

LOCATION: 847-851 Finchley Road, London, NW11 8LX

REFERENCE: F/04552/13

Received: 04 October 2013

Accepted: 04 October 2013

WARD: Childs Hill

Expiry: 03 January 2014

Final Revisions:

APPLICANT: SHREE HARI CONSTRUCTION

PROPOSAL: Variation to condition 1 (Plans) pursuant to planning permission F/04707/12 dated 03/09/13 for "Erection of a part 3, part 4 storey building comprising 25No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 25 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue". Variations include:

1. Ground floor unit to Helenslea Road block redesigned
2. Front door to Helenslea Avenue block relocated
3. Access path leading from Helenslea Avenue between two blocks to the rear garden omitted and replaced with extended terrace to ground floor unit.
4. Proportions of openings to rear façade of Helenslea Avenue block amended.
5. Balconies to first floor flats omitted and added to the area of the flat.
6. Plant rooms at third floor omitted.

APPROVE SUBJECT TO COMPLETION OF DEED OF VARIATION

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** **£25,876.00**
A contribution towards Health Facilities and Resources in the borough
- 4 **Libraries (financial)** **£2,814.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Education Facilities (excl. libraries)** **£155,417.00**
A contribution towards the provision of Education Facilities in the borough.

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| 6 | Affordable Housing (financial)
A contribution towards the provision of Affordable Housing within the London Borough of Barnet. | £856,000.00 |
| 7 | Monitoring of the Agreement
Contribution towards the Council's costs in monitoring the obligations of the agreement. | £20,802.14 |
| 8 | Highways (traffic order)
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development. | £0.00 |

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/04552/13 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; PL (00) 006; PL (00) 005; PL (00) 004; PL (00) 003; PL (00) 002; PL (00) 001; PL (00) 000; PL (00) 054; PL (00) 053; PL (00) 052; PL (00) 051; GA (00) 022 Revision P4; PL (00) 021.

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 30.04.2013.

Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
3. Prior to superstructure, 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. Prior to superstructure, 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 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.

6. Prior to superstructure, 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.

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 1.00 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.

8. 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.

9. The level of noise emitted from the machinery 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.

10. Prior to superstructure, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction 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 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 amenities of neighbouring premises are protected from noise from the development.

11. Prior to superstructure, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

12. A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before (any of the units are occupied/ 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

13. The dwelling(s) shall achieve a Code Level 4 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 4 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).

14. 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.

15. Before the development hereby permitted is occupied, the parking spaces shown on the submitted Drawing No. PL (00) 000 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

16. No site works or works on this development including demolition or construction work, shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority which is fully compatible with the method statement detailing precautions to minimise damage to trees. All works must be carried out in full accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy DM17 Travel impact and parking standards of the adopted Development Management Policies DPD (2012) and to safeguard the health of existing tree(s).

17. 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 prior to superstructure.

Reason:

To ensure a satisfactory appearance to the development.

18. 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.

19. 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.

20. Details of lighting to the proposed buildings including the courtyard, access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure and the details as approved shall be provided before the buildings are first occupied and permanently retained thereafter.

Reason:

To ensure that the amenities of neighbouring residents are not prejudiced and that the car parking area is lit to an appropriate level.

21. 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.

22. 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.

23. No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

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

24. No development or other operations shall commence on site in connection with the [demolition and] development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

25. Detailed drawings of the proposed entrance gates and boundary walls shall be submitted to and approved in writing prior to superstructure. Development shall be carried out in accordance with the approved plans.

Reason:

To preserve and enhance the appearance of the area and to ensure the development is secure.

26. Before the building hereby permitted is occupied the proposed window(s) in the side elevation at first floor level of the Helenslea Road block facing 2 Helenslea Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

27. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to the first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

INFORMATIVE(S):

1.
 - i) 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.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.
2. In case any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve amendments to existing CPZ parking bays, relocation of any existing street furniture and would need to be done by the Highway

Authority at the applicant's expense. Estimates for this and any associated work on a public highway may be obtained from the London Borough of Barnet, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

3. 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.

4. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

6. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

- 7 A planning obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

RECOMMENDATION III

That if the above deed of variation has not been completed by 19 December 2013, unless otherwise agreed in writing, the Assistant Director of Planning and Development Management REFUSE the application ref: F/04552/13 under delegated powers for the following reasons:

- 1) The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with the costs for the amendment to a Traffic Regulation Order and associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, and Policies CS10, CS11 and CS15 of the Adopted Barnet Local Plan Core Strategy DPD (2012).
- 2) The development would require an element of affordable housing provision and no formal undertaking is given to secure this, contrary to Policy CS4 of the Local Plan Core Strategy (adopted September 2012) and Policy DM10 of the Local Plan Development Management Policies DPD (adopted September 2012).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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: July 2011: 3.4, 3.5, 3.10, 3.11, 3.12, 3.13, 3.16, 5.3, 6.13, 7.3, 7.4, 7.6, and 8.2.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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.

