

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

Reference: **17/3721/S73**

Received: 12th June 2017

Accepted: 12th June 2017

Ward: Finchley Church End

Expiry 11th September 2017

Applicant: Open Door Homes

Proposal: Variation/Removal of condition 1 (Plan Numbers) 4 (Mechanical Ventilation/Extraction Equipment) 16 (Wheelchair User Dwellings) Removal of 18 (Acoustic Barriers) 20 (Noise) and 23 (Car Parking Management) of planning permission 16/3250/FUL dated 07/02/2017 for 'Demolition of existing garages and redevelopment to provide a 4-storey building comprising 14 no. self-contained flats with associated landscaping, car parking, cycle and refuse storage; and enclosure of existing electrical substation within a new structure.' Variation to include relocation and housing of substation; reorganisation of car parking layout; conversion of 1 x 2-bed wheelchair unit to standard 2-bed unit; relocation of ramp from front to rear; substitution of 1 x blue badge parking bay for 1 x standard parking bay; and amendments to the wording of Conditions 1, 4, 16, 20, and 23.

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a deed of variation to the planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation, agreed in association with 16/3250/FUL, 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 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.
- 4 Monitoring fee: £500.00

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

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 B; 15-290-02 D01-050 Rev B; 15-290-02 D01-051; 15-290-02 D01-100 Rev B; 15-290-02 D01-101 Rev B; 15-290-02 D01-200 Rev A; 15-290-02 D01-201 Rev B; 15-290-02 D01-202 Rev B; 15-290-02 D01-203 Rev B; 15-290-02 D01-300 Rev B; 15-290-02 D01-500; 12330-CRH-Z1-00-DR-D-6175 P3; 12330-CRH-Z1-00-DR-D-6179 P2; 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 the original planning permission which was granted on 7 February 2017.

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, in the event that there is a requirement for it to be installed 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 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.

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 in accordance with the approved drawings, 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 2016.

14 Prior to the first occupation of the development the flats 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 2016.

15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating 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 (2016).

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, Unit 0.02 only shall 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), and Unit 0.01 shall be constructed in accordance with Part M4(2) of the Building Regulations. 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 Following the approval of Phase II Geo-Environmental Risk Assessment Project no. 16-277.02 (revision A dated 09/01/2017) pursuant to Part 1 (Desktop Study and Conceptual Model) of Condition 17 of planning permission 16/3250/FULL, which was approved under London Borough of Barnet reference 17/2721/CON on 11 July 2017, the requirements of Part 2 (d) of that condition shall continue to apply, as follows:

Before the development is first occupied, a report that provides verification that the required decontamination works have been carried out, shall be submitted to and approved in writing by the Local Planning Authority.

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 Policy 5.21 of the London Plan 2016.

18 The level of noise emitted from the 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.

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 above ground works following demolition 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 2016.

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 Prior to the occupation of the development a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented in full.

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 Demolition and construction work shall be carried out only in accordance with the following documentation, prepared by Bugler Developments, that was approved under London Borough of Barnet reference 17/2722/CON on 13 June 2017, pursuant to Condition 24 (Demolition and Construction Management and Logistics Plan) of planning permission 16/3250/FUL:

- CONSTRUCTION METHOD STATEMENT & MANAGEMENT PLAN; and
- SITE SET-UP & LOGISTICS PLAN (spelt as on the submitted plan),

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 a 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

30 No part of the new development may be occupied until a Strategy for the provision of at least 10% of new flats to Building Regulations M4(3) wheelchair accessible standards across all of Open Doors Homes current and proposed developments has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Strategy as they pertain to the application site shall then be permanently retained.

Reason to provide sufficient housing that meets Building Regulations M4(3) standard (wheelchair accessible), in accordance with Policy 3.8 of the London Plan 2016.

RECOMMENDATION III:

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. 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 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 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.

- 8 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.
- 9 Provision of a new footway or modification of the existing footway shall be Disability Discrimination Act (DDA) compliant.

Officer's Assessment

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 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 wall between both sites is also listed.

Car parking is currently 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

The site has the following planning 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, 14th January 1998.

C13088A - Conditional planning permission granted for the replacement of existing windows with UPVC windows, 8th May 2008.

F/05871/13 - Conditional planning permission granted for the conversion of existing garages into a caretaker's office, 14th February 2014.

17/2069/NMA - Non material amendment to planning permission 16/3250/FUL dated 07/02/17 for 'Demolition of existing garages and redevelopment to provide a 4-storey

building comprising 14 no. self-contained flats with associated landscaping, carparking, cycle and refuse storage; and enclosure of existing electrical substation within a new structure.' Amendment to include relocation and housing of substation, re organisation of car parking layout, conversion of 1no 2 bed wheelchair unit to standard 2 bed unit, relocation of ramp from front to rear, substitution of 1no blue badge parking bay for 1no standard parking bay, and amendment to wording of conditions 1,4,16,20 and 23. Withdrawn.

