

Location **12 - 18 High Road London N2 9PJ**

Reference: **16/2351/FUL** Received: 11th April 2016

Accepted: 26th April 2016

Ward: East Finchley Expiry 26th July 2016

Applicant: Safeland PLC

Proposal: Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space

1. Summary:

The Planning Committee previously approved this planning application on 22/02/2017. Residents have subsequently written to the case office requesting the clarification of certain issues. This report is written to the Planning Committee for its approval in order to clarify these matters.

Please note that items are not normally referred back to committee where representations are received – in this case the objections raised additional issues that officers felt needed clarification.

Further to comments raised by residents in relation to the previous plans and compliance with part M4(2) and M4(3) of the Building Regulations, additional plans have been submitted to show lift access to the top floor of Block B.

The original committee report is attached as an appendix to this report.

2. Revised Schedule of conditions.

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

HR-G-AG01 E
HR-G-AG02 D
HR-G-AG03 E
HR-G-AG04 F
HR-G-AGP01 H
HR-G-AGP02 F
HR-G-AGP03 G
HR-G-AGP04 F
HR-G-AGP05 F
HR-G-AE01 E
HR-G-AE02 C
HR-G-AE03 D

HR-G-AE04 B
HR-G-AE05 F
HR-G-AE06 G
HR-G-AE07 E
HR-G-AE08 D
HR-G-AE09 B
HR-G-AE10 C
HR-G-AE11 C
Design and Access Statement
12-18 High Road - East Finchley Site Analysis
Daylight and Sunlight Report
Construction Management Plan
Transport Assessment
Revised Environmental Assessment
Planning Statement
Air Quality Assessment
Travel Plan
Heritage 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) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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).

7 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).

8 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).

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

10 Part 1

Before development commences other than for investigative work:

a) 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.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) 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.

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor office as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under 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 amenities of occupiers of the residential properties 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 2011.

13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy 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.

14 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, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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).

15 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.

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

18 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.

19 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

20 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.

21 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

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.

22 a) Before the development hereby permitted is first occupied, details of privacy screens and balustrades 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.

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).

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

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

24 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.

25 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

26 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 40 % 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

27 The ground floor of block A shall be used for an office and for no other purpose (including any other purpose in Class B1 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.

28 No parts of the roof of the first floor roof shown on plan HR-G-AGP03F, or the second floor roof on plan HR-G-AGP04E, or the third floor roof on plan HR-G-AGP05 E (with the exception of the third floor areas specifically annotated as roof terraces) shall be used as balcony, amenity or sitting out area.

Reason: To safeguard neighbouring amenity.

29 Prior to the commencement of the development, details of the access and access road(s) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Environment and Operations Directorate.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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.

30 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and 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.

31 Details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control on site parking in the interest of highway and pedestrian safety 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.

32 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety 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.

33 The applicant must enter a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.

Reason: In the interest of highway safety 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.

34 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and 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.

35 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

3. Amendment to RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/09/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be

contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

4. Amendment to 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.
- 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 £58,180.50 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 £224,410.50 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.

- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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

- 8 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.
- 9 The applicant is advised that the High Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic.
- 10 The applicant is also advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 11 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 12 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 13 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicant and will require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by the Highways Authority.
- 14 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.
- 15 The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.
- 16 To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 17** The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 18** The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via abetterwaytowork@barnet.gov.uk or tel: 020 8359 7603.
- 19** The applicant is reminded that the development needs to incorporate sprinklers compliant with the Building Regulations in order to comply and provide fire safe development.

4. Background

The item was previously presented to the Finchley & Golders Green Area Planning Committee on 19th January 2017 was referred up to Planning Committee, following the vote, by the requisite number of Members (2), in accordance with the Constitution.

The item was subsequently referred to the Planning Committee on 22/02/2017 and was approved by Members of the Committee.

Further to the decision of the Committee, correspondence was received from local residents requesting clarification regarding certain issues. This has included but not been limited to :

The item is now referred back to committee in order for these issues to be clarified. The applicant has provided a revised set of plans with minor changes and clarifications in order to assist.

