public House was demolished in 2015 - 2016 constituting the implementation of the planning permission for the site. As such, no objection can be held against the loss of the public house use or the demolition of the building. The use of the site for residential purposes subsequent to the demolition of the site is considered to be acceptable based on the planning history of the site.

The site redevelopment now proposed results in a minor increase in the density of the proposed development and where previously nine units were consented, the scheme now proposes thirteen. The units consist of two and three bed units on a fairly even split which would allow for the development to provide for family sized accommodation. In respect of the site density, the scheme falls within an appropriate density range for the site given the PTAL location and the area typology which can be considered to fit into GLA's urban category. Furthermore, given the acceptable standard of amenity both internally and externally, the relationship with building heights and its acceptable context within the townscape, it is suggested that the proposed development would not constitute an overdevelopment of the site.

The proposed development gives rise to both more than 10 units and development on a site greater than 0.1ha in size. As such, the proposed development must be considered for its feasibility to provide affordable housing. The scheme should provide affordable housing at a ratio of 40% of the total number of units within the development.

However, given that there is a valid planning permission that constitutes an appropriate fall back permission which could be implemented by the applicants, which proposes no affordable housing, it is not unreasonable for the viability to be applied to the uplift of four additional units rather than the 13 units proposed in total. As such, it is likely that only a maximum of two units would be physically deliverable on the site. Given the small size of the site and the very small quantum of development, it would not be feasible for an RSL to manage such a small number of units. On this basis, it is considered that a financial contribution could be made to the Council in lieu of affordable housing.

A developer's viability appraisal document has been provided to the Council. This appraisal document has been reviewed by an estate valuation surveyor. The proposed development would involve an uplift in the number of units in the development from 9 units to 13 which means that the scheme now qualifies for affordable housing. The Council's instructed consultants and advisors have taken forward an approach whereby the nine unit scheme which has been implemented, can be completed and has a commonality with this scheme. As a result, the consented scheme constitutes both the fall back position and also the comparative benchmark for which the new construction value, residual land value and surplus can be derived.

It has already been stated that the proposed scheme has come forward for consideration largely on the basis that the previously consented scheme comprised an inefficient layout which would have affected the viability of the development if it had been constructed. In discussing the viability over the last three to four months, it has become clear that some of the construction costs have been disputed by the Council's advisors. This has led to a different surplus figure from both the applicant and the Council's advisor. Furthermore, there has been a dispute as to whether to take a calculation from the start date of construction or the current date. This has led to two ranges of surplus values starting at £366,000 rising to £655,000. Construction costs remain at dispute, however, the trigger point for the consideration of the possible surplus remains at start on site, however, because of this, CiL should only be counted once and as a result, there needs to be a change to the possible contribution. On this basis, the Council's advisors have suggested and recommended a contribution of £430,000. This is significantly in excess of the original offer of £120,000 put forward by the applicant. The applicant have advised that the scheme does provide an increase in the number of units, with a range of units with a mixed use element and a more coherent design approach to the setting and the locality within the streetscene. The applicants have agreed this contribution of £430,000 and has such, it is considered that the proposed development would make a tangible contribution to affordable housing in the Borough. Although the contribution would only be equivalent to one dwelling house, it is considered that given factors relating to unit management by an RSL that it would be difficult to secure on site provision and given the level of unit uplift and the provision of a better scheme on the site, it is considered that this contribution would be acceptable.

The scheme also proposes new retail floor space and commercial floorspace. 171sq.m would be provided within A1 floorspace and 53sq.m in B1(a) floorspace. The application site falls within the Childs Hill local shopping parade and given that the site provides an increase of 103 sq.m of new retail floorspace, it is considered that this would be supported by Development Plan policy which seeks to enhance the viability of existing designated centres, parades and frontages. The provision of office floorspace would constitute a new land use within the site, however, planning permission was previously proposed for the provision of office floorspace and there are no new circumstances to suggest that this would now be unacceptable.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The application proposes a form of development quite dissimilar from the previous consented form of development on the site. Nevertheless, it is considered that its impact on the streetscene, townscape and the character of the area is acceptable. The building is largely similar in height arranged over three, four and five storeys, however it is considered that the building has a more simple and ordered appearance and finish. The previously approved development consisted of a number of visually distinct sections, demarcated by materials types, recesses and projections as well as alternating roof lines. Although in part this was symptomatic of levels changes around the site, it is considered that the building provided a largely cluttered and incoherent frontage, particularly to Finchley Road.

The key principles supporting the redevelopment of the site include the relationship to the development at the four corners of the junction and the views of the proposed development from longer distance views given the way that the land levels rise from west to east and also from south to north.

Given the sharp gradient of the building along Cricklewood Lane rising to the junction with Finchley Road, the proposed development must not be seen to loom excessively large within the townscape. The proposed development has therefore been designed accordingly to suit the context. At the junction of Finchley Road and Hermitage Lane, the proposal consists of a three storey brick building with a recessed top level inset from the roof perimeter. The ground floor of the proposed development contains the commercial frontage and given the change of materials and reduced volume as well as the horizontal emphasise of the elevation design and fenestration allows for a sensitive and discreet form of development that reflects the building height on both sides of the road at the junction of Finchley Road.

