

Location **Garages At Basing Way Land Between 98-108 And 182-192
Basing Way London N3 3BP**

Reference: **16/3250/FUL**

Received: 17th May 2016

Accepted: 20th May 2016

Ward: Finchley Church End

Expiry 19th August 2016

Applicant: **Christine Coonan**

Proposal: Demolition of existing garages and redevelopment to provide a 4-storey building comprising 14no. self-contained flats for affordable rent with associated landscaping, car parking, cycle and refuse storage; and enclosure of existing electrical substation within a new structure

Recommendation: Approve following legal agreement

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:

The provision of affordable housing for affordable rent at a proportion of 40% of all the units being provided within the development in accordance with the London Borough of Barnet Nominations Statement.

Monitoring fee: £500.00

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager 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:

15-290-02 D01-001 Rev A; 15-290-02 D01-002 Rev A; 15-290-02 D01-010 Rev A; 15-290-02 D01-011 Rev A; 15-290-02 D01-050 Rev A; 15-290-02 D01-051; 15-290-02 D01-100 Rev A; 15-290-02 D01-101 Rev A; 15-290-02 D01-200 Rev A; 15-290-02 D01-201 Rev A; 15-290-02 D01-202 Rev A; 15-290-02 D01-203 Rev A; 15-290-02 D01-300 Rev A; 15-290-02 15-290-02 D01-500; Design and access statement (BPTW); Ecological Assessment (AGB Environmental); Land contamination assessment (AGB Environmental); Statement of Community Involvement (BPTW); Sunlight/daylight and overshadowing assessment (HTA); Sustainability Statement with energy statement (BBS Environmental); Transport Statement with parking survey (Campbell Reith); Tree survey/Arboricultural impact assessment method

statement (AGB Environmental); Utilities - site investigation report (Premier Energy Services); Drainage Strategy (7 Engineering Consultancy).

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

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

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

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

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

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

- 4 Prior to the commencement of the relevant phase of the development, details of mechanical ventilation, extraction and filtration to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall be supported by an acoustic statement to ensure that noise and vibration levels both internally and externally from the development do not exceed background noise levels.

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

- 5 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

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

- 6 Details of rainwater goods, soil and vent pipes, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The development hereby approved shall be carried out in accordance with the approved details.

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

- 7 Notwithstanding the approved plans and elevations, prior to the commencement of the relevant phase of the development, a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array does not harm the character and appearance of the building and the wider area to ensure that the development complies with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 8 Refuse and recyclables storage shall be provided and made ready for use prior to the first occupation of the proposed development and shall be retained permanently 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 CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 Prior to the first occupation of the proposed development, the relocated refuse and recyclables storage and residents' stores for existing residents shall be constructed and made ready for use. These structures shall be retained permanently 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 CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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).

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and the Residential Design Guidance SPD (adopted April 2013).

12 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the relevant phase of the development is commenced.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

13 The development shall be carried out in accordance with the details, recommendations and measures of the submitted Tree Survey/Arboricultural Impact Assessment and Method Statement (AGB Environmental)

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 14 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).

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

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

- 16 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, the units at ground floor level only shall all have been constructed to meet and achieve all the relevant criteria of Part M4(3) 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. All other units shall be constructed in accordance with M4(1) of the Building Regulations.

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)."

- 17 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information,

a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

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

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the

Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

- 19 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing where the noise background level for outdoor amenity areas will be likely to exceed 55dBA

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

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

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

- 21 Before the commencement of above ground construction works following demolition, a report should be carried out by a competent electromagnetic radiation consultant and submitted to the LPA for approval, that assesses the likely electromagnetic radiation impacts from the substation on the residential development. The report shall also clearly outline mitigation measures for the development to reduce these radiation impacts to acceptable levels.
It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and

recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason: To ensure that the health of the residents at the residential premises are protected from electromagnetic radiation from the substation 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.