5. Consultation

Consultation with residents

Further consultation on the final amended plans was undertaken on 19/04/17 and on 30/06/2017. This follows receipt of amended plans to attempt to address concerns from residents about the scheme taken to the Planning Committee on 22/02/2017. A total of 41 objections were received in response to these plans from the 19/04/2017 consultation.

A further consultation was undertaken on 30/06/2017 and 10 further objections were received.

All of the objections are summarised below:

Procedural Issues:

- Concern of relationship between Capita and GI Hearn (agent)
- Planning conditions are being used in an inappropriate manner
- Accommodation Schedule includes removed balconies

Heritage Issues:

- Report is littered with inaccuracies
- Does not source historic data
- Photos do not relate to building itself
- There are no other buildings of this age in East Finchley
- Report does not comply with Historic England requirements.

Character and Appearance Issues:

- The drawings are misleading about the height of block B in relation to the surrounding houses.

- Ingram Road houses have been drawn on the assumption that the ridge at no.1 is the same height
- as the ridge of the shop unit corner Baronsmere Road. In fact is in lower and then steps down the
- hill. Block B appears to be 1.7m higher than no. 9 and the houses south of that step down the hill,
- therefore will be even higher in relation. In fact the difference is likely to be greater. Block B is too
- tall and should be at least one storey lower and moved away from the boundary.
- Building is big and ugly
- Yew tree is not shown on the drawings and not taken into account
- Poor Quality Design

Amenity Issues:

- Overlooking
- Third floor could still be used for roof terrace despite condition
- Impact of front terrace has not been assessed
- GIA of some flats is below London Plan standards

Accessibility Issues:

- Scheme is still not Building Regulations compliant
- The applicant has not shown the necessary sprinklers on the plans. Do the sprinklers comply with Building Regulations?

Highways Issues:

- Parking Impact
- Reversal of vehicles onto the High Road
- *How can you install a pedestrian crossing point on a small slip road?*
- *How can the crossing point be set back?*
- *Council officers' should be looking critically at the developer's Transport Assessment and not just accepting it unquestioningly. A turning space of less than 7m is inadequate for vans and larger cars*
- *Road safety audit should be undertaken*
- *Council should not accept developer's 2016 Parking Survey*
- *There are no unrestricted spaces on this stretch of High Road*
- *Council should not allow a development that is so poorly designed as to make the regular emptying of waste containers a risk to pedestrian safety and an obvious cause of disruption to traffic.*
- *Parking permits were issued in error at other developments*

Infrastructure Issues:

Lack of GPs and Infrastructure.

Consultation with external bodies

The London Fire Brigade were consulted on the current application on 27/04/2016, 20/06/2017 and again on 10/07/17. A response was received on 11/07/2017 which objected on the grounds that the proposals did not comply with part B5 of the Building

Regulations. The applicant has subsequently confirmed that Building Regulations compliant sprinklers will be incorporated into the development and the London Fire Brigade have confirmed that they no longer object to the scheme. Officers anticipate that it would be possible to incorporate sprinklers without significantly changing the plans.

7. Additions to Report

7.1 Loss of the existing building

In response to concerns expressed by residents a Heritage Statement has been provided by the applicant, which has been produced by Martin O'Rourke.

The Heritage Assessment states that:

'The villa on this site was always a modest cottage-style domestic building of a vernacular type. Such buildings are not rare, and many survive in almost their original condition on the fringes of London and elsewhere. When relatively unaltered, such villas have a modest charm and significance. Such significance is greatly enhanced by being part of a street or village group with their associated garden setting.

In this case, the inappropriate concrete tile roof, modern crude entrance porch and the dominating extensions have had a particularly damaging effect on the original character and appearance of this modest and reticent building, as has the loss of the garden setting through building extensions.'

It goes on to summarise that *'The villa at the centre of the site of Nos.12-18 was always a simple building of limited heritage significance. It is now severely detrimentally altered and extended. The setting is also greatly altered by poor quality extensions which detract from the villa in scale, materials and design.'*

Officers note the assessment above. Officers still consider that the building has some historical significance within East Finchley Town Centre. A number of consultation responses have referred to existing building on site and it's historic significance within East Finchley. The building appears to be of Victorian era and notable features include it's attractive brick façade, sash windows and detailing. However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Paragraph 7.9 of the Mayor's London Plan states that *'The significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their*

conservation and the establishment and maintenance of sustainable communities and economic vitality.'

