LOCATION:	R/O 698 Finchley Road, London, NW11 7NE	
REFERENCE:	F/01413/13	Received: 09 April 2013
		Accepted: 17 April 2013
WARD(S):	Garden Suburb	Expiry: 12 June 2013
	Final Revisions:	
APPLICANT:	Walnut Investments Group Limited	

**PROPOSAL:** Erection of a four storey building comprising 9no. self-contained residential units, including 2no car parking spaces, refuse area and cycle storage.

## **RECOMMENDATION:** Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: P-100, P-101, P-200, Design and Access Statement dated April 2013, Arboricultural Report and Method Statement dated March 2013.

Reason:

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

2 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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

5 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 in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

7 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

8 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

9 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

10 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity

feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Prior to the commencement of development a scheme for foul water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the approved flats.
  - Reason:

To ensure adequate foul water drainage at the site.

11 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to. Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 12 Prior to the commencement of development a scheme for surface water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the approved flats.
  - Reason:

To ensure adequate surface water drainage at the site.

12 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval. Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

13 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.

14 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012).,the

adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

15 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

16 Before the development hereby permitted is occupied the parking spaces shown on Plan P-100 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. Reason:

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

## 17 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 relevant information. Using uses. and other this information. а 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.

# <u>Part 2</u>

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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

18 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage of the development from a point 2.4m in from the highway boundary for a distance of 2.4m on both sides of the vehicular access. Reason:

In the interests of highway safety.

# **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, CS 1, CS 4, CS 5

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM06, DM08, DM10, DM17

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or on highway safety.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

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.

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 <u>www.planningportal.gov.uk/cil.</u>

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £20447 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £78867 payment under Barnet CIL.

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.

If affordable housing 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 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 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 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: cil@barnet.gov.uk.

# 1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF, CS 1, CS 4, CS 5

<u>Development Management Policies DPD (Adopted) 2012</u>: DM01, DM02, DM04, DM06, DM08, DM10, DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD Adopted (2013)

Planning Obligations SPD (Adopted) 2013

Relevant Planning History:

Site Address: Application Number: Application Type: Decision: Decision Date: Appeal Decision: Appeal Decision Date: Proposal: Case Officer:	Land rear of 698 Finchley Road, London, NW11 7NE F/00147/11 Outline Application Refuse 11/21/2011 Allow subject to conditions 11/21/2011 Erection of a four-storey building comprising 10 self-contained units with 2 car parking spaces and cycle storage. (OUTLINE - Access, Layout and Scale) Fabien Gaudin
Site Address: Application Number: Application Type: Decision: Decision Date: Appeal Decision: Appeal Decision Date: Proposal: Case Officer:	Land rear of 698 Finchley Road, London, NW11 7NE F/00869/12 Details Application Approve with conditions 05/10/2012 No Appeal Decision Applies No Appeal Decision Date exists Reserved matters application seeking approval for i) Appearance and Landscaping pursuant to Appeal decision reference APP/N0590/A/11/2157809 dated 21/11/2011. Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted:137Replies: 339 letters received including337 objectionsNeighbours Wishing To Speak3

A petition objecting to the scheme with 452 signatures was also received.

The objections raised may be summarised as follows:

- lack of cycle parking

- proposed trees could undermine the wall and cause nuisance to the walkway of the church

- the wall is of poor quality and should be well maintained by any owner

- lack of parking/impact on parking

- should be a restriction that no further access is granted from Hoop Lane as it would increase traffic issues

- bin storage detail is unclear

- cycle storage access is unclear

- could be conflict between cyclists, pedestrians and vehicles with regard to the lane to the rear of the site

- overlooking of church

- loss of light to church

- church will suffer from noise during and after construction of the flats

- out of keeping with the environment as it is next to a cemetery, crematorium and conservation area

- excessive height of new building and building is not sympathetic to the character of the area

- musical tradition of the church could prejudice future residents including their use of the balconies

- density
- too close to the church
- no affordable provision
- residents would disrupt services
- the building will make church yard an intimidating space
- loss of protected trees
- traffic and access
- impact on listed building
- subsidence

### External consultees

Thames Water - objection regading drainage

Date of Site Notice: 02 May 2013

## 2. PLANNING APPRAISAL

#### Site Description and Surroundings:

The application site lies close to the junction of Finchley Road and Hoop Lane. It is adjacent to St Edward the Confessor which is a locally listed building. The site is very prominent in the streetscene and glimpses of the site can be seen from a significant distance on Golders Green Road and Hoop Lane because of the adjacent cemetery. Hoop Lane is one of the main access roads to Hampstead Garden Suburb along Finchley Road and although the site is not within the conservation area its prominent position along Hoop Lane gives additional importance to its external appearance.

## Proposal:

Outline permission was granted by the Planning Inspectorate in 2006. Matters of siting, access and design were approved then with matters of external appearance and landscaping being reserved. It should also be noted that ref: F/00147/11 gained outline planning permission (access, layout and scale) at appeal for the erection of a four storey building comprising 10 self contained units with 2 car parking spaces and cycle storage. The building proposed in the 2011 scheme is very similar to that which is proposed in the current application.

The current application differs from the 2011 approval because it is only for 9 flats (2 x 1 bedroom, 6 x 2 bedroom, 1 x 3 bedroom) and includes the provision of balconies and a roof terrace. The current scheme also includes minor fenestration changes and makes provision for 2 car parking spaces. The current proposal would also be larger than the previous approval, albeit not by much, and would be approximately 0.48m greater in height. It should be drawn to the attention of councillors that there have been amendments resulting in the removal of some of the balconies and one of the roof terraces since the .

