

<u>MEETING</u>
PLANNING AND ENVIRONMENT COMMITTEE
<u>DATE AND TIME</u>
MONDAY 22ND APRIL, 2013
AT 7.00 PM
<u>VENUE</u>
HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

The planning application at 1009 Finchley Road, London, NW11 7HB (F/04394/12) was originally referred to the 9 April 2013 West Area Planning Sub-Committee. The Sub-Committee did not have time to transact all the business on agenda before the 10.30pm cut off. As a consequence this application was not determined on the night.

With the agreement of the Chairman of the Planning and Environment Committee, the application is referred to the Planning and Environment Committee as an urgent item to enable a decision to be reached before the introduction of Barnet Community Infrastructure Levy (CIL).

Item No	Title of Report	Pages
12.	<p>ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT</p> <p>Planning application at 1009 Finchley Road, London, NW11 7HB (F/04394/12)</p>	1 - 16

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LOCATION: 1009 Finchley Road, London, NW11 7HB

REFERENCE: F/04394/12

Received: 21 November 2012

Accepted: 21 November 2012

WARD: Golders Green

Expiry: 20 February 2013

AGENDA ITEM 12

**Final
Revisions:**

APPLICANT: Finchley Road Ltd.

PROPOSAL: Demolition of existing buildings and redevelopment to contain a 3-storey building including a basement with 2no. lightwells and a plant room for a house in multiple occupation comprising 21 bed-sit units. Provision of 2no. car parking spaces, 18no. cycle storage area and refuse bins.

APPROVE SUBJECT TO COMPLETION OF UNILATERAL UNDERTAKING

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Health** **£13,989.00**
A contribution towards Health Facilities and Resources in the borough
- 4 **Libraries (financial)** **£1,946.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Highways (traffic order)** **£2,000.00**
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 6 **Monitoring of the Agreement** **£896.75**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/04394/12 under delegated powers subject to the following conditions: -

1. Planning Statement from Apcar Smith Planning, Planning Photos from Wolff Architects, Design and Access Statement from Wolff Architects, Sustainability Checklist, 0720-EX-100 Rev: A, 0720-EX-101, 0720-EX-102, 0720-EX-111 Rev: A, 0720-EX-112 Rev: A, 0720-EX-113 Rev: A, 0720-EX-114 Rev: A, 0720-EX-121 Rev: A, 0720-EX-122 Rev: A, 0720-PL-200 Rev: N, 0720-PL-201 Rev: N, 0720-PL-202 Rev: N, 0720-PL-203 Rev: N, 0720-PL-211 Rev: N, 0720-PL-212 Rev: N, 0720-PL-213 Rev: N, 0720-PL-214 Rev: N, 0720-PL-221 Rev: N, 0720-PL-222 Rev: N and 0720-PL-600.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

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

Reason:

To safeguard the visual amenities of the locality.

5. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

6. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

7. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.30 pm on Saturdays, or before 8.30 am or after 5.30pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

8. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

9. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

10. Part 1

Before development commences other than for investigative work:

- a. A desktop study 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 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

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.

11. Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the LPA. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings.

12. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

13. The level of noise emitted from the ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of the nearest room of an existing neighbouring property at the time of this decision notice.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (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 the nearest room of an existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

14. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the LPA for approval, that assesses the likely noise impacts from the development of the plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the LPA can fully audit the report and critically analyse the contents and recommendations.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

15. Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler shall be submitted to and approved by the LPA. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the LPA prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

16. Before the House in Multiple Occupancy hereby approved is occupied, access to the rear garden shown on the hereby approved drawings shall be provided and maintained to the south of the site and the area to the north of the site shall only be accessed for the parking of bicycle or maintenance purposes.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

17. The hereby approved layout shall remain as shown on the hereby approved drawings and no cooking or kitchen facilities shall be installed within the rooms unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the residential amenity of future occupiers and existing occupiers of surrounding properties.

18. The building hereby approved shall only be used for the purposes of a House in Multiple Occupancy with non-self contained sleeping accommodation as shown on the hereby approved drawings unless otherwise agreed In writing by the Local Planning Authority.

