

Location **1069 Finchley Road London NW11 0PU**

Reference: **15/04900/FUL**

Received: 4th August 2015

Accepted: 4th August 2015

Ward: Garden Suburb

Expiry 29th September 2015

Applicant: Mr

Proposal: Demolition of existing buildings and erection of new five storey building including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

1415-FE-000

1415-PL-011

1415-PL-212

1415-PL-013

1415-PL-014

1415-PL-015

1415-PL-016

1415-PL-101

1415-PL-210

1415-PL-211

1415-PL-212

1415-PL-213

1415-PL-214

1415-PL-215

1415-PL-216

1415-PL-217

1415-PL-218

1415-PL-221 Rev A

1415-PL-222 Rev A

1415-PL-230 Rev A

1415-PL-231

Daylight Sunlight and Shadow Assessment
Noise Impact Assessment Report
Construction Management Plan

Foul Sewage & Utilities Assessment
Transport Statement
Site Location Plan
Air Quality Assessment
Planning Statement,
Design and Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would

be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

7 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

8 Part 1

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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.

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.

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 in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 9 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 10 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 11 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

- 12 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely

damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 13 Before the building hereby permitted is first occupied the proposed window(s) in the second floor west elevation facing Temple Gardens 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 14 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 15 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

c) Other than the areas marked specifically as balconies on the approved plans, no part of the roof of the building shall be used as a balcony, sitting out or amenity area.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 16 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 17 Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities which shall be provided in accordance with the details submitted with the planning application. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance Drawing No 1415-PL-214 submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 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.

- 20 The disabled parking space shall be provided and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 21 No development shall take place until an agreement is place, under the provisions of Section 278 of the Highways Act 1980, to construct the access to Finchley Road to serve the scheme hereby approved.

Reason: To ensure that the proposals do not prejudice highway or pedestrian safety.

- 22 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% active and 20% passive 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 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.

- 23 a) Notwithstanding the details submitted, No development or site works shall take place on site 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 24 Prior to the first occupation of the development details of boundary treatment including the proposed gates to Temple Gardens shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and they shall be permanently maintained thereafter. The existing access to Finchley Road shown on plan 1415-PL-214 shall be retained and shall not be closed at any time.

Reason: To ensure satisfactory appearance for the development and ensure the free flow of traffic.

- 25 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012)

- 26 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 27 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

- 28 The access to Temple Gardens shall serve pedestrians only and shall not allow access for vehicles. Vehicular access to the site shall only take place from Finchley Road.

Reason: To ensure free flow of traffic and to protect neighbouring amenity.

- 29 No works shall commence on site unless the correct Traffic Management Act Notification is submitted and agreed in writing by the Local Planning Authority. The development shall implemented in accordance with these details.

Reason: To safeguard highway and pedestrian safety.

- 30 Before the development hereby permitted commences, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: To safeguard highway and pedestrian safety.

- 31 Before the development hereby permitted is occupied, the proposed photovoltaic panels shall be installed as shown on the approved plans within condition 1. These shall be permanently maintained thereafter.

Reason: To ensure that the proposals comply with sustainability requirements and achieve acceptable environmental performance.

- 32 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the

drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from

the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

5 Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 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 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 £49,700 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 £191,700 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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.

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 CIL 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 at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The site is a terraced building on the west side of Finchley Road. The building is two storeys with an additional two storeys within a mansard roof. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There is also a detached two storey block to the rear close to dwellings on Temple Gardens.

2. Site History

15/01377/FUL - Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings – Refused (contrary to officer recommendation - 16/06/2015

The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies.

3. Proposal

The proposals are for the demolition of existing buildings and erection of new five storey building including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats.

The following changes have been made to the previous scheme:

Alterations to access. It is now proposed that access and egress takes place from Finchley Road.

Alterations to car park layout.

Refuse storage is proposed to Temple Gardens

Refuse collection would take place from Temple Gardens

Emergency vehicles - Fire vehicles would make use of the dry riser within the site.

The building is unchanged from that on the previously refused scheme.

4. Public Consultation

Consultation letters were sent to 136 neighbouring properties.

293 responses have been received, comprising 293 letters of objection.

This includes a petition of 164 signatures opposed to the scheme principally relating to construction issues, a petition of 95 signatories opposed to the scheme principally relating to highways issues, a petition of 121 signatories relating to a variety of issues, a petition of 16 signatories accompanying by a planning consultant's letter objecting to the scheme,

The objections received can be summarised as follows:

Amenity Issues

Impact of a five storey building on properties on Temple Gardens

Overlooking

Invasion of outdoor space, our peaceful enjoyment, security and privacy.