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting and it is difficult to see how the building could be retained whilst unlocking the potential of the site to contribute through development. In this way policy 7.9 of the London Plan has been considered, and the Local Planning Authority would not insist on the retention of the existing building on site.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

7.2 Whether the development will have an acceptable impact on Highway and pedestrian safety

The item has been referred back to the committee for final decision. Committee members previously considered that car free development was acceptable. Officers do not consider that any comments raised since this would warrant taking a different view. It is noted that some of the highways conditions were previously omitted in error and these are now attached. For clarification the Highways Officer has updated their comments below:

Parking

The parking survey submitted as with the application has been reviewed and the number of bays available has been re-measured and found that the number of bays counted was less by P&D 20 bays; Residential 17 bays; SY 52 bays; and UN 2 bays. In recalculating the available space it is reduced but there is still space available to park.

The Highways Officer has reviewed the parking survey submitted by residents on 3rd February that includes Ingram Road; Baronsmere Road to the junction of Park Hall Road; High Road 167m to the north and 150m to the south; and 36m into Fairlawn Avenue. The results show that 13 spaces are free overnight and 4 spaces daytime. The survey area is constrained, for a town centre location with competing demands we would accept the extent submitted by the applicant. The applicant is willing to accept the removal of the rights of residential parking permits which is adequate mitigation in accordance with our policy.

The results of the CPZ parking review are to be considered at the Finchley and Golders Green Area Committee on Thursday 16th February the focus was placed by residents on a range of issues. The main issues being:

- Intra-CPZ commuter parking/request for separate permit zone from remainder of CPZ: 26 mentions;
- Parking related to the Phoenix Cinema causing problems in the evenings: 6 mentions;
- Problematic parking in Brompton Grove, which is a private road.

The results are that there do not appear to be any significant parking issues to consider.

The site is located opposite the East Finchley Station and is ideally suited for a car free development for 1 and 2 bed units. Car parking permits will not be issued for the development, although this does not prevent for a resident from purchasing a vehicle it does restrict parking on-street in controlled hours that includes Saturday. Air pollution is of concern throughout London and therefore where there is good public transport and access to amenities car parking should be reduced as a sustainable solution to reduction in carbon emissions. A car club will be provided for those who require a car for trips for longer distance where public transport is limited.

Access

Trip Generation to the site has been estimated from similar sites within the TRICS database which is a database of surveys throughout the UK and is the industry default for estimating development trips. Sites are selected on type of use, location and size as well as other characteristics. The sites used for the residential use are between 2007 and 2015 and for the office are between 2007 and 2013. The total daily vehicle trips for residential are 12 arrivals and 13 departures and for the office are 4 arrivals and 4 departures. The comment has been raised in regard to larger vehicles used for deliveries and these are shown as OGV (Ordinary Goods Vehicles). Other deliveries will be made by smaller vehicles. The office space is 265 sqm and is not a large office, based on an average of 15 sqm per person this would hold 17 staff. An estimate of 100 vans per week made by residents is an exaggeration.

In addition the point made was the number of deliveries made by larger vehicles, there may be additional trips by car size delivery vehicles. The TRICS database with similar sites was used using similar sites from surveys carried out between 2007 and 2014. The office is small with vehicle trip numbers very low.

A pedestrian crossing point is a place that gives people a safer place to cross a road or access and can be uncontrolled or controlled. Based on the expected traffic movements from this site this would be uncontrolled in the form of tactile paving defining the point to cross.

If a driver reverses out the access than it is correct to say that visibility would be reduced and a driver would not have a view of the pavement or carriageway. In my opinion this is a very unlikely occurrence as drivers who are unfamiliar with the location would not try and access a gated access; they would first stop at the entrance on the High Road before making a turn to see if it is clear. If the gate is closed than they would park elsewhere, it is not likely they would block the gate. It is much easier for a delivery vehicle to stop at the access and not turn in to make a delivery, they will not be within the running lane as be protected by parking.

Pedestrians will not be crossing at the back of footway as there are chairs and tables to the north and to the south the desire line is at the front of the footway as pedestrians will not cross into the side of a building. In my opinion there is not a highway safety issue.