Reason:

To protect the residential amenity of future occupiers and existing occupiers of surrounding properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following polices are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4, CS5 and CS9.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM07, DM08, DM09 and DM17.

ii) The proposal is acceptable for the following reason(s): -

The proposal would result an appropriate building on the application site, in character with the surrounding area generally and would not be detrimental to the residential amenity of neighbouring occupiers. The proposal accords with council policy with regards to Houses in Multiple Occupancy in that it offers acceptable standards of amenity for its occupiers and would not detrimentally impact on the residential amenity of neighbouring occupiers. The proposal is acceptable on Highways grounds.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case, formal pre-application advice was sought prior to submission of the application.

2. The landlord/agent should seek guidance from the fire officer on this matter if they have not already done so, as the new Regulatory Reform (Fire Safety) Order 2005 puts responsibility on the person having control of a premise to reduce the risk of fire.
3. The landlord/agent should seek guidance from the Council's Environmental Health department on 0208 359 7409 to license the site under Houses in Multiple Occupancy legislation.
4. Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Department of Communities and Local Government website at www.communities.gov.uk.
5. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
6. 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;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 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.

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.

7. Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2 nd Floor, Oakleigh Road South, London N11 1NP
8. The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
9. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £14,560.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

RECOMMENDATION III

That if an agreement has not been completed by 30/04/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/04394/12 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

1. MATERIAL CONSIDERATIONS

[The Community Infrastructure Levy Regulations 2010](#)

[National Planning Policy Framework](#)

[The Mayor's London Plan: July 2011](#)

[Core Strategy \(Adoption version\) 2012](#)

Development Management Policies (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5 and CS9.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM09 and DM17.

The council's SPD's on Planning Obligations (2006), Education (2008), Libraries (2008), Healthcare (2009) and Sustainable Design and Construction (2007). The council's Draft SPDs on Sustainable Design and Construction (2012) and Residential Design Guidance (2012) are also relevant here.

Relevant Planning History:

Application:	Planning	Number:	C/02708/U/08
Validated:	01/02/2008	Type:	APF
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Demolition of existing building and erection of a detached three-storey, plus basement building for house of multiple occupation for seventeen bedsits.		

Application:	Planning	Number:	F/01852/11
Validated:	10/05/2011	Type:	APF
Status:	PDE	Date:	
Summary:	APC	Case Officer:	David Campbell
Description:	Extension to the time limit for implementing planning permission reference F/02760/08 dated 22/09/2008 granted for demolition of existing building and erection of a detached three-storey, plus basement, building for house of multiple occupation for eighteen bedsits.		

Application:	Planning	Number:	F/02760/08
Validated:	06/08/2008	Type:	APF
Status:	DEC	Date:	24/09/2008
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Demolition of existing building and erection of a detached three-storey, plus basement, building for house of multiple occupation for eighteen bedsits.		

Consultations and Views Expressed:

Neighbours Consulted: 198
Neighbours Wishing To 1
Speak

Replies: 9

The objections raised may be summarised as follows:

- Traffic, parking and access.
- Increase in the number of people on site.
- Over development/ Too dense
- No consultation on previous decisions
- Increase in crime
- Noise and disturbance
- Loss of neighbouring amenity
- Inappropriate use, family homes are needed instead.
- Character, scale and appearance.

Internal /Other Consultations:

- Traffic & Development - No objections subject to conditions.
- Environmental Health - No objections subject to conditions.
- HMO Team – No objections, information only

Date of Site Notice: 06 December 2012

2. PLANNING APPRAISAL

Site Description and Surroundings: The application site is a detached building close to the junction of Finchley Road and Portsdown Avenue and opposite Dingwall Gardens. The site is within metres of Temple Fortune Town Centre which expands to the north of Portsdown Avenue.

The existing building is a two storey structure used as self-contained flats without the benefit of planning permission. The land slopes down from Finchley Road towards the rear garden.

1011 Finchley Road is a detached building used as a school over two storeys plus accommodation within the roofspace. 1005-1007 Finchley Road is a dental surgery at ground floor level with flats above. The area is characterised by different type of buildings and with different types of tenures

Proposal: The application seeks consent for the demolition of the existing buildings and redevelopment to contain a 3-storey building including a basement with two lightwells and a plant room for a house in multiple occupation comprising 21 bedsit units, provision of two car parking spaces, 18 no. cycle storage area and refuse bins.

Planning Considerations:

As the site already has permission for an HMO, it is considered that the application is acceptable in principle.