Demolition of the existing boundary wall is unacceptable. Dispute that there are any structural issues with wall.

There should be no access from Temple Gardens for pedestrian or rubbish collection.

The proposed roof terraces, balconies, and opened windows would directly overlook our properties which is an invasion of privacy. The use of the roof terraces would create a noise disturbance.

The height of the structure will block out natural light

The development has no gardens and no setback from neighbouring properties, hence creating a crowding issue and exacerbating the light blocking effect

Construction traffic down the narrow Temple Gardens

Concerns regarding overlooking for roof terraces to units 4, 8 and 9.

The patios will potentially offer a direct line of sight into the windows of our upper floor, which will result in an invasion of our privacy.

Character and Appearance Issues

Overdevelopment

It will be the tallest structure on a street, dominated by single and two storey residential homes

The proposed materials and finish are completely out of character with the surrounding residential properties.

Proposals are a modern, dense building with no resemblance to any of the family homes with gardens.

Highways Issues

The road is already over parked and the provision of only 11 parking spaces for a development of 9 homes that include 4 bedroom homes will only add to this issue.

Large vehicles will not be able to park on Finchley Road during peak times which will result in heavy vehicles being parked in St Georges Rd. This will also impact the traffic in the area which is already very congested. There is also very limited parking in that area so with building works it will limit parking bays.

Temple Gardens would be used as a cut through.

Visitations to the site in February/March 2015 were already causing excess demand for parking on Temple Gardens until a Planning Contravention notice was issued by the council. As residents in the vicinity rely on on-street parking, the council should restrict the parking permits for the entire site only to the level of parking spaces within the site to prevent an overflow of parking onto our street. Based on the transport statements assessment, there would in any case be no

need for additional parking on our street from the development.

Inappropriate for large vehicles to use Temple Gardens

Congestion

Development is a safety risk

The fact that this access sits on a 90 degree bend makes it dangerous.

Other Matters

Building workers will have to be on-site on our properties and will remove a significant barrier to the disruption that the demolition of the existing buildings and construction of new ones will cause

The proposal also mentions that a banksman will prevent any traffic proceeding down Temple Gardens while a site vehicle is reversing. It is unreasonable to expect the residents of Temple Gardens to have their movement regularly impeded in this way.

We have had for many years an agreement with the police station that no cars are to come through the back entrance at any given time except for emergency's only. We strongly demand that this agreement remain the same with the new development.

The development does not allow for what may happen with the remainder of the site. This application only covers part of the site and any further development to the front of the site will further increase both traffic and parking stress. We believe that as the whole site has the same owners, both potential developments should be considered as one application.

Obstruction large bins would cause on pavements at the back, any bags unable to fit into the bins will overflow or be left next to bins on the street

Object in the strongest possible terms to the demolishing of the boundary wall behind numbers 10-16. It will radically change the secluded view from our garden along the street - and have a huge impact on the character, privacy and isolation of all our gardens. It is an unreasonable and unnecessary imposition on existing residents.

The ground and first floor extensions to the rear of 14 Temple Gardens are not shown on the architect's plans and need to be added. The revised plans will show that the privacy distances between buildings will fall short of the recommended minimum. If the west boundary is not retained in entirety, the first floor south windows will directly overlook the rear gardens of 8-12 Temple Gardens. The proposed plans do not meet the requirement as highlighted in the planning statement (section 6.35) "in new residential development there should be a minimum distance of"....."10.5 metres from a neighbouring garden". This statement alone is subject to misinterpretation. There is, in fact, no distance between the proposed building and existing residential gardens. The proposed building is too close to our properties.

Council cannot effectively enforce issues such as noise

Reference to Pillar Hotel site where Council refused gates.

Internal/Statutory Consultees:

Highways - No objection subject to conditions

Environmental Health – No objection subject to conditions

Transport For London - No objection subject to a condition requiring a section 278 agreement regarding the access.

London Fire Brigade – No objection following submission of details of dry riser.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM13, DM14, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM13 states that loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or

ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);

ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide an acceptable level of amenity for future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on security in the vicinity of the site
- Whether the proposals would make adequate provision for drainage
- Sustainability Issues

5.3 Assessment of proposals

Whether the principle of the development is acceptable

This planning application follows the refusal by the Finchley & Golders Green Area Planning Committee of a similar scheme for *'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings'*

This was refused contrary to officer recommendation and only on the grounds that:

The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies.