- 22 Notwithstanding the plans submitted, before development commences, details of the car park layout and the access to the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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

- 23 Before the commencement of the relevant phase of the development commences a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 24 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;

- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 25 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.

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

- 26 Prior to commencement of any construction or demolition works detailed application shall be submitted to Highway Authority for approval of amendments to vehicular access from public highway and the access shall be constructed in accordance with the approved plans.

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

- 27 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

Reason: To ensure that the development discharges surface water from the site in a manner that takes into consideration the statutory duties, legislation and regulatory requirements of authority(ies) receiving surface water and ensures that downstream flood risk is mitigated in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, Approved Document Part H of the Building Regulations 2010) and Paragraph 80 of Planning Practice Guidance.

- 28 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must

demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

Reason: To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

- 29 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance

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.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

- 3 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 advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 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.

- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 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 30dB(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 4142:2014 - 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).

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.

- 8 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact

Thames Water on 0845 850 2777 or for more information please visit www.thameswater.co.uk.

- 9 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 10 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 11 Informative: If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Informative: The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Informative: Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

Informative: The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Informative: The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

- 12 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Officer's Assessment

This application is being re-directed back to the Planning Committee for reconsideration following discussions with the applicant with respect to the imposition of a condition seeking the completion of a Section 106 agreement to secure 100% affordable (rented) housing which would render the scheme unviable in respect of financing this scheme and future schemes. This would undermine the ability of the schemes to provide affordable housing in the future.

This amended recommendation removes the condition to require the applicant to enter into a legal agreement to secure the affordable housing. Instead the application will be subject to a relevant Heads of Terms leading to the completion of a legal agreement to secure affordable housing. This affordable housing (affordable rent product) will secure 40% of the units as affordable rented properties. However, in reality, the proposed development will, when implemented deliver affordable housing at a rate of 100% in accordance with the legal obligations associated with the transfer in land ownership.

Policy DM 10 requires qualifying schemes to achieve a Borough wide provision of at least 40%. Therefore, development should strive to achieve much more than 40% in order for this policy to be complied with. However, given that this development would in reality provide for 100% affordable housing through implementation, it is considered that the Section 106 agreement would seek to secure 40% without seeking the provision of scheme viability to address the full requirements of policy DM10.

At this stage, the relevant signatory for the Section 106 agreement, which is Open Door Homes, has not been constituted. As such, the legal agreement will be prepared with a confirmatory deed to be executed following the company's official institution.

The development would be compliant with policy DM10 and with no alteration to the policy circumstances which would affect the development as a whole, the acceptability of the scheme and the recommendation remains unchanged

[illegible]

Officer's Assessment

1. Site description

The application site is located on the northern side of an established residential estate in East Finchley known as the Basing Way Estate. The estate is enclosed by East End Road to the east, the North Circular along the southern side, Amberden Road to the west and the Sternberg Centre to the north.

The estate consists of a central spine road that connects East End Road with Amberden Road. The residential development to the north of the site consists predominantly of three storey residential apartment blocks, while to the south of this estate road, the predominant form of development comprises of terrace two storey dwelling houses. The pattern of development follows a primarily linear form following the path of this road.

The proposed development location is situated close to the northern perimeter of the site, close to the junction with the Sternberg Centre. The site constitutes the enclosure of the

existing parking and garage courtyard and infills a gap in the of development that runs along the boundary with the Sternberg Centre.

The car park and the garage block are accessed from the main estate road a short distance to the west. There is also an electricity substation and a caretaker's office within the site.

Land levels through the site change markedly and rise in a direction from southeast to north west and to some extent from the southwest to the northeast. The boundary with the Sternberg Centre consists of a group of mature trees, which are subject to a Tree Preservation Order. Part of the boundary between both sites is also listed. The

Car parking is provided for 14 cars in a surface car park as well as the provision of 10 garages. The site has a PTAL 1b rating which constitutes poor access to passenger transport.