Principle/ Use as an HMO:

The proposed House in Multiple Occupancy (HMO) comprises 21 rooms with shared kitchen and cooking facilities. The original use was of a one single family dwelling. The proposal includes two off street parking spaces to the front and all units have access to the garden at the rear which provides good standards of amenity for future occupiers. Access to the side of the building where there are no habitable room windows is considered acceptable. The Council's Environmental Health department confirmed as part of the previous application that the property may be licensable under the new HMO legislation.

The property is located in very close proximity to a town centre where council policy encourages Houses in Multiple Occupancy where services and transport links are easily accessible. The site is in an area characterised by a mixed type of accommodation. Council Policies regarding Houses in Multiple Occupancy (HMO) also state that they should be located to meet an identified need, have a minimal impact on the amenities of neighbouring occupiers and be easily accessible by public transport. The application site is located within walking distance of Golders Green underground station and local services on Finchley Road and is not considered to have a harmful effect on the character of the surrounding area. The units provide an affordable and good standard of accommodation and meet size requirement under the new HMO licensing legislation. The rooms would provide sufficient levels of amenity for future occupiers. It is also considered that rooms in the basement (semi basement at the rear due to natural level changes on the site) giving onto the large lightwell would receive sufficient levels of natural light.

Overall, it is considered that the use in this location is in line with Council policy and would not detrimentally impact on the residential amenities of neighbouring occupiers.

Character and Design:

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by Policy DM01 advocates that the design and layout of the proposal should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene. The size, height, mass and appearance of the new building should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

Although the proposed building would have a larger footprint than existing and the previously approved scheme, it is considered that the site can accommodate this increase in floorspace without detriment to the area. Its rear wall would align with the rear wall of 1005-1007 Finchley Road and as such would not cause harm to the amenity of neighbouring residents. The projection closest to the school at 1011 Finchley Road would ensure that sufficient amounts of light remain for classrooms.

The proposed massing of a two storey building plus rooms in the roofspace and semi-basement would ensure that the building fits in appropriately within the streetscene. There are therefore no objections to the extensions of the building at the rear.

The proposed design replicates design features from surrounding buildings and the previous approval and as conditioned would provide an appropriate replacement from the existing building. The proposed front elevation includes a three storey gabled feature to replicate the one at 1005-1007 Finchley Road. The proposed front dormer is considered appropriate in size, position, design and finish and would be in character with the surroundings where there are other examples of front dormers. There are also no objections to the proposed basement.

It is considered that the proposal would respect the setting of surrounding buildings and would not impact detrimentally on the character and appearance of area.

Traffic, Access Parking and Refuse:

The provision of two parking spaces in this town centre location highly accessible by public transport is considered acceptable for the type of units proposed subject to an agreement to prevent future occupiers to purchase residents permits including a contribution of £2000 towards the change of the parking order. The council in consultation with the Traffic and Development Team may also require the submission of a Travel Plan, which may be included within the Section 106.

The applicant has also provided information with regards to refuse storage location of containers which meet the council's standards. This is also considered to be acceptable.

There are no other objections relating to highway matters.

Contributions:

The scheme would provide residential units that are not considered to generate an increased demand for educational facilities in the area. It is therefore considered that a contribution towards the provision of education facilities would not be justified on this occasion.

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer's contributions are therefore necessary to ensure service provision mitigates the impact of their development activity. The Council's adopted Supplementary Planning Document "Contributions to Library Services" sets out the Council's expectations of how developers will be able to contribute to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support people's educational, cultural and information needs.

Circular 5/2005 "Planning Obligations" supports the use of developer's contributions to mitigate the impacts of new development, where it would give rise to a need for additional or expanded community infrastructure. It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

The scheme would provide residential units that it is considered would generate an increased demand for health care facilities in the area. The Council's SPD "Contributions to Health Facilities from Development" adopted in July 2009 sets out capital contributions per residential unit.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of community infrastructure provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

It is considered that a financial contribution towards health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

The library services, health facilities and any associated monitoring contributions are would be secured by a section 106 agreement.

These contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- Previous applications on the site contained significantly more parking spaces but were for a different use. The Traffic and Development Team raise no objections on to the amount of parking proposed.
- The council's Traffic and Development Team have commented on the application and have no objections to the traffic, access and parking implications of the scheme.
- The number of people and the density for the site is considered to be acceptable and only an increase of 3 rooms from the consented scheme.
- There is not considered to be an issue with previous decisions, which are therefore a material planning consideration.
- It is not considered that evidence could be gathered to demonstrate that there will be an increase in crime and antisocial behaviour as a result of the application.
- It is not considered that the application would give rise to increase noise and disturbance given the properties location on the busy Finchley Road.
- It is not considered the application will lead to loss of neighbouring residential amenity.
- It is considered that the use is appropriate for the area, which contains many different types of housing tenure. It is not considered that the application could be refused on being out of character.
- The area needs a variety of different housing options, including cheaper forms of accommodation such as HMOs. The area needs more affordable housing and it is considered that the form proposed is acceptable.

