

LOCATION: 779-781 Finchley Road, London, NW11 8DN

REFERENCE: F/05102/13

Received: 31 October 2013

Accepted: 31 October 2013

WARD(S): Childs Hill

Expiry: 26 December 2013

Final Revisions:

APPLICANT: Albany Homes

PROPOSAL: Relocation of 3no. disabled parking bays.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing no. 142-01-08 (C); Proposed Plan Drawing no. 142-01-01 (Ig); Existing Plan Drawing no. 142-01-01 (If) (date received 31-Oct-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.

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.

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:

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:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03
DM17

Relevant Planning History:

Application: Planning
Validated: 03/11/2004
Status: DEC
Summary: APL
Description: Demolition of existing buildings and redevelopment of site to provide 57 residential units and 5 office units in a building of up to five floor levels (plus basement level), and a separate building comprising a one bedroom residential unit and refuse storage facility. Parking spaces for 95 cars with vehicular access from Finchley Road and Hodford Road.

Number: C/02856/P/04
Type: APF
Date: 07/04/2005
Case Officer:

Application: Planning
Validated: 22/04/2010
Status: DEC
Summary: AP
Description: Submission of details of conditions 9 (Ventilation and Extraction Equipment - Details), 10 (Landscaping - Details), 13 (Services in Relation to Trees), 16 (Surface Water Drainage Works and Source Control Measures) and 19 (Environmental Standard) pursuant to planning permission C02856P/04.

Number: F/00110/10
Type: CON
Date: 27/10/2010
Case Officer: David Campbell

Application: Planning
Validated: 21/06/2011
Status: DEC
Summary: AP
Description: Submission of details of conditions 5 (Materials), 6 (Levels), 7 (Refuse), 8 (Points of Access) and 14 (Details of Walls, Fences and Gates) pursuant to planning permission reference F/03667/10 dated 08/03/2011.

Number: F/02314/11
Type: CON
Date: 30/01/2012
Case Officer: David Campbell

Application: Planning
Validated: 23/08/2010
Status: DEC
Summary: AP
Description: Submission of details of Conditions 5 (Means of Enclosure), 8 part d (Verification Report and Completion Certificate) and 17 (Road Signs) pursuant to planning permission C02856P/04 dated 07/04/05.

Number: F/03175/10
Type: CON
Date: 19/01/2011
Case Officer: David Campbell

Application: Planning
Validated: 12/08/2013
Status: WDN
Summary: WIT
Description: Relocation of disabled parking bays.

Number: F/03367/13
Type: APF
Date: 16/09/2013
Case Officer: Denisse Celi

Application: Planning
Validated: 23/12/2010
Status: DEC
Summary: APC
Description: Amendment to planning application C02856P/04 dated 7th April 2005 to provide 60 apartments comprising of 24 two bedroom flats, 20 three bedroom flats, 5 four bedroom flats, 7 two bedroom affordable flats, 3 three bedroom affordable flats, 1

Number: F/05021/10
Type: APF
Date: 18/01/2012
Case Officer: David Campbell

four bedroom affordable flat and 535 sqm of office space in a building of up to five floor levels (plus basement level), including landscaping and parking spaces for 99 cars with access from Finchley Road and Hodford Road.

Application: Planning
Validated: 31/10/2013
Status: REG
Summary: DEL
Description: Relocation of 3no. disabled parking bays.

Number: F/05102/13
Type: APF
Date:
Case Officer: Denisse Celi

Site history for additional landparcel(s):

Application Reference:	F/04509/13
Case Officer:	Aahsanur Rahman
Proposal:	Change of use from B1 office (ground floor) to C3 residential units (2 Units)
Stat Start Date	30/09/2013
Application Type	PAD
Decision	PAG
Decision Date	25/11/2013

Enforcement Notices picked up in spatial search

Reference Name

Description

Enforcement Notice served under Section 87 of the Town and Country Planning Act 1971 dated 07.04.78 (No Further Action)

Consultations and Views Expressed:

Neighbours Consulted: 141 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Application denies the rights of disabled occupiers.
- Current parking spaces are tight/ too narrow
- Concerned about width of parking spaces
- Does not take into consideration the supporting pillar
- Reduce the size of recycling area.
- Distance further away from the lift.
- The access on this side of the car park is narrower
- Plan does not show the main extraction unit
- Leaks in the building- until this is repaired damage to the paintwork of cars will occur
- Less turning space in aisle that leads to exit and therefore more traffic.