2. Site history

C13088 - Conditional planning permission granted for the conversion of two disused first floor laundry rooms to form 2 one bed flats, replace flat roof with pitched roof and alterations to elevations (14.01.1998)

C13088A - Conditional planning permission granted for the replacement of existing windows with UPVC windows (08.05.2008).

F/05871/13 - Conditional planning permission granted for the conversion of existing garages into a caretaker's office (14.02.2014)

3. Proposal

Planning permission is sought for the demolition of the existing garages block, caretaker's office and the erection of a four storey block of 14 self contained flats, the enclosure of the existing substation and the laying out of a new surface car park of 32 spaces including 2 disabled parking spaces.

The proposed accommodation comprises 12 x 2 bedroom, 3-person units and 2 x 2 bedroom, 3 person wheelchair flats designed to standard M4(3). All of the proposed units are designed to be dual aspect and will meet or exceed the London Plan minimum space standards.

Each of the units would be provided with a private balcony on the upper floors or a private terrace on the ground floor. Screens have been added to on some balconies to prevent opportunities for overlooking to the adjacent blocks.

The area of car parking will be re-organised and extended to provide a total of 32 car parking spaces. Cycle storage for new residents will be provided on the ground floor of the proposed building. There would be space for 28 cycles.

The existing substation will be rehoused in a permanent structure and will remain in its current position and access will be maintained to the structure at all times from the car park. Refuse and recycling storage for existing residents is to be re-provided in purpose built collection points arranged around the car parking area. Refuse and recycling storage

for new residents will be provided within the ground floor level of the new building and will benefit from level access.

In order to implement the proposed development, it is proposed to remove one un-designated tree. Two trees subject to a Tree Preservation Order would be pruned but would be retained.

4. Public consultation

Consultation letters were sent to 223 neighbouring properties.

5 responses have been received comprising 5 letters of objection.

The comments received can be summarised as follows:

- o The site boundary lies within 7m of the proposed building line which would infringe the separation requirements set out in the Residential Design Guidance.
- o There is a planning application being considered by the London Borough of Barnet for a new boundary treatment which may be compromised by the proposed development.
- o The proposed car parking is considered to be inadequate.
- o The proposed development threatens the peaceful character and nature of the area
- o Where will parking take place during the course of construction.
- o The proposed car park area increases the area of developed land surrounded by the existing buildings which would detract from the character and appearance of the area.
- o There is likely to be asbestos within the garages and an appropriate prevention and mitigation strategy should be provided to ensure that no harmful contamination takes place.
- o The proposed development is likely to reduce the light that the estate receives.
- o The woods behind the garages is a habitat to a wide range of wildlife which may be lost.
- o The proposed development may make the car parking area harder to reach and to use for people of limited mobility.
- o Construction traffic will pass very close to people's windows
- o Traffic flow in the area would be significantly increased.
- o The addition of a larger building may affect the local micro climate.

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions

Capita Drainage - Objections raised

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, 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 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 erection of a four storey building to provide fourteen flats enclosing a parking area on its northern side. The proposed development would comprise of twelve, two bed flats and two, two bed wheelchair flats. The development would be for the benefit of Barnet Homes and all fourteen units would be provided as affordable housing utilising an affordable rent product.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2015) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private

registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding and communal open space.

Furthermore, all the proposed units are for affordable rent, however, in order for the scheme to be policy compliant without affecting the viability of the schemed deliverability by increasing the cost of the land, the Section 106 agreement will secure 40% of the units to be provided as affordable housing. In reality, the terms of the transfer of the land ownership, the proposed development will be delivered as affordable housing.

It is considered that the proposed development would provide a compelling factor in the planning balance when the evaluation of all the material considerations is undertaken.

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

Policy DM01 (Protecting Barnet's Character and amenity) states that proposals should preserve or enhance local character and should respect the appearance, scale, height and pattern of the surrounding area.

The existing estate is characterised by two distinct parts which are separated by the central estate road. The buildings to the north of this road principally consist of large conjoined residential apartment blocks which wrap around formal parking areas. Given the changes in land levels across the estate, some elevations consist of a significant area of brick between ground level to ground floor windows which emphasises the size and scale of these blocks.