- The character, scale and appearance is considered to be acceptable.

4. EQUALITIES AND DIVERSITY ISSUES

None raised.

5. SECTION 106 ISSUES

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

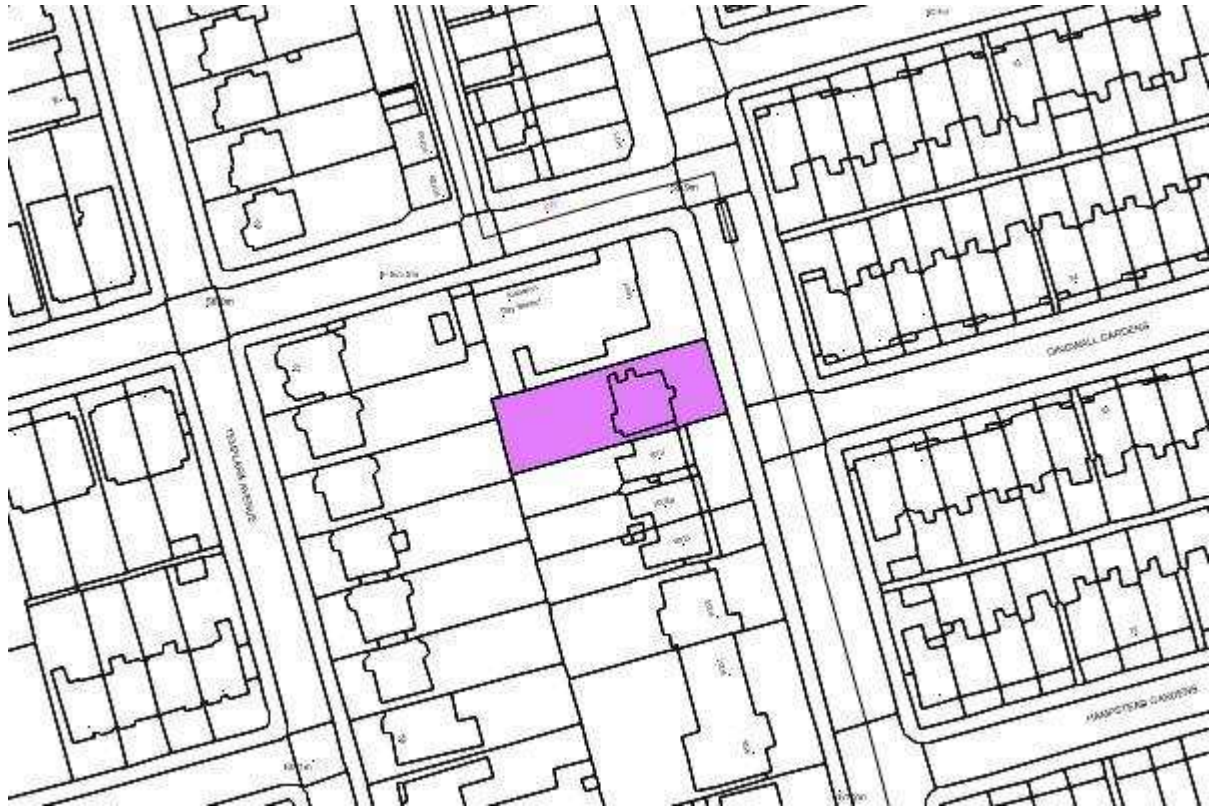
6. CONCLUSION

The proposal would result an appropriate building on the application site, in character with the surrounding area generally and would not be detrimental to the residential amenity of neighbouring occupiers. The proposal accords with council policy with regards to Houses in Multiple Occupancy in that it offers acceptable standards of amenity for its occupiers and would not detrimentally impact on the residential amenity of neighbouring occupiers. The proposal is acceptable on Highways grounds.

It is therefore recommended the application be **APPROVED**.

SITE LOCATION PLAN: 1009 Finchley Road, London, NW11 7HB

REFERENCE: F/04394/12



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