16/3250/FUL Demolition of existing garages and redevelopment to provide a 4-storey building comprising 14no. self-contained flats with associated landscaping, car parking, cycle and refuse storage; and enclosure of existing electrical substation within a new structure. Approved, 8th February 2017

17/2719/CON Submission of details of condition 3 and 6 (Materials) pursuant to planning permission 16/3250/FUL. Pending consideration.

17/2721/CON Submission of details of condition 17 (Desktop Study, Part 1 - Land Contamination) pursuant to planning permission 16/3250/FUL. Details approved, 14 July 2017.

17/2722/CON Submission of details of condition 24 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 16/3250/FUL. Details approved, 13 June 2017.

17/3355/CON Submission of details of condition 5 (Fenestration) pursuant to planning permission 16/3250/FUL. Withdrawn.

3. Proposal

This application seeks material amendments to the recent planning permission, ref. 16/3250/FUL, which is noted above. Like that permission, it involves the demolition of the existing garages block and caretaker's office and the erection of a four storey block of 14 self contained flats, along with the laying out of a new surface car park with 32 spaces. The key material change is the relocation of a substation. The accommodation to be provided will also be amended; whereas in the approved layout there would be two ground floor wheelchair flats designed to standard M4(3), in this application only one of these flats would meet that accessibility standard. The justification for this is discussed in Section 5 of this report. Alongside these changes the car parking layout would also be adjusted to reflect the new location for the substation and requirement for fully accessible car parking spaces, which is also reduced from two to the one space required to serve the single M4(3) standard that would be provided as part of the development.

The proposed accommodation mix would therefore comprise a total of 14 x 2 bedroom units, including the wheelchair flat. 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 would be installed on some of the balconies to prevent 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.

The existing substation will be rehoused in a permanent structure within the car park. This area is partially enclosed on three sides by three existing buildings comprising existing flats at Basing Way; these are numbers 110 - 132 to the north-east, 134 - 156 to the south-east and 158 - 180 to the south-west. The relocated substation would be just under 9m from the closest part of the building comprising numbers 134 - 156, and approximately 18m from the other two buildings. Access to the substation would be provided through 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, while refuse and recycling storage for the new building will be provided within the ground floor level of the new building, with level access obtained from the front of the building. There will also be minor changes to the pedestrian access to the new building, with the steps and ramps into the building amended to reflect the relocation of the substation and the change in the number of wheelchair flats to be provided.

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

4. Public Consultation

Consultation letters were sent to 222 neighbouring properties.

Letters of objection from two neighbouring addresses had been received at the time of writing. The neighbour consultation period remains open until the date of the Committee meeting, and any additional letters that are received up until midday on the day of the meeting will be reported in the Addendum report, while any letters received after that time will be reported verbally to the Committee.

The comments received at the time of writing can be summarised as follows:

- The existing congestion in the area will be exacerbated by the 14 additional flats. Existing residents will have to park further away from their homes.
- Insufficient garden space.

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 Government's 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 2016

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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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. The following are relevant to this scheme:

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 October 2016.

- Relevant Core Strategy DPD Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies DPD: 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 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.

Mayor of London's Housing SPG

- This sets out a range of Standards for residential development in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The main issues for consideration in this case relate to whether the changes in the scheme from those approved in planning permission 16/3250/FUL are acceptable, and whether the proposed amendments have any other impacts on the conclusions of the assessment of the scheme under the previous application. These are considered as follows:

- The relocation of the electrical substation;

- The changes in the accommodation to be provided;
- The changes in the car parking layout; and
- Whether the proposed amendments would result in any other impacts as compared to those approved in planning permission 16/3250/FUL.

These are considered here in turn:

The relocation of the electrical substation

The proposed relocation of the electrical substation would result in it being further from the new residential building and closer to the existing flats. Minimum separation from the closest of the nearby buildings, numbers 134 - 156 Basing Way, would be 9m. A number of environmental controls are provided in the existing permission that relate to the overall development, with condition 4 related to mechanical ventilation and extraction equipment), conditions 18 and 19 related to acoustic barriers, condition 20 to noise and condition 21 to electromagnetic radiation. This set of conditions does not differentiate between the requirements for residents within the new residential building and impacts from the substation, which in the approved scheme is located adjacent to the new building, and the requirements for conditions 18 and 19 while both relate to acoustic barriers they seek to achieve similar results through slightly different requirements. Advice from the Environmental Protection Officer is that the removal of condition 18 would be acceptable, but a more general limitation on noise from plant should be provided in its place. The conditions recommended above provide sufficient scope for the review of any noise impacts that could potentially result for existing residents, and with these conditions in place, the impacts of the substation in its new position would be fully acceptable.

The changes in the accommodation

The proposed accommodation would be amended to provide a single wheelchair flat instead of the two wheelchair flats in the extant permission. The total accommodation to be provided would remain at 14 no. two-bedroom flats including the wheelchair accessible unit. London Plan Policy 3.8 seeks at least 10% of new flats to meet Building Regulations M4(3) standard (wheelchair accessible). The extant permission with two out of 14 flats would exceed this standard, while the reduction to a single wheelchair accessible flat in this proposal would result in there being under 10% in the new building. Open Doors Homes have undertaken to provide at least 10% of units across all of their developments as to part M4(3) wheelchair accessible standard, which is considered to be an acceptable approach in terms of meeting the policy aim. An additional condition is recommended above which requires a strategy to be put in place before the development is first occupied, which will ensure that this is achieved. Subject to this condition the cross-development approach to achieving the London Plan Policy 3.8 requirement is considered to be acceptable.