Internal /Other Consultations:

- Traffic & Development – No comments received. Advised that scheme should be modified that disabled parking spaces should be located closed to the lift.

Date of Site Notice: 14 November 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a block of flats located on Finchley Road at the junction with Hodford Road within the Golders Green ward.

Proposal:

The applicant seeks planning permission for the relocation of the existing 3no disabled parking bays located on the northern side of the existing underground parking spaces to be sited next to the recycling centre to the south eastern side of the car park.

The lift providing access to the top floors is located centrally and the only access door into the lift shaft is located southwards

The shortest distance from the disabled parking spaces (the closest to the lift shaft is parking space 9) is 57 metres. Similarly the shortest distance from the door accessing the lift to parking space D3 (closest to the lift shaft) is approximately 42 metres.

There will be no loss of parking spaces.

Planning Considerations:

The main issues in this case are considered to be covered under **two** main areas:

- Whether there are highways safety implications
- Whether harm would be caused to the amenities of neighbouring residents.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM03 specifies that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the several principles including safe, easy access regardless of disability, age, gender, ethnicity or economic circumstances.

Policy DM17 states that “the council will ensure that the safety of all road users is taken into account when considering development proposals”.

The shortest route from the disabled bays to the lift shaft has been measured and the proposed parking bays have been calculated as being closer to the lift shaft due to the door being located to the south.

In the same way, it is considered that the context is similar with regards to the

location of the structural columns and therefore this is reason alone is not deemed to warrant refusal of the application.

The Council's Highways team have been consulted on the scheme and have raised comments with regards to the proximity of the related disabled bays to the lift. It is considered that this has been addressed in the section above.

The proposal would comply with the abovementioned policies and Council's Residential Design Guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning related issues are considered to have been addressed in the report above.

4. EQUALITIES AND DIVERSITY ISSUES

Equality and Diversity Issues

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
- (a) tackle prejudice, and
 - (b) promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
- age;
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

It is considered that the protected group which will potentially be affected by the proposal are disabled people.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
 (a) Tackle prejudice and
 (b) Promote understanding”

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent

or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. The number of parking spaces is remaining the same as the existing and the spaces are considered to be closer than the existing parking spaces serving the same group.

Officers consider that there would be benefits from the proposals to a group with protected characteristics (disabled people) due to the closer location of the parking spaces.

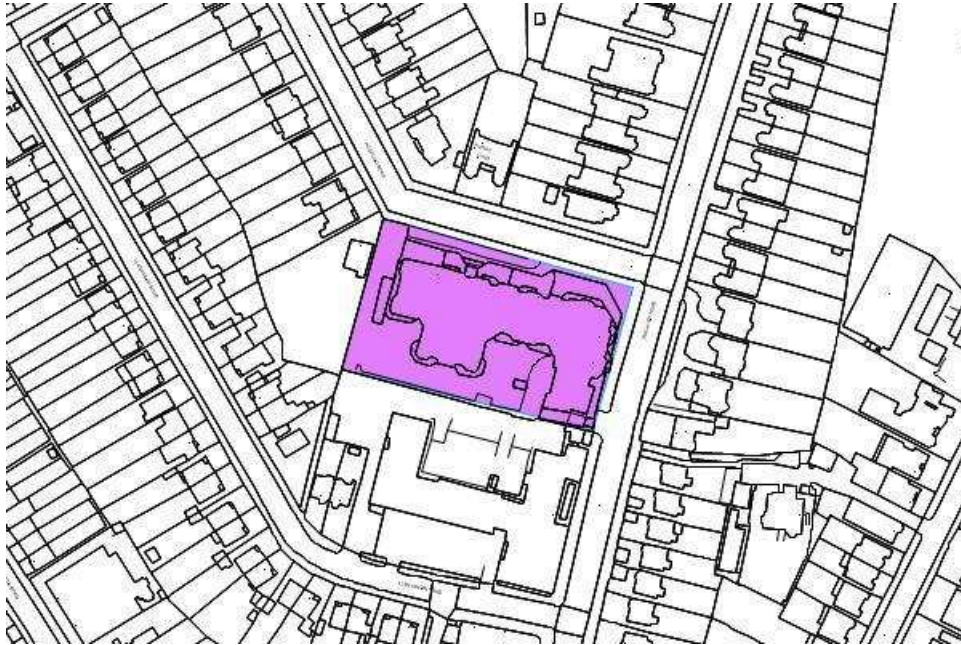
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property.

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

SITE LOCATION PLAN: 779-781 Finchley Road, London, NW11 8DN

REFERENCE: F/05102/13



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.