The proposed scheme is the same as previously submitted except for some changes to the proposed layout. Principally, these revolve around alterations to the access points of the scheme, so that access and egress would both take place from Finchley Road.

The scheme in detail is assessed in the section below. However Members are advised that it would not be reasonable to introduce new additional reasons for refusal that relate to items that they previously considered acceptable.

The proposals involve the loss of the former police station. There is no policy protection for police stations as such. Policy DM14 of the adopted Local Plan Development Management Policies could be considered relevant as the former use would have provided some employment. Whilst the applicant has stated in their planning statement that the policy is not strictly relevant given that a police station is a Sui Generis use, it would have nonetheless provided a level of employment and the loss of this is a material planning consideration irrespective of whether policy DM14 of the Barnet Development Management Policies is applicable.

It could also be considered that the police station use could constitute a community use by reason of its nature.

This site was sold as part of the Mayor's Office for Policing and Crime 2013-16 Estates Strategy, a programme to rationalise existing premises and reduce running costs.

The draft Further Alterations to the London Plan (FALP) (2014) recognises this and advises that the loss of social infrastructure facilities may be acceptable where it is part of a programme of re-provision, which is the case here.

Paragraph 3.87A states that:

Loss of social infrastructure in areas of defined need may be acceptable if it can be demonstrated that the disposal of assets is part of an agreed programme of social infrastructure re-provision (in health and community safety, for example) to ensure continued delivery of social infrastructure and related services.

Therefore the development of the site for residential use is considered acceptable.

The proposals would appear to comply with density standards in the Mayor's London plan. The site is located in an suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 200-450 habitable rooms/hectare. The proposals appear to be at 153 habitable rooms/hectare.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Layout

The proposals involve changes to the car parking layout, but are of similar nature to those previously considered. The buildings are in the same locations, with the car parking spaces being arranged differently. The proposed cycle stores would be relocated further away from residents on Temple Gardens.

Bulk/ Massing

A new building would be constructed of part 2, part 3, part 4 and part 5 storeys on the site. At its highest point, this would be comparable in scale to the retained building on site. The building would drop to two storeys towards the west of the site where it is closest to Temple Gardens which consists of two storey residential dwellings and is suburban in character. The building would also relate satisfactorily to the postal delivery office to St. Georges Road which is two stories in height. The proposed development would satisfactorily respond to the taller buildings on Finchley Road as well as more suburban dwellings on Temple Gardens.

The scale and massing of the proposed building are considered acceptable.

External Appearance

The design of the proposed building is mostly brick with metallic clad elements and glazing; with metal cladding and glazing to upper stories.

The proposed materials consist of a buff stock brick and zinc clad roof level, and aluminium windows. These materials are considered appropriate in principle however a condition is suggested in order to ensure that a suitable exact choice of materials is provided.

The proposed development would achieve a balance of traditional and modern influences and take appropriate references from neighbouring buildings on adjacent sites.

Landscaping

The proposals would provide soft landscaping and amenity areas to the areas to the far west of the site as well as the area immediately to the north of the building. Currently, the site is covered by extensive hardstanding and the scheme would provide an opportunity to improve the appearance of the area in this regard.

Overall it is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.

Whether harm would be caused to the living conditions of neighbouring residents.

Daylight/Sunlight/Overshadowing

The applicant has provided a daylight and sunlight report accompanying the planning application.

This considers the effects of the proposal on residential properties situated adjacent to the site on Temple Gardens and above commercial premises on Finchley Road. It considers the levels of daylight and sunlight that will be received within all of the proposed residential units in the development. The assessment also considers the levels of sunlight and shadow that will be experienced within existing and proposed areas of amenity space.

The report does state that the communal area will receive light levels below Building Research Establishment (BRE) requirements. The report states that in the case of 10 and 12 Temple Gardens there would be no impact on light levels and in the case of 14 and 16 this would be marginally improved.

The report states that 38 of the 43 windows serving the development would comply with BRE requirements, with the remainder sited below balcony areas. The vertical sky component for some of the proposed units would also be below BRE standards though measurements such as Daylight distribution and Average Daylight Factor show that most windows comply.