The changes in the car parking layout and access to the building

As already noted, the car parking layout would be adjusted to reflect the new location for the substation, and the provision of one rather than two wheelchair accessible flats would be reflected in the provision of one disabled user-standard car parking spaces rather than two as previously. There would be some minor amendments to the access to the development, reflecting the relocation of the substation away from the building and the need for wheelchair access to only one of the ground floor flats. The application also requests an amendment to condition 23, to vary the timing of submission and approval of a Car Parking Management Plan. Both of these changes are considered to be acceptable,

subject to a requirement to carry out the approved details also being added to condition 23.

Whether the proposed amendments would result in any other impacts as compared to those approved in planning permission 16/3250/FUL

In approving the previous application, members determined that the following aspects of the proposal were acceptable:

- the principle of the development, including affordable housing;
- character and appearance;
- the living conditions of neighbouring residents;
- the amenities of future residents;
- impact on highway and pedestrian safety;
- security in the vicinity of the site;
- provision for drainage; and
- sustainability.

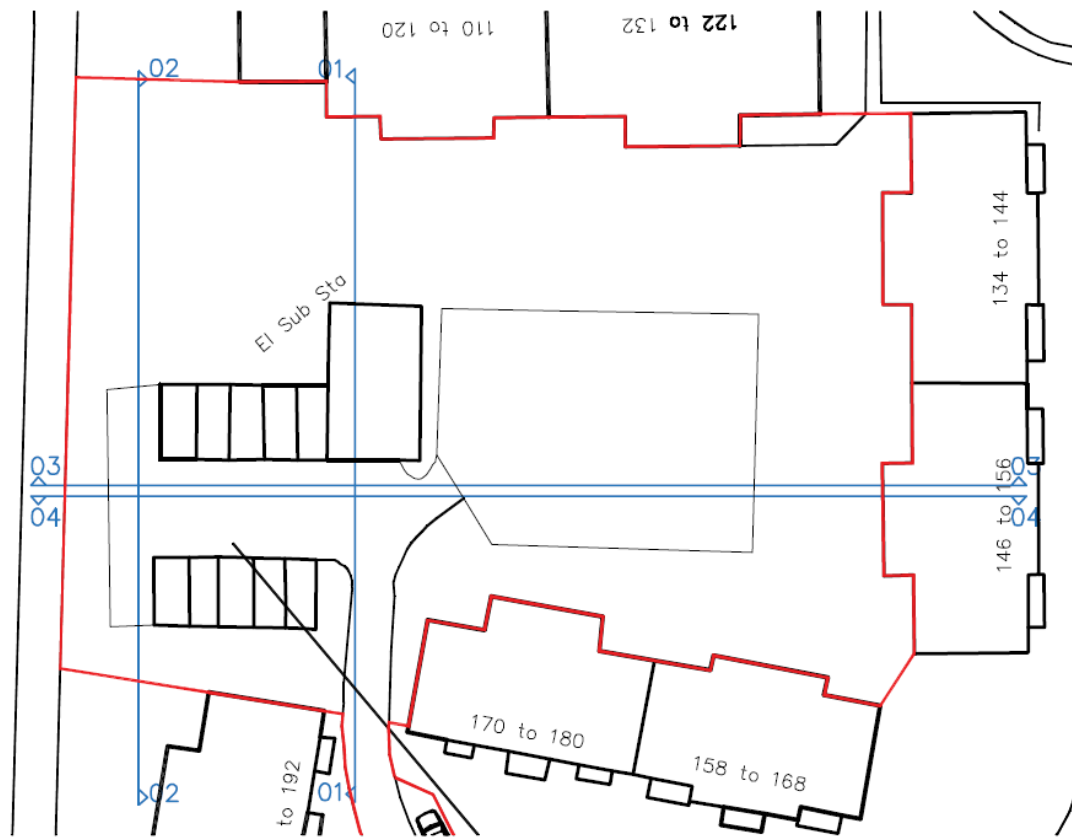
Other than the material changes considered in the previous discussion in this report, other changes are minor and non-material in nature. There is nothing in the proposed amendments that alters the assessment in the previous application, and the principle of the acceptability of the application remains unchanged. In addition, as it is only the conditions cited in the application description which are to be amended by this application, subject to the conditions in the extant permission being carried over to the new permission to cover these remaining matters, the previous assessment of these issues remains robust and these parts of the previous decision are therefore not for reconsideration as part of this application.

6. 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.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed changes to the extant permission are acceptable. Subject to conditions, the changes are not considered to have an adverse impact on the amenities of neighbouring occupiers, and the application is therefore recommended for approval, subject to conditions.



Existing