Core Strategy (Adopted) 2012: CS1, CS4, CS5, CS10 and CS12.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM10, DM13, and DM17.

Mayor of London SPG's

SPG - Planning for Equality and Diversity in London (October 2007)

SPG - Sustainable Design and Construction (May 2006)

SPG - Housing (November 2005)

SPG - Assessable London: Achieving an Inclusive Environment (April 2004)

Draft Affordable Housing Note (November 2011)

Draft Housing (December 2011)

London Borough of Barnet Supplementary Planning Guidelines:

SPD: Affordable Housing (2007)

SPD: Planning Obligations (2013)

SPD: Sustainable Design and Construction (2013)

SPD: Residential Design Guidance (2013)

Relevant Planning History:

Site Address: 847-851 Finchley Road, London, NW11 8LX

Application Number: F/04707/12

Application Type: Full Application

Decision: Migrated Code

Decision Date: 30/04/2013

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Erection of a part 3, part 4 storey building comprising 25No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 25 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue.**

Case Officer: James Stone

Site Address: 847-851 Finchley Road, London, NW11 8LX
Application Number: F/02841/13
Application Type: Conditions Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Condition No. 8 (Contaminated Land - Part 1), No.12 (Impact of Noise), No. 16 (Demolition, Construction and Traffic Management Plan), No. 21 (Services in relation to trees), No. 22 (Trees protective fencing), No.23 (Method statement - Trees) and No. 24 (Tree Works - Detailed Specification), pursuant to planning permission Ref: F/04707/12 dated 30/4/2013.**
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 227 Replies: 1 objection
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Noise/Disruption during this project.
- If the pavement is blocked off it may force children to cross the street at unsafe places (as is currently the case on West Heath for another Glentree building development).
- Traffic/Pollution/Noise implications due to Finchley Road. Finchley Road is already a heavily trafficked road especially at this very busy intersection. The road is very narrow (with parking on both sides) and buses/cars are forced to idle for long periods of time thereby polluting the local airspace. With a nursery next door and many young children the impact will be very negative for their health. Currently Sunday mornings are particularly bad (when the Indian Temple has services) so this will be exacerbated with so many new residents. A full environmental and health survey needs to be done for the additional traffic.
- Parking

Internal /Other Consultations:

MPS Designing Out Crime Team - No objection
Transport For London - No objection
Highways - No objection subject to previous conditions, informatives, s106 contributions (from ref: F/04707/12) and new and revised conditions being attached to any permission
Environmental Health - No objection subject to the same conditions being imposed as were on ref: F/04707/12

Date of Site Notice:

2. PLANNING APPRAISAL

Site Description and Surroundings:

The Site

The site is within close proximity to the town centre of Golders Green, and the London Underground Station located on North End Road (A502). The site does not fall within a conservation area.

The site is approximately 0.27ha and comprises No's 847, 849 and 851 Finchley Road . No's 849 and 851 Finchley Road are a pair of semi-detached residential dwellings and 847 Finchley Road is a Victorian church (currently the temple) located on a large plot on the corner of Finchley Road and Helenslea Avenue.

The Existing Buildings

The Temple is an extended 19th century church building covering much of the plot and substantially larger than the neighbouring dwellings. The building varies from a single storey on Helenslea Avenue to approximately 15m to the apex of the roof above pavement level at its frontage on Finchley Road. The building is set back approximately 2.7m from the Helenslea Avenue boundary and 5.25m from the Finchley Road frontage and is bound on both by a 1.2m high brick wall. The Temple building and a pair of semi-detached houses currently cover about 40% of the site.

The semi-detached houses date from the 1930s and are brick built, two-storey single family dwellings with pitched roofs. They have low front boundary walls with openings giving access to front gardens, which are predominantly landscaped to form parking courts. Both properties have rear gardens.

There is currently no vehicular access onto the Temple site, however pedestrian access is gained from Finchley Road and Helenslea Avenue. The houses are accessed from Finchley Road and each accommodates two off street parking spaces.

Existing Trees

There are a number of trees of varying quality on the site. The clustering of many of the trees reflect current boundary lines and garden configurations. There are a group of unprotected trees to the rear of the site and street trees on Helensea Avenue and Finchley Road. There is a protected Ash tree on the site boundary between 851 and 853 Finchley Road.