It is not considered that the proposals would harm neighbouring residential properties in terms of loss of light or overshadowing. In terms of the proposed development, given the nature of the location close to Temple Fortune Town Centre and tall buildings on Finchley Road it is not considered that the shortfall for some units in terms of daylighting warrants refusal of the application.

Outlook and Visual Impact

The proposed second floor of the building would be set back 7.4m from the rear boundary of properties on Temple Gardens. This would result in a distance of 19.2m from the main rear windows of these properties. The facing windows of the building would be obscure glazed. Also, the rear outlook of the properties on Temple Gardens is of a two storey brick blank wall. This would be replaced as a result of the proposals by a marginally lower wall. As a result of this, the impact on neighbouring outlook is likely to be diminished by the bulk of the replacement wall. The third and fourth storeys of the building are located some 27m from the rear windows of these dwellings.

Given the distance of the upper stories and terraces from the neighbouring boundaries it is not considered that harmful overlooking would result. The distance of the building from neighbouring residential properties would prevent the building from appearing overbearing or unduly dominating.

The neighbouring building at 1067 Finchley Road has residential units at the upper stories. It is considered that the proposals would improve the relationship with these dwellings as the building would now be further away, and of similar scale where it adjoins the building. Given the oblique relationship to the site and the fact that privacy screens can be used to prevent overlooking, it is not considered that the proposals would cause harmful overlooking.

It is not considered that the proposals would harm the visual or residential amenities of neighbouring occupiers.

Privacy

The neighbouring building at 1067 Finchley Road has residential units at the upper stories. It is considered that the proposals would improve the relationship with these dwellings as the building would now be further away, and of similar scale where it adjoins the building. Given the oblique relationship to the site and the fact that privacy screens can be used to prevent overlooking, it is not considered that the proposals would cause harmful overlooking.

It is noted that no's 14 and 16 Temple Gardens have rear projections at first floor level. These are located some 8m from the rear boundary of the site. Given that there are no

facing windows at the site at ground, first or second floor levels it is not considered that harmful overlooking would result. It is noted that the third floor of the building would be sited 8m from the boundary with properties on Temple Gardens. The Supplementary Planning Document: Residential Design Guidance states that there should be a gap of 10.5m to neighbouring gardens and 21m between windows to prevent overlooking. However, as any windows facing are obscure glazed it is not considered that there would be any harmful impact. It is also noted that there are closer projections at ground floor level however these have their windows on the side and in any event would only overlook the blank wall to the rear which would replicate that existing.

It is therefore considered that there would not be harmful overlooking to properties on Temple Gardens.

Noise/Disturbance

The revised proposals would have access and egress to Finchley Road. There would only be pedestrian access to Temple Gardens and this would only serve residents of the development.

The previous planning application was refused by the Finchley and Golders Green Planning Committee due to the impact in terms of noise and disturbance to neighbouring residents from additional activity on the site.

It is not considered that the proposed pedestrian access (Which would be secure, serving only residents of the development, and controlled by a key fob), would cause harmful noise and disturbance to neighbouring residents, especially taking into account the previous use of the site. The gate would be used by up to 9no. families and such use is unlikely to generate comings and goings that would cause harmful noise perceptible from neighbouring windows and gardens.

Officers consider that the use of the site as 9 flats would be unlikely to result in harmful noise and disturbance to neighbouring residents. It must be considered that the previous use as a police station would have itself generated a certain level of activity.

Environmental Health officers have assessed the noise assessment accompanying the planning application. This looks at potential noise caused by general vehicle movements / car doors opening closing relating to the parking spaces included within this scheme. The assessment has been carried out under BS4142 which was not designed for assessing noise caused by general vehicle movements / car doors opening closing. It is therefore given limited weight.

In planning terms, any harm from the new development in relation to noise and disturbance to neighbouring residents must be considered. In practice, it is likely that the use by the police station would have been likely to have been confined to emergency use. The access to Temple Gardens has a locked gate. It is understood from consultation responses that there was an agreement between the police and residents that this was only used in emergency circumstances and in practice was in use a small number of times a year. However, there would have been nothing to restrict the access from being used in planning terms. The police station could have used the access at any time as there were no restrictions on its hours of use or the use of the access itself. Consequently, little weight can be given to any agreement between the police and neighbouring residents. However it is suggested that access to Temple Gardens would be limited to pedestrian access and

would be limited as such by a planning condition. A further condition is suggested to secure details of the gate to secure this arrangement.