The part of the building immediately to the north is to the same height, but due to the elevation design including verticality in the elevation appears to emphasise additional height which would allow the building to respond more closely to the greater building height in adjoining properties including Portman Heights. The parts of the building above second floor level are closer to the boundary with Portman Heights, however this is not considered to be harmful to the character and appearance of the area. Nevertheless, it is considered that the proposed development presents a more visually compact building. The lower ground floor projection would be more pronounced than in the planning consent, however, it is considered that this is a distinctive but subordinate addition to the building which supports the accommodation of retail floorspace within the development.

The proposed development would be principally constructed from brick with recessed panels and detailed hit and miss brick sections. The recessed element of the corner section would have metal panelling which would contrast with the brick panelling and would allow for this part to appear subordinate.

The proposed development would largely follow the building line and footprint established by the previous planning consent. Its visual prominence at the rear and its relationship to Elm Park would not be materially more harmful than the impact which has been established by the planning permission that has been issued.

Whether harm would be caused to the living conditions of neighbouring residents.

The closest and most affected residential units would be those situated within the southern side of Portman Heights. The proposed development is separated from the southern elevation of Portman Heights by an access road and a small area of amenity space at ground floor level. There are windows in the flank elevation of this development. At the southern side there is a single storey projection which does not appear to be used as residential accommodation. However, there is a flat roof used as a roof terrace that is accessed by residents. There are also rear (east) facing balconies close to the front of the development.

The principal impacts that may arise from the development include loss of daylight and sunlight, sense of enclosure and loss of privacy arising from overlooking. It should be noted that some of the amenity impacts arising from the development area would have been considered and demonstrated to be acceptable at the time of the previous planning application.

Privacy and overlooking

In respect of privacy and overlooking, there is only one window per floor in the northern elevation facing Portman Heights which serves the kitchen in each flat in that part of the building. These windows are indicated to be obscurely glazed on the elevation drawings.

Sunlight and daylight

In respect of daylight, 42 windows have been tested for daylight and sunlight at Portman Heights. At the upper ground level, window W1 (bedroom) and W10 (kitchen) are all fails in respect of the Vertical Sky Component. At the first floor level, window W1 (bedroom), window W9 (living room) and window W10 (living room) are all fails. It should be noted that the window W9 at this level is the secondary window to a living room for which the primary window passes. Secondly kitchens are not habitable rooms for amenity purposes.

Window W7 is the balcony facing window while W6 is the closest window to the proposed development. At second floor level, the windows W1, W3 and W4 which are all serving separate bedrooms are all fails. While window W10 which serves a kitchen is also a fail. However, when these windows were subsequently assessed under the Average Daylight Factor (ADF) test, they were found to pass. On this basis, it is considered that the proposed development would have exposure to sufficient levels of daylight.

In respect of sunlight, most of the affected windows for daylight would also require assessment for the impact on sunlight because they face south. The only rooms that would fail are occasional kitchens and secondary windows to living rooms.

713 Finchley Road is the newly constructed retail and residential block situated directly opposite to the west on Finchley Road at the junction with Cricklewood Lane. One window on each floor fails the Vertical Sky Component assessment. These windows all serve living space. However, once subject to the ADF test, the proposed development passes and the impact is acceptable. In respect of sunlight, the same rooms fail for which there is no reasonable mitigation in place. This failure is considered to be insignificant given the extent that the proposed development is deemed to be acceptable with respect to neighbouring properties.

Finally, the applicant's assessment has considered the impact on the windows of the property situated directly to the south of the development on the opposite side of

Hermitage Lane which, based on the ADF results, demonstrates an acceptable impact that exceeds BRE guidelines.

Sense of enclosure

The proposed development is considered not to result in an unduly harmful sense of enclosure. Taking into account that the nearest windows to the development are secondary windows to living rooms, it is considered that the most significantly affected windows are those situated behind the roof terrace at the first floor level. These windows are situated 18m away from the flank elevation of the proposed development at the second floor level and above. This is considered to be acceptable and would not give rise to poor outlook from existing properties.

Whether the proposals would provide an acceptable level of amenity for future residents

Each of the proposed thirteen new residential units exceed the standards for internal floorspace set out in the London Plan (as modified in March 2016). Each unit within the proposed development is provided within its own private area of external amenity space. This is provided at the rear of the building for each unit. Front facing amenity space has not been provided to ensure that these spaces are not subject to the impact arising from noise and air pollution.

The proposed development has been designed to remain largely within the footprint and building envelope of the previously consented scheme. As a result, there is limited scope to provide a larger area of external space as well as having an acceptable relationship with the trees at the rear. As a result, the proposed external amenity space proposed is insufficient for eight of the thirteen units in the context of local policy for open space. Nevertheless, the proposed development would provide external amenity space that would exceed the standards set out in the London Plan. Furthermore, the proposed development benefits from a park directly to the rear of the site which has benefitted from a financial contribution (which has been paid) associated with the previous planning permission. This provides a high quality open space in addition to the private amenity space that is to be provided for each unit. Paragraph 2.3.32 of the London Plan Housing SPG states that where site constraints make it impossible to provide external space for each unit, the shortfall can be compensated for by an increase of internal floorspace within the development. Given the size of each residential unit, it is considered that the proposed development would meet the standard in this regard.