Public Transport Links

The site has good public transport accessibility (PTAL 5) and is located approximately 3 minutes walk from Golders Green tube station (northern line) and town centre. As Finchley Road approaches the tube station the uses are more mixed with retail at ground floor and residential on the upper floors. The area is well served by several local bus routes and has the benefit of a bus station next to the tube station.

Neighbouring Buildings on Finchley Road

The buildings along this part of Finchley Road in close proximity to the site are predominantly two-storeys in height, many with converted loft spaces. The individual plots occupy a wide street frontage and the houses are set back from the road.

Neighbouring Buildings on Helenslea Avenue

Helenslea Avenue is an almost entirely residential street fronted by large single family detached and semi-detached 2-storey dwellings. The prevailing character on Helenslea Avenue are 1930's part brick part rendered semidetached houses over two storeys with deep bay fronts and steep pitched tiled roofs set back behind front gardens.

The Wider Area

The wider area is also characterised by predominantly residential accommodation comprising houses, flat conversions and some blocks of flats. To support these there are community uses such as churches and synagogues and retail and commercial uses which are mainly concentrated along the main roads.

In particular the uses are more mixed with retail at ground floor and residential on the upper floors.

Background Information

The Swaminarayan Faith

The Swaminarayan faith is a branch of Hinduism which was founded by Lord Shree Swaminarayan in Northern India towards the end of the 19th Century. Teachings are based on morality, respect, living a life of decency and honour and performing of charitable and benevolent acts.

The Temple at the application site was established in 1982 and is the principal temple in the south east of England.

The Temple

As well as being a place of worship, the Temple is also a place:

- Where people from all sectors of the community gather to work collectively for the welfare of society.
- Of education - teaching people ethics, morality, and the ideals of humility, tolerance and respect for all.
- Of celebration and rejoicing during happy times and comfort during difficult times.
- To retreat from the stresses and anxieties of life, from where calmness, peace and tranquillity can be evoked within the mind.
- Where people of all ages spend their free time constructively.

Activities currently run by the Temple include:

- Charitable endeavours: Including participation in a number of significant humanitarian appeals, blood donation campaigns, anti drug awareness campaigns, disease prevention, recycling and distribution of food parcels to the poor and elderly.
- Shree Muktajeevan Sports Academy: Over 300 people aged 8 to 55 take part in all activities organised by the SMSA: The Swamibapa Football Club, Swamibapa Cricket Club, Swamipapa Volleyball Club, Swamipapa Badminton Club, Swamibapa Youth Club, Swamibapa Netball Club.
- Learning: Adult education, Gujarati Classes, Careers Forum, Cookery Classes.
- Shree Muktajeevan music, arts and cultural academies: Shree Muktajeevan Pipe Band, Jeevan Ghagtar (Life Essentials) Satsang Shibir, to teach members of the community the essentials of living a moral, spiritual and cultured life, Shree Muktajeevan Music Academy, Shree Mukta Orchestra, Shree Muktajeevan Dance Academy Excellence in dance.

The Community

The Community consist of members who meet at the temple to worship and take part in the many activities that are run. The majority of the community members come from within a two mile radius of the Kingsbury Temple site, but also come from other areas of North London such as Golders Green, Wembley, Hendon, Wealdstone and Edgware. The community have approximately 500 members.

Why are the Community now Planning to Sell the Site?

In the period since the Temple's establishment in 1982 the Temple Community has grown significantly, together with the various activities of the Community. As a result the existing buildings on the application site, both in terms of their size and configuration, no longer meet the needs of the Community. In 2005 the Temple submitted a planning application to redevelop its existing site to provide a new Temple. It was, however subsequently decided that this permission did not suit the Community's needs and it embarked upon a search for an alternative site to relocate the Temple and its associated facilities.

Searching for a New Site and Funding a New Temple

An extensive search process concluded with a site within the London Borough of Brent being identified as the preferred location and this was acquired by the Community in the Autumn of 2008. Planning permission was granted for a new temple at the beginning of 2011. This site was considered to be closer to the majority of the temple's members and offered a larger site where improved facilities could be constructed.

It was acknowledged from the outset of the project that funding for the new facility would come in part from donations from the Temple Community and in part from the sale of the existing Temple site at Golders Green.

In order to deliver the new temple it will be necessary for the maximum value to be achieved for the Finchley Road site, and this has resulted in the submission of the revised current planning application for a residential development.

Proposal:

Planning permission was granted at P& E Committee under ref: F/04707/12 for the comprehensive redevelopment of the site involving the demolition of all buildings on site, and construction of a new part-3, part-4 storey residential building comprising 25 residential units with private and communal amenity space, secure underground car and cycle parking and associated landscaping. The approved proposal included 25 residential units comprising of three 2 bedroom units and twenty one 3 bedroom units and one 4 bed unit.