The proposed development provides one building of similar massing, design and roof profile which would fully enclose the courtyard which is currently enclosed on three sides. In the context of the site and its surroundings, the proposed building would correspond with the gradient change and step up from southwest to northeast providing continuity in the building form.

The proposed building depth would be similar to existing blocks within the estate, would follow an established building line and would retain a similar separation between the rear elevation to the boundary with the Sternberg Centre to the rear. As such, it is considered that the proposed development would be consistent with the pre-existing built form in the estate. Furthermore, it would be largely obscured from Basing Way (the central estate route) by existing blocks to the south and as such would not be harmful to the wider streetscene and estate character.

The demolition of the existing garage block and the removal of the means of enclosure around the existing car park would allow for a more spacious character between the three existing blocks and the additional block. The scheme provides an opportunity to provide additional landscaping within the parking courtyard that would ameliorate the visual impact that the proposed development might generate. In addition, the proposed development gives rise to an opportunity to fully enclose the existing substation which would improve its appearance and would reduce any visual impact that this structure may have.

Although the site is not located in a conservation area, the adjoining site to the northwest, incorporating Manor House within the Sternberg Centre is a listed building. The boundary around the site is therefore part of the listed curtilage. This runs along the northwestern side of the Basing Way estate and has part collapsed. A mesh fence also runs along this boundary closer to the Basing Way estate. A planning application (16/2455/FUL) and a Listed Building Consent (16/2456/LBC) have been submitted to the London Borough of Barnet for their restoration. It is considered that the proposed development would not affect the setting, interest or value of this heritage asset.

On this basis, the proposed development is considered to be acceptable to the character and appearance of the immediate surroundings and would not harm or detract from the visual amenity of the area.

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

The design and layout of the proposed building has been developed to have regard to the amenity of the existing occupiers of the adjoining blocks.

The proposed development is situated over 40m away from the facing elevation of the block to the southeast and as a result, it is considered that there would not be any harm to privacy arising from overlooking for these blocks at 134 - 156 Basing Way. However, the blocks that lie perpendicular to the proposal at 110 - 132 Basing Way and 158 - 180 Basing Way would be affected particularly closer to the proposed development. Proposed balconies would therefore be fitted with side screens to prevent overlooking to these residents. Any windows to the flank elevation would be obscured glazed.

In respect of daylight and sunlight, the most affected blocks are 170 - 192 to the southwest and 98 - 120 to the northeast. The application has been supported by a daylight and sunlight assessment which has been carried out in accordance with the Building Research Establishment (BRE) guidelines for daylight and sunlight in site layout planning and development. The assessment has reviewed the likely impact on daylight using the Vertical Sky Component which suggests that this should not be any less than 27%. These daylight levels have mainly been achieved. However, where there is not the case, this is mitigated by the fact that affected windows are either not habitable rooms or are the secondary windows to rooms where a window meets the assessment standards. Given the position and orientation of the development it would not be required to undertake an assessment for loss of sunlight to the proposed development.

The existing car park is surrounded by an area of green space which to some extent serves as a grassed amenity area around the car park. The proposed development would significantly reduce this amenity. However, the application brings forward an area of newly landscaped communal amenity to the rear of the new development. In addition, an opportunity exists to provide new compensatory landscaping elsewhere in the Basing Way estate within future development schemes.

New tree planting will be provided within the scheme and the new car parking area will be surrounded by planting to ensure that the visual amenity is ameliorated.

The scheme proposes the enclosure of the existing substation which would be retained in situ. The enclosure of this facility would reduce the level of impact on existing adjoining buildings in relation to noise and electro magnetic current. As a result, this should be seen to be a planning benefit in this context.