The location of the development is such that it experiences a poor quality environment through noise pollution and air pollution. In order to address Environmental Health officers have requested appropriate glazing to sound proof against traffic noise, suitable plant for mechanical ventilation (with adequate noxious gas and pollutant filtration) along with suitable noise impact mitigation. In addition contaminated land scoping and mitigation will be required.

The proposed development has no amenity space at the front and the main living spaces for each unit are all situated at the rear to improve the quality of accommodation.

At the time of the previous planning permission it was accepted that a number of trees at the rear of the site would have an impact on the quality of amenity pertaining to daylight and sunlight particularly at the lower levels. In order to resolve this impact, a number of trees were allowed to be removed. In compensation, a financial contribution was received

by the Council which has allowed for an equivalent number to be replaced. Not all trees were removed in association with the previous application and this current scheme must be considered in the context of retained trees within Elm Park. The sunlight and daylight assessment provided with the planning application also assesses the quality of daylight that would be received by windows within the proposed development. Using the Average Daylight Factor (ADF) measurement, all windows would receive sufficient daylight. All living areas which would be located within 90 degrees of due south and would benefit from acceptable levels of sunlight.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 states that for two and three bedroom units, parking should be provided at a ratio of 1 space to 1.5 spaces giving a range of 13 to 20 spaces.

The proposed development is sited in a sustainable location which is demonstrated by the PTAL 4 location. The proposed development is supported by 13 car parking spaces within the basement area accessed from the narrow road between the development and Portman Heights for the residential use with 3 more for the commercial use. In a higher PTAL location it is considered acceptable for the development not achieve the full maximum parking standard. This view has been supported by the Highways officer in the application consultation process. 26 cycle parking spaces are also provided which is considered to be acceptable.

The vehicular access to the site is from an access directly off Finchley Road. It is proposed that the access will be widened to 4.65m to allow two-way traffic. Any works proposed on public highway to facilitate the development would need to be undertaken under S278 of the Highways Act. A separate application needs to be made to the Highway Authority for works under S278 of the Highways Act.

Whether the proposals would make adequate provision for sustainable drainage and flood risk alleviation.

The submitted drainage strategy has been assessed and considered through the consultation process. The observations of the drainage consultee has established that although the proposed use is highly vulnerable, the site is located within Flood Zone 1 and there is no ground floor or basement level residential accommodation.

The application site is located within a London Clay area and as such infiltration drainage is not feasible. Insufficient justification for Sustainable Urban Drainage has been provided and in the absence of infiltration drainage, no other measures such as on site storage have been considered. A more detailed drainage strategy is required for review and it is considered that this could be provided through a planning condition. There is no increase in the hard surfacing which is encouraging however there is scope to reduce further the surface run offs.

Sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of over 35% in respect of Carbon Dioxide above and beyond the 2013 building regulations. A large part of this saving arises from the use of photovoltaics at roof level.

The documentation submitted with the application demonstrates that the 90% of all units would accord with M4(2) while 10% of units would also be constructed to accord with M4(3).

The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

Trees

The protection of the existing trees within Elm Park has previously been an important matter to consider and this approach has been carried over into the current proposals. The scheme has been specifically designed to pull the building line away from the boundary with Elm Park and thus minimise any interaction between the existing trees and the proposed new building.

A tree has been removed as agreed and accepted by the extant planning permission in accordance with an approved strategy that was previously secured through a planning obligation.

An updated Arboricultural Method Statement has been prepared by Barrell Tree Consultancy who also prepared a similar assessment for the extant scheme. This updated statement also provides full details of proposed tree protection methods during construction.

As already noted above, following previous permissions and the advice of officers during pre-application discussions, the proposed development has been pulled away from the boundary between the application site and Elm Park immediately to the north. This has minimised the potential for any conflict between existing trees and the proposed development.

As such, this development will ensure the protection, retention and enhancement of the trees adjacent to the development site. The current proposal also improves upon the situation on the existing development that has been permitted on the site.

Conditions were placed upon the extant permission to control the construction process such that appropriate protection is given to the retained trees within Elm Park, including the imposition of root protection areas.

The application has been subject to consultation with the arboricultural officer who has recommended the provision of additional tree planting to mitigate against the visual impact of the proposed development. This is considered to be a substantial amelioration however, it is considered that the measures which are to be implemented through the Section 106 agreement would be sufficient to provide the mitigation which the consultee has identified at this stage.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

As the proposal would increase in floorspace of 1310sqm (net), the development is considered to be liable for £45,850.00 of Mayor's CIL and £176,850.00 of Barnet's CIL.

Response to public consultation

The matters raised through the public consultation process which are considered to be material planning considerations have been addressed in the report. In addition, as per the previous planning consent, a condition will be imposed to ensure that a plaque commemorating the history of the site will be erected at the site.

Equality and diversity issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

Conclusion

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to recommended conditions to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommend for approval.