Officers have identified minor issues with the access that has been conditioned for amendments to be submitted and this will be prior to the start on site. This is not considered a reason for refusal.

Highways officers have considered loading from this site and generally on the High Road. The view is there is no local need for loading facilities on the High Road as the parking bay

is often free for loading or visitor parking to take place. The nearest parking bays are pay by phone and therefore have a high turnover. Although there is rear access to the current premises this is not able to accommodate delivery vehicles as there is not space to turn around due to parked vehicles. At present some deliveries are made from the High Road. If there was a serious parking issues the Council would be receiving complaints about double parking and severe congestion and this is not the case. The number of deliveries is not deemed a serious issue by Highways Officers and parking team.

Safety

The gardens at the back of the arcade have been concreted over to provide for parking as can clearly be seen on aerial views. From observations on the High Road a number of deliveries are made to this shopping arcade.

It is clear that deliveries are made from the High Road. At the same time the pay and display bays are clear allowing parking for delivery vehicles or visitors to the development.

Loading can be made from the High Road where there are no loading restrictions. There are no issues with unloading from the access without making a turn. The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions show exceptions to parking in a controlled area in regulation 22.

Other Highways Matters:

- Pedestrians cross further away from the building where there is greater visibility. The existing pedestrian point is set forward of the building line.
- The Transport Assessment was reviewed and a swept path is provided that shows a 4x4 type vehicle turning within the space provided without hitting any walls. The Transport Assessment states that the width is 7 metres. A Land Rover is below 5 metres in length and therefore there is over 1 metre either side to manoeuvre. Car parks are generally designed with 6 metre aisles that enable a vehicle to turn. If the gates are controlled this would avoid larger vehicles having access. It is not likely that a delivery vehicle driver would hinder itself by reversing in or out of the access as it is far easier for them to pull in parallel with the access as they can leave quicker and more safely.
- It is considered that as an existing access with no accident history the reduced number of trips would not create any additional safety concerns.
- The planning process will consider access design on the public highway in outline but will require detail design through the Highways Act under Section 278 or Section 184.

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic. Additional conditions are suggested as originally put forward by the highways officer, where it is considered justified.

7.3 Privacy

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear

extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

Block B would be sited the following distances from houses to the rear on Ingram Road:

- The proposed development would maintain a distance of 12m to the rear boundary at ground and first floor level, except for the central projection which would maintain a 10.5m gap.
- The proposed development would maintain a distance of 12m to the rear boundary at second floor level.
- The proposed development would maintain a distance of 14.2m to the rear boundary at third floor level.

In this way the proposals would comply with requirements of the Residential Design Guidance Supplementary Planning Document in respect of overlooking distances to neighbouring gardens which specify a minimum distance of 10.5m. Additional distance is provided at the third floor.

The distances to houses to the rear from block B are clarified below would as follows. It should be noted that the properties on Ingram Road are L shaped with a two storey outrigger and as a result distances vary across properties on Ingram Road.

Neighbouring Property	Floor	Distance to closest point between windows
5 Ingram Road	Ground Floor	21.4m to rear single storey element adjoining two storey outrigger
	First Floor	22.1m to rear two storey outrigger
	Second Floor	22.1m to rear two storey outrigger
	Third Floor	24.3m to rear two storey outrigger
7 Ingram Road	Ground Floor	21.1m to rear single storey element adjoining two storey outrigger
	First Floor	21.8m to rear two storey outrigger
	Second Floor	21.8m to rear two storey outrigger
	Third Floor	24.0m to rear two storey outrigger
9 Ingram Road	Ground Floor	16.4m to single storey rear extension
	First Floor	19.3m to rear two storey outrigger
	Second Floor	20.8m to rear two storey outrigger
	Third Floor	23.0m to rear two storey outrigger
11 Ingram Road	Ground Floor	20.4m to rear single storey element adjoining two storey outrigger - note that two storey projection extends on other side of property from outrigger
	First Floor	21.1m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
	Second Floor	21.1m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
	Third Floor	23.0m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
13 Ingram Road	Ground Floor	20m to rear single storey element adjoining two storey outrigger
	First Floor	20.7m to rear two storey outrigger
	Second Floor	20.7m to rear two storey outrigger
	Third Floor	22.9m to rear two storey outrigger

As can be seen above, the proposals broadly comply with the 21m window to window distance within the Supplementary Planning Document: Residential Design Guidance though there are some areas where the scheme is deficient, namely the ground and first floor windows at 9 Ingram Road, and to more marginal extents the ground floor of no.11 and ground, first and second floors of no.13.