### Planning Considerations:

### Principle of the proposal

Given that approval was granted at appeal for a very similar scheme under ref: F/00147/11 it is considered that the principle of residential flats at the site has already been established. Furthermore, the 2011 scheme, which was for 10 flats, was more intensive than the current proposal which is only for 9 flats. It should also be noted that given the established principle it is not considered reasonable to refuse the application because of possible noise disturbance from the church on the flats or from the flats on the church.

### **Design & Historic Environment**

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Given that the proposal is very similar in appearance to the 2011 approval it is deemed that the design of the application has already been established at appeal. The current proposal includes minor external changes such as the installation of balconies and alterations to windows, all of which are considered sympathetic to the design of the building already approved. Furthermore, the relatively minor changes to the approved scheme are not considered to detract from the setting of the listed 'St Edward the Confessor Church' to the north of the site.

Although the current proposal would be greater in height than the approved scheme it is still considered to be sympathetic to the scale of neighbouring buildings as it would be lower in height than the building to the south west of the site.

#### Amenity

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and ooutlook for adjoining and potential occupiers and users'.

The only significant change to the 2011 scheme in terms of amenity is the creation of balconies/roof terraces on the first, second and third floors. Amendments have been made to the application which have resulted in the removal of the balconies and roof terrace nearest to the residential development along Finchley Road. The other balconies are considered acceptable in terms of amenity because they are either separated from dwellings by Hoop Lane or face the church.

The proposal is not considered to have a detrimental impact on the church in terms of overlooking and loss of sun light given that the church is not a residential building.

A planning condition will ensure that construction is limited to daytime hours to reduce the impact of building works on local residents.

It should be noted that the current proposal would be situated at a similar distance from the church as the approved scheme, and although the current scheme is approx 0.48m higher, and so there would be no significantly greater impact on the church or church yard with regard to overdominance.

Trees

The site is an area of land fronting onto Hoop Lane (to the south) adjacent to the Jews' Cemetery (to the east). It is bounded by 698 Finchley Road to the west and St Edwards Church to the north.

On the Hoop Lane frontage, located within the public footpath, are two mature London Planes. These trees are part of an avenue of mature London Planes, approx. 20m in height, which border Hoop Lane. It appears that Planes were originally planted along both sides of the road from the junction with Finchley Road to Meadway Gate, in front of Golders Green Crematorium and the Jews' Cemetery. The Planes are very clearly visible from Hoop Lane and Finchley Road, are of considerable size and prominence in the streetscene, and are of significant public amenity value.

The Planes are included in a Tree Preservation Order (internal reference TPO/CA/398).

Whilst concerns have previously been expressed about the impact of any proposal on these trees it is considered that as the size of the proposed building is very similar to that already approved that impact on trees is not a reason for refusal. The proposed front balconies have been removed from the current scheme to ensure that they do not impact on the crowns of these street trees.

Planning conditions will ensure that existing trees are protected and conditions will also ensure that proposed landscaping is well mainatined and does not cause a nuisance with regard to highway safety.

Sustainability

The adopted Sustainable Design and Construction SPD (2013) outlines the requirement for all minor residential schemes to be built to level three of the Code for Sustainable Homes.

A planning condition will ensure that the flats are constructed to Code Level 3.

#### Affordable Housing

Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites, providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal is for less than 10 units and the site area is less than 0.4 hectares and so an affordable housing contribution is not required.

## Parking

The proposal includes the provision of 2 car parking spaces which is insufficent when compared against the parking standards in policy DM17 which states that there is a requirement for '1 to less than 1 space per unit for development consisting mainly of flats'.

However the following should be considered:

- The site is located within a walking distance of a town centre amenities
- The site is within a controlled parking zone

- The site is in a good public transport accessibility area near bus routes and Golders Green Underground Station

Furthermore, given that the site already has approval for 10 flats it is not considered reasonable to refuse the application on parking grounds.

### Drainage

A planning condition will ensure that adequate surface and foul water drainage is provided at the site to address Thames Water's comments.

### **Financial Contributions**

The applicant is eligible to make financil contributions to both the Mayoril and Barnet CIL. The former has a rate of £35 per m2 whilst the rate for the latter is £135 per m2.

#### Other Issues

The scheme includes the provision of 5 Sheffield Cycle Stands which would provide cycle parking for 10 bicycles and so would be in accordance with the minimum standards of The London Plan which requires one space per unit.

A planning condition will ensure adequate bin storage.

Problems surrounding maintenace of boundary walls are a civil issue.

It is not reasonable to restrict any further access from Hoop lane and any new applications for development will be assessed on their own merits with regard to highway safety.

Given the relatively small number of residents who will occupy the flats it is not considered that there would be excesive pedestrian and cycle traffic movements in the area.

Access to the site is not an obstacle to development as the site history mentionned above illustrates.

Issues surrounding subsidence would be dealt with at the building control stage.

The application site is less than 0.4 hecatres in area and is only for 9 flats and so an affordable housing contribution is not required.

## 3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in report.

# 4. EQUALITIES AND DIVERSITY ISSUES

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

## 5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or on highway safety. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN:

R/O 698 Finchley Road, London, NW11 7NE

**REFERENCE:** 

F/01413/13



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