An objection has been raised against the proximity of the proposed development to the boundary of the site on the basis that the rear elevation would be less than 10.5m from the rear boundary. Although it is acknowledged that the site is less than 10.5m from the shared boundary, it is not relevant to subject the proposal to this test on the basis that this elevation would not give rise to an impact on adjoining residential properties and there is a robust and obscure screen between the sites.

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

Each of the proposed fourteen new residential units exceed the standards for internal floorspace set out in the London Plan (as modified in March 2016). Each two bed, three person unit would have an internal floor area of 62sq.m while the two wheelchair units on the ground floor would have a floor area of 73sq.m which is greater than the standard of 61sq.m set out in the London Plan (MALP 2016).

Each unit benefits from either a private balcony facing southeast at the first to third floors. Each of the two ground floor units have a screened private garden area. All occupants would benefit from communal open space situated to the rear of the building.

All units would be dual aspect with living rooms, kitchens and dining rooms facing southeast and would therefore be in receipt of daylight. Bedrooms would face towards the northern boundary of the site and the Sternberg Centre which is considered to be acceptable given the lesser demand for daylight and sunlight within these rooms. No primary room windows would need to be obscure glazed.

A daylight and sunlight assessment has been provided with the application which considers the average daylight factor and daylight distribution for each room based on the BRE Guidelines for sunlight and daylight in respect of site layout planning. The site is constrained by the dense tree planting situated on the boundary to the Steinberg Centre to the northwest and the substation to the front of the block some of which is subject to Tree Preservation Orders. In addition, there is a substation to the front of the property which would be retained in situ. As such, these two factors are considerations in respect of the ability of proposed units to receive an acceptable standard of daylight and sunlight. However, it should be noted that the planning application 16/2455/FUL proposes that six trees would be felled close to the mutual boundary between the site and the Sternberg Centre including two substantial trees directly to the rear of the proposed footprint. Nevertheless, this application is still pending consideration and is only a material consideration of minor weight in the overall planning balance. However, irrespective of the proposed development's siting and layout, the submitted daylight and sunlight assessment demonstrates full compliance for every window in respect of the BRE guidelines set out above.

The proposed development retains a substation which would be within 7m of the nearest residential units. Industry standards suggest that this separation distance should be at least 10m. However, suitable mitigation measures would assist in preventing harm to amenity or health. A planning condition will be imposed on the planning permission to require the provision of information to demonstrate that the substation would not give rise to any harm in respect of the noise impact. Furthermore, the Environmental Health officer has recommended that a condition should be imposed on the planning permission to require the submission of a report for Local Planning Authority Approval in respect of the electromagnetic radiation impacts and the implementation or introduction of necessary mitigation measures if necessary. Furthermore, the Environmental Health officer recommends the undertaking of a ground investigation report in relation to contamination.

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

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide twelve car parking spaces for the development. The provision of two wheelchair units would also require the provision of two disabled car parking spaces which are provided adjacent to the proposed development and have step free access to the units which they serve.

The applicant has advised that the 10 existing garages on the site are not suitable for the parking of modern cars and access to them when situated within the garage. There is no restriction on the way that garages which have been let to residents can be used and as a result, Barnet Homes has assumed that some garages may not be used for the purposes of car parking. Furthermore, of these 10 garages, four are being used for the purposes of storage by Barnet Homes. Eighteen car parking spaces are being provided expressly for the new development with the remaining parking being compensatory parking for the 15 existing parking spaces within the development.

The applicants have also commissioned a parking survey which took place on the 23 - 24 February (during school term) in accordance with policy DM17 and established methodology which has determined that the parking stress does not exceed 83% and is therefore acceptable to accommodate any overspill parking that may occur.

Information provided with the application demonstrates that refuse and emergency vehicles would satisfactorily access the proposed development and service the existing properties within this part of the estate.

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

The site is highly vulnerable development. However, it is located in a Flood Risk Zone 1 area and is therefore appropriately sited to eradicate risks of flooding to residents living on the ground floor of the proposed development.