Furthermore, it should be noted that conditions could be attached to any grant of planning permission to mitigate against any impact as a result of the development.

It is not considered that the use of the site as 9 flats would cause a harmful impact on neighbouring amenity from associated noise and disturbance, due to the number of comings and goings and associated general activity, when compared to the previous use of the site as a police station.

Construction Access

The applicant has provided an amended construction management plan. The applicant advises that construction can be carried out entirely from Finchley Road. Transport for London would need to agree to these arrangements, and the methodology for construction access has now been agreed in principle by TfL. A condition is suggested to secure a more detailed document for the construction management plan.

The Council's Environmental Health officers have reviewed the Construction Management Plan. They have confirmed that the proposed construction hours are satisfactory subject to minor revisions, and that the measures included such as damping down would be carried out which is satisfactory. They have made recommendations that noise monitoring will be carried out and recommend that vibration monitoring is carried out during the preparation, demolition and piling activities. Environmental Health and Highways officer have confirmed that this document is in principle acceptable and a condition is attached to ensure that the framework document is expanded upon.

Whether the proposals would provide an acceptable level of amenity for future residents

In accordance with the Supplementary Planning Document on Sustainable Design and Construction and policy DM02; appropriate amenity space needs to be accommodated on site. Normally this would need to be 5 square metres per habitable room for flats. With 29 habitable rooms on site, approximately 145 square metres of amenity space would need to be provided. The proposed scheme makes provision for the following amenity areas:

213sq m Communal Amenity Space
52 sq m to Unit 1 private garden
60 sq m to Unit 2 private garden
90 sq m to unit 3 private garden
21 sq m to unit 5 balcony (4 hab rooms)
16.5 sq m to unit 6 balcony (3 hab rooms)
26 sq m to unit 4 to balcony
4 sq m to unit 8 balcony (4 hab rooms)
5 sq m to unit 7 balcony (3 hab rooms)
18 sq m to unit 9 balcony. (4 hab rooms)

The communal garden area is located to the front of the building facing the access road. It could not reasonably be described as a private amenity area. The Supplementary Planning Document on Sustainable Design and Construction states that: '...outdoor amenity space which does not have a reasonable level of privacy will not be considered to be usable' The SPD on Residential Design Guidance states that 'Front gardens do not normally offer quality private amenity space.'

The proposed front communal area would technically meet these requirements and but it is acknowledged that it would receive relatively low levels of daylight and would be sited close the access road. However the overall amount of amenity space complies, albeit that units 7, 8 and 9 are deficient to varying degrees. The site is located within Temple Fortune town centre and also within an area of open space deficiency in relation to open space.

In these specific circumstances it is considered that the relatively minor deficiency in amenity space provision is not so significant as to warrant refusal of the application.

The proposals would also need to provide playspace as set out in the London Plan's SPG Shaping Neighbourhoods: Play and Informal Recreation, Sept 2012. Play spaces should be designed to be overlooked for natural surveillance and with safety and security in mind. Policy DM02 sets out Barnet's requirements for playspaces. This has not been designated on the proposed plans and it is suggested that a condition could be attached to ensure that exact details are provided. There would appear to be scope to site this within the front landscaped area.

Air Quality/Noise Issues

As the proposed site does not have a direct frontage onto Finchley Road and at its closest point (the proposed development would be 20 m from Finchley Road), the impact of the road for future residents would be limited. It is suggested that low-level air quality mitigation measures such as installing acoustic ventilators are installed.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

The existing site is located on A598 Finchley Road formerly the Golders Green Police Station which is now vacant.

The site is located in close proximity of a town centre, the Public Transport Accessibility Level (PTAL) rating for the site is 2 and is considered as a poor rating.

The site is within a one hour Controlled Parking Zone (CPZ) which operated from Monday to Friday from 11am to 12 Midday. Pay by Phone parking bays are located on Finchley Road.

The proposals comprise the redevelopment of the rear part of the site to provide new housing. The building fronting onto Finchley Road does not form part of this planning application.

Parking Provision

9 residential units comprising 1no. 1bedroom units, 4no. 2bedroom units and 4no. 3bedroom units are proposed. 11 parking spaces are proposed.