The SPD states that shorter distances may be acceptable between new build properties where there are material justifications. It must be noted that the proposals seek to redevelop a town centre site and make more efficient use of land. It is considered that

though there are some contraventions of the 21m distance within the Supplementary Planning Guidance, there would not be harmful overlooking taking into account proximity to the town centre, and the lack of continuous façade at upper floors. It should be noted that this is guidance and breach does not automatically mean that any application should be refused.

Overall it is not considered that the proposals would cause harmful overlooking that would warrant the refusal of planning permission.

Overlooking impact on other residential properties

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

Overall it is not considered that the proposals would cause harmful overlooking that would warrant the refusal of planning permission.

7.4. Impact on Trees of Special Amenity Value

The Yew tree to the front of the adjacent Council-owned Park House, relatively close to the boundary with the application site, has now been included in a Tree Preservation Order. The tree is a material consideration and would allow the Council to impose conditions, if appropriate, for the protection of the tree or replacement planting to mitigate its loss.

It is suggested that a planning condition is attached to ensure that mitigation is provided to ensure that the impact on the tree of the proposals is minimised. It is recognised that the tree is in close proximity to the existing buildings and proposed development.

7.5 Accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that in their view the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies. Advice has been sought from the Building Control Team on this issue and they have advised that in their view the proposals are generally compliant though a lift may be required for the third floor flats in block B. This has now been provided in the most recent amendments to the plans. A condition has been attached to ensure compliance and if the developer could not comply with this a new scheme would need to come forward.

Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. It is noted that residents have raised concerns that the development would not comply with part M4(3) as their view the units are too small for wheelchair access. The applicant insists that the development would comply with this requirement. Officers looking at the issue do not believe that there is any reason the units could not comply, and a condition is attached to secure this.

8. Response to Public Consultation

Additional officer comments on the latest consultation:

Procedural Issues:

Concern of relationship between Capita and GL Hearn (agent) –

Residents have raised concern regarding the relationship between the applicant's agent (GL Hearn) and Capita. GL Hearn was acquired by Capita in July 2015.

The application has been processed by officers under the employment of Regional Enterprise which is a joint venture between London Borough of Barnet and Capita.

In this case the following measures have been in place to prevent any possible conflict of interest:

- *The item will be determined by Members of the committee so the final decision would not be made by officers.*
- *The committee's decision will follow public discussion and residents will have their right to make representations to the committee.*
- *Officers have dealt with GL Hearn as they would have with any other planning agent.*

Planning conditions are being used in an inappropriate manner – It is not uncommon for large numbers of conditions to be attached to a major planning application. The conditions are considered to meet the tests of the National Planning Guidance.

Heritage Issues:

- *Residents concerns regarding the Heritage Assessment are noted. The assessment is considered in the report above. It should be noted that officers do not necessarily agree with all of the findings of the report.*

Character and Appearance Issues:

- *The drawings are misleading about the height of block B in relation to the surrounding houses. – Officers consider that the height of the building in any event is acceptable.*

- Ingram Road houses have been drawn on the assumption that the ridge at no.1 is the same height – *Noted and officers have not relied on this to make a judgement.*
- Yew tree is not shown on the drawings – *The location of the Yew tree is noted.*

Amenity Issues:

- Third floor could still be used for roof terrace despite condition – *Conditions are suggested and it is not considered that with privacy screening this could arise.*
- Impact of front terrace has not been assessed – *The front terrace is not considered to result in any overlooking given the distance to nearest property.*

Accessibility Issues:

- Scheme is still not Building Regulations compliant – Addressed in main report. The proposals before the committee have to be assessed on their merits. Officers have raised the issues put forward by residents and
- Issues to be dealt with under the Building Regulations do