As the application is for a major development (of 10 or more units), a Sustainable urban drainage system would be required in compliance with the Government's Written Ministerial Statement of 18 December 2014, policies 5.13 and 5.14 of the London Plan and policy CS13 of the Local Plan Core Strategy (2012).

The application has provided water storage of approximately 400litres within the rear garden. The Council's drainage consultee has requested that additional rainwater storage should be provided. In addition, a detailed strategy for surface water run off should also be provided within the planning application. The recommendation for planning permission set out in this report will therefore also include conditions which require the provision of further information, prior to the commencement of development.

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. The substantial part of the proposed saving arises from the use of photovoltaics at roof level. No details of the photovoltaics at roof level are provided on the

submitted proposed roof plan and a condition would be required for detailed drawing showing the position and orientation of this provision.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. In this case, two flats at the ground floor would be M4(3) compliant while the twelve flats at the 1st, 2nd and 3rd floor level would not be M4(2) or M4(3) compliant. The London Plan states in policy 3.8 that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, the scheme can fall back to the implementation of standard M4(1). Given that the proposed development would need to provide a lift which would undermine the objective of delivering 100% affordable housing, affordable to tenants who are nominees from the London Borough of Barnet, it is considered that that policy 3.8 of the London Plan supports the provision of units complying with standard M4(1).

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

Trees and landscaping

An arboricultural impact assessment as well as a landscaping plan and strategy have been provided to support this planning application. The application is supported by a tree constraints plan which identifies two trees of Category B (moderate quality) just beyond the rear boundary with a canopy overhanging the site. Each of these trees are approximately 14m - 15m in height and have a canopy radius of approximately 7m. The report suggests that no work would be carried out to these trees to facilitate development. Tree protection measures would be implemented to ensure that construction would not conflict with the viability and vigour of these trees. The report does however, suggest that some reduction may be required to the southeastern crowns to retain suitable building clearance. However, it is considered that this would not be harmful to these trees which are not subject to protections because of their amenity value and are not highly prominent in the public realm. A third tree within the site area is recommended for removal on the basis that it is of poor quality and has a high risk of tree failure. It is considered that the trees situated within the Sternberg Centre, subject to a Tree Preservation Order would not be affected by the proposed development.

The application proposes a number of replacement trees within the development, and these are identified to be located within a landscaping strip in the new car park. Notwithstanding this proposed landscape plan which is considered to be largely indicative, recommendation for planning permission should be supported by a new condition requiring details of landscaping including species of planting and new trees where appropriate.

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 sq.m 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 sq.m.

However, as the development is for social housing floorspace, the CiL regulations (2010) exempt such development from being liable.

Response to public consultation

Concerns have been raised in relation to the impacts on amenity arising out of the construction process. This includes the introduction of new vehicles, plant and structures associated with the process of development, the impact of noise, the loss of privacy and damage that may be caused to buildings by development. The recommendation for planning permission is supported by a condition requiring a Method of Construction Statement.

An objection has been raised in relation to the impact of the proposed development on wildlife. The application has been supported by an ecological impact assessment. A habitats survey was carried out in relation to the habitat potential of the existing buildings within the site and also what potential was sustained by the natural landscape at the rear of the site and the potential for the site to act as a corridor to and from known habitats in the wider area.

The survey has established that the area of woodland beyond the boundary has been designated as priority deciduous woodland habitat which acts as a natural buffer between sites and should be retained and protected throughout development. The Tree Protection Plan would secure this. There are bat habitats in the wider area beyond the site, however, the survey has established that there is negligible bat roosting potential within the site, although the woodland beyond the site boundary may have potential for commuting, foraging or roosting bats. Therefore any lighting should not be directed towards the woodland. No potential for fauna was established within the site and it is concluded that the site would not accommodate this. As such, subject to an appropriate control of lighting, there would not be any impact on known ecology. Nevertheless, a range of recommendations are outlined to protect some species of flora and fauna. The report also sets out a list of recommendations for habitat enhancement to improve the future biodiversity potential of 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.