Parking provision for the proposed residential development needs to be in accordance with the Parking Standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012 and is as follows:

For 4 or more bedroom units - 2.0 to 1.5 parking spaces per unit
For 2 and 3 bedroom units - 1.5 to 1.0 parking spaces per unit

For 1 bedroom units

- 1.0 to less than 1 parking space per unit

This equates to a range of parking provision of 8 to 13 parking spaces. The parking assessment within the range is determined by the PTAL rating of the site and other factors such as the location of the site etc. The parking provision of 11 parking spaces is in accordance with the Parking Standards as set out in the Barnet Local Plan, Development Management Policy DM17.

It is proposed in the Transport Statement that 20% of Active and 20% of Passive EVCPs are to be provided as required by London Plan Parking Standards which is welcomed.

Trip Generation

The applicant has submitted a Transport Statement (TS) as part of their planning application

As part of the TS a parking stress survey was carried out on the roads in proximity to the site. The survey results demonstrated that parking stress is below the point where an area is deemed to suffer from high parking stress.

The TS identified a total of three bus services that can be accessed from stops within around 100 metres of the application site, a further bus route can be accessed within around 500 metres of the site.

The closest bus stops to the site are on the A598 Finchley Road directly to the south of the site. These bus stops serve access to bus routes 82, 460, and 102. A further bus route, the H2, is served from bus stops on the Finchley Road junction with Hoop Lane around 500 metres to the south of the site.

Golders Green London Underground Line Station is around one kilometre to the south of the application site, and is on the Northern Line.

The applicant has confirmed that the site has been vacant therefore it was not been possible to project the number of trips generated by the site's former use as a Police Station, however it is reasonably assumed that the number of vehicle and other person trips would have been significant throughout the day.

Given the nature of the former use of the site it is possible it would have been operational 24 hours a day, with associated traffic activity.

The proposed nine residential dwellings are projected to generate 24 total two way vehicle trips over the course of a typical weekday, 12 vehicle arrivals and 12 departures as derived from TRAVL. This is acceptable on highway grounds.

Access

The site currently benefits from an existing vehicular access from Finchley Road and also has a second access from the rear of the site off Temple Gardens.

The proposal is to not use the rear access and only use the access to Finchley Road. As this is an existing access no objection is raised on highway grounds for the use of the access for the residential use.

The main pedestrian entrance is proposed to be to the front of the site from Finchley Road, and there would be a secondary access to Temple Gardens that would only serve residents of the development.

Any modification proposed to the existing access would require submission of an application under Section 184 of the Highways Act (1980).

Discussions have taken place with Transport For London and they are happy in principle with access and egress, subject to a detailed design being drawn up. A condition is attached to ensure that a section 278 agreement is provided prior to commencement of the development.

Safety

There have been no personal injury accidents relating to the accesses for the site, and it is not considered that the proposals would result in harm in this regard.

Refuse

A refuse bin store is provided to the rear of the site, within 10 metres of the public highway on Temple Gardens. It was confirmed that the delivery and service arrangement is to remain as per the existing.

It is anticipated that refuse collection would take place from Temple Gardens. Existing properties on Temple Gardens are serviced from this location.

Whether the proposals would have an acceptable impact on security in the vicinity of the site

It is noted that the proposals involve use of a pedestrian access from Temple Gardens. This would be gated and would not involve the introduction of public access through the site. A condition is suggested in regards to this access.

The proposals would afford good natural surveillance across the site over amenity areas.

It is not considered that the proposals would harmfully impact on security for local residents.

Whether the proposals would make adequate provision for drainage

The site would need to comply with the London Plan in respect of drainage requirements. There are no specific on site drainage concerns and this matter can be addressed through a planning condition.

Sustainability Issues

Lifetime Homes standards have been withdrawn as part of the new National Housing standards, however there is a new requirement to comply with part M4(2) of the Building Regulations. The applicant has confirmed that the development would comply with these standards.

Conditions are also suggested in order to secure suitable levels of carbon dioxide emissions reduction, and water usage.