The current application seeks permission for the variation of condition 1 (plans) on permission F/04707/12. The new block will also comprise of 25 flats. The revised scheme includes 22 three-bed units, two two-bed units and one four-bed unit.

The changes to the approved plans are:

- 1) Basement floor dropped by 900mm to allow for introduction of new lower ground floor to create a duplex unit
- 2) Helenslea Road block layouts amended resulting in lift and stairs being relocated from the edge of the plan to the centre
- 3) Front door to Helenslea Avenue block relocated from side of building to front
- 4) Access path leading from Helenslea Avenue between two blocks to the rear garden omitted and replaced with extended terrace to ground floor unit
- 5) Proportions of windows and openings in the rear façade of Helenslea Avenue block amended
- 6) The Helenslea Road block has been repositioned and the footprint altered
- 7) Balconies to the first floor flats omitted and added to the area of the flat
- 8) Plant has been relocated from the former plant room at third floor to the basement. The former plant room has been reused as a study to the adjacent duplex units
- 9) Pre-patinated brass used in lieu of terracotta cladding
- 10) The flue from the basement that was previously located on the north elevation has been moved to within the footprint of the building

Since the determination of ref F/04707/12 the Supplementary Planning Documents 'Residential Design Guidance' and 'Sustainable Design and Construction' have been adopted in 2013. The adoption of these documents does not warrant a different recommendation.

Planning Considerations:

Each of the above points have been addressed in turn:

1) The new duplex accommodation in the lower ground floor would provide satisfactory living accommodation in accordance with Policy DM02 and in accordance with the guidance contained in the Residential Design Guidance SPD. All habitable rooms would be served by windows to allow adequate provision of natural light. The creation of an additional floor will improve the living conditions for future occupiers because the previous 2 bed flat would have suffered from a tight and constricted design.

2) The relocation of the lifts and stairs from the edge of the plan to the centre will enable the provision of more windows for habitable rooms which will ensure that better living conditions are provided in accordance with Policy DM02 and guidance contained in the Residential Design Guidance SPD.

3) The side door that would serve the Helenslea Road block will be relocated to the front of the building. By relocating the door a more logical entrance will be provided at the site.

4) The access path leading from Helenslea Avenue between the two blocks to the rear garden has been removed and replaced with an extended terrace at ground floor. The new terrace will provide better amenity space for future residents. Residents will be able to access the garden area via a pathway along the western boundary of the site (to be controlled by a gate) or through lobbies in the proposed blocks. The applicant has amended this part of the scheme for security reasons.

5) The changes to the openings and windows in the rear (northern) elevation of the proposed Helenslea Road building would be in keeping with the design of openings and windows in the main block that faces Finchley Road. There would be no overlooking issues because of the large separation distance between this block and the nearest residential property (853 Finchley Road) to the north.

6) The Helenslea Road block will be repositioned and the footprint altered. The applicant has explained that this is necessary following advice from the contractor regarding safe working distances to boundaries. The west elevation of the block will be moved 900mm to the east and the east elevation by 225mm to the east which will result in a reduction to the width of the block by 675mm. The north elevation will be moved by 900mm into the rear garden to ensure that the loss of floorspace is compensated for elsewhere in the block. It should be noted that the relocated block would not extend beyond the building line currently provided by the rear elevation of 2 Helenslea Avenue. The fact that the block will be moved to the east will reduce the impact of the scheme on the residents at 2 Helenslea Avenue.

7) Balconies to the first floor flats have been removed and added to the floor area of the flats. This change will improve living arrangements for future occupiers by providing large living rooms instead of unappealing north facing balconies that would have suffered from a tunneling effect. It should be noted that the revised scheme involves the provision of full height sliding doors and internal Juliet balconies to ensure that the feeling of a balcony is still maintained. The loss of amenity space provided by the balcony is not considered objectionable because the occupiers of first floor flats have access to a large communal garden.

8) The relocation of the plant room to the basement is considered to be a positive amendment to the original scheme. The plant room will now be situated next to parking spaces and car lifts as opposed to being located in close proximity to habitable rooms. This change will reduce the possibility for noise disturbance at the site and is therefore in accordance with Policy DM04.

9) The use of pre-patinated brass is considered an acceptable substitute for terracotta cladding and is considered more sympathetic to the appearance of other proposed materials at the site.

10) The incorporation of the flue within the building does not change the appearance of the building significantly. However, it is felt that the relocation of the flue to be within the footprint of the building could reduce the possibility of noise disturbance from the site and is in line with Policy DM04.