5.4 Response to Public Consultation

Generally addressed in main report, but specific items addressed below:

Amenity Issues

Demolition of the existing boundary wall is unacceptable. – *it would not be reasonable for officers to insist on the retention of the wall as part of the development as there is no valid planning reason for doing this.*

Dispute that there are any structural issues with wall. *The Local Planning Authority cannot insist on the retention of the wall*

There should be no access from Temple Gardens for pedestrian or rubbish collection. *It is not considered that it would be reasonable to prevent this. The pedestrian access would serve 9 units and it is considered that any noise and disturbance would be acceptable. Refuse collection already takes place from Temple Gardens for existing residents, and therefore it is not considered reasonable to prevent this for the development.*

Concerns regarding overlooking for roof terraces to units 4, 8 and 9. – *The terraces would be set a considerable distance from neighbouring windows, well over those required within the Council's SPD on Residential Design Guidance*

Character and Appearance Issues

The proposed materials and finish are completely out of character with the surrounding residential properties. Proposals are a modern, dense building with no resemblance to any of the family homes with gardens. – *It is not considered necessary in design terms for the development to be of similar design to houses on Temple Gardens. It is not for the LPA to impose particular design approaches on the applicant. A condition is suggested to ensure control over the exact finishes*

Highways Issues

Visitations to the site in February/March 2015 were already causing excess demand for parking on Temple Gardens until a Planning Contravention notice was issued by the council. As residents in the vicinity rely on on-street parking, the council should restrict the parking permits for the entire site only to the level of parking spaces within the site to prevent an overflow of parking onto our street. Based on the transport statements assessment, there would in any case be no need for additional parking on our street from the development.

Development is a safety risk

The fact that this access sits on a 90 degree bend makes it dangerous.

Other Matters

The proposal also mentions that a banksman will prevent any traffic proceeding down Temple Gardens while a site vehicle is reversing. It is unreasonable to expect the residents of Temple Gardens to have their movement regularly impeded in this way. *It is not considered unreasonable for such precautions to be employed. Whilst there may be some disruption to residents, given the temporary nature of this it is not considered that refusal of the scheme could reasonably be justified*

We have had for many years an agreement with the police station that no cars are to come through the back entrance at any given time except for emergency's only. We strongly demand that this agreement remain the same with the new development. – *This is addressed in the main report. In planning terms the agreement cannot be given significant weight*

The development does not allow for what may happen with the remainder of the site. This application only covers part of the site and any further development to the front of the site will further increase both traffic and parking stress. We believe that as the whole site has the same owners, both potential developments should be considered as one application. – *It is noted that the proposed front building would remain. However, any proposals for the remainder of the site must be assessed on their own merits when such a scheme comes forward*

Obstruction large bins would cause on pavements at the back any bags unable to fit into the bins will overflow or be left next to bins on the street *The bins would be stored on site within an enclosure, and would only be wheeled onto the pavement at time of collection*

Object in the strongest possible terms to the demolishing of the boundary wall behind numbers 10-16. It will radically change the secluded view from our garden along the street - and have a huge impact on the character, privacy and isolation of all our gardens. It is an unreasonable and unnecessary imposition on existing residents. – *it would not be reasonable for officers to insist on the retention of the wall as part of the development as there is no valid planning reason for doing this.*

The ground and first floor extensions to the rear of 14 Temple Gardens are not shown on the architect's plans and need to be added. The revised plans will show that the privacy distances between buildings will fall short of the recommended minimum. If the west boundary is not retained in entirety, the first floor south windows will directly overlook the rear gardens of 8-12 Temple Gardens. The proposed plans do not meet the requirement as highlighted in the planning statement (section 6.35) "in new residential development there should be a minimum distance of"....."10.5 metres from a neighbouring garden". This statement alone is subject to misinterpretation. There is, in fact, no distance between the proposed building and existing residential gardens. The proposed building is too close to our properties. *It is noted that the exact rear wall of some of the houses on Temple Gardens is not accurately shown on the plans, as a generalised line has been taken. However the report acknowledges this and takes into account the impact on these properties as extended*

Council cannot effectively enforce issues such as noise – *Subject to conditions it is not considered that there would be harmful impact. The Council would potentially be able to enforce against any breach of these conditions.*

Reference to Pillar Hotel site where Council refused gates. – *The circumstances at this site are considered materially different and are of little relevance.*

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have 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."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide new residential dwellings on a site previously used as a police station. The merits of the case are considered in the main report. Residents have expressed objections on a number of grounds and these are considered.

It is recognised that elderly residents are likely to be more affected by issues such as noise and disturbance and less mobile residents such as elderly and disabled residents more affected by highways access issues. The applicant has where possible designed the scheme in a way to mitigate these impacts.

In terms of any likely negative impacts, the application has attempted to address these through the design of the scheme.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters.

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.

7. Conclusion

Taking the above considerations into account, the proposals would make provision for 9 additional housing units, and would not cause material harm to the appearance of the area, highway safety, or neighbouring living conditions. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