The original s106 agreement from ref: F/04707/12 will be amended and accompany the new permission. The s106 agreement provides financial contributions towards affordable housing, amendment of a traffic order, education, libraries, healthcare and monitoring.

CIL contributions are required because the variation to the original scheme has increased the provision of floorspace at the site. CIL payments will only be necessary for the additional net gain in floorspace on the revised scheme compared to the previous approval.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- A planning condition will ensure that construction work takes place during daytime hours.
- A demolition, construction and traffic managements plan will ensure that the proposal does not affect pedestrian safety at the site.
- The highways consultant who assessed the application has no objection to the scheme in terms of parking provision.
- There have been no objections from environmental health with regard to pollution and noise. Planning conditions will request a scheme of proposed air pollution mitigation measures and will also request a noise assessment. A noise report for site plant condition will also be attached to any approval decision notice.
- The highways consultant had no objections to the proposal with regard to parking and traffic generation.

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

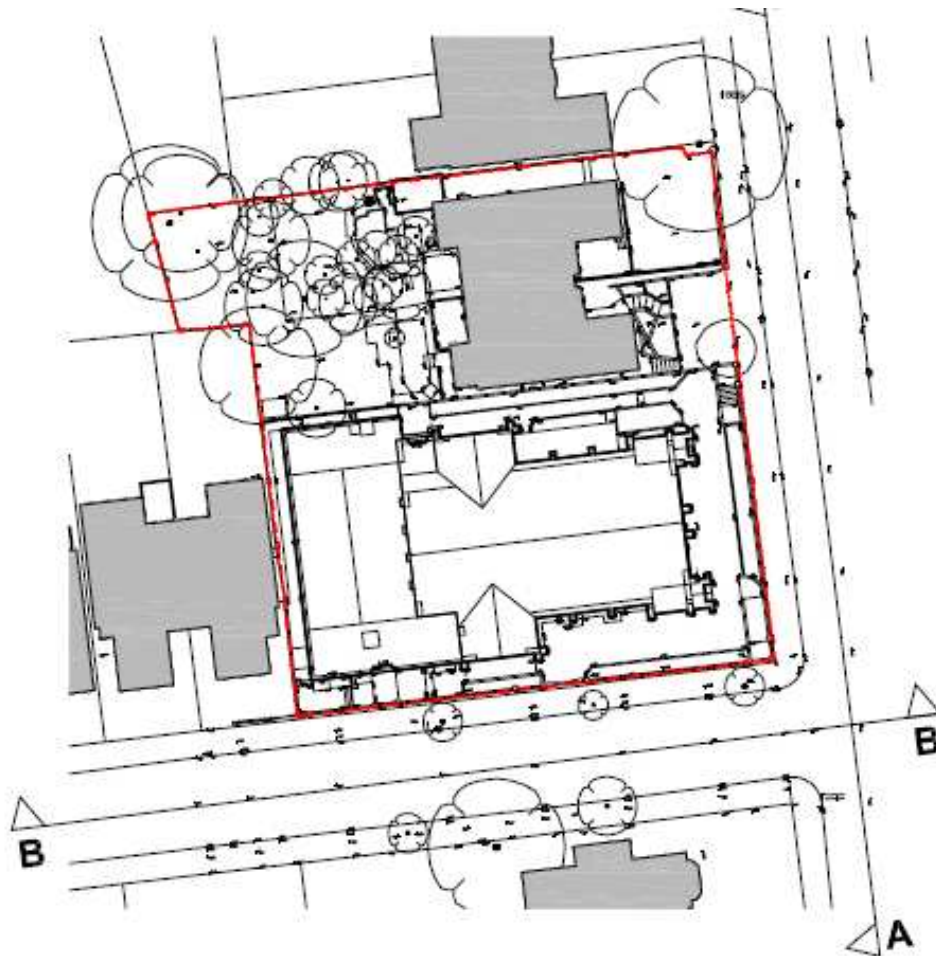
Having taken all material considerations into account, the application would assist in the provision of a high quality community facility which would be enjoyed by Barnet residents whilst at the same time provide a new, high quality residential development which is considered to compliment its immediate surroundings.

It is considered that subject to compliance with the attached conditions the proposal would be in accordance with the Council's policies and guidelines, are appropriately designed, would not prejudice highway safety or convenience and would not cause unacceptable harm to the amenities of the area or any neighbouring properties.

It is therefore recommended that the application be APPROVED subject to a s106 agreement.

SITE LOCATION PLAN: 847-851 Finchley Road, London, NW11 8LX

REFERENCE: F/04552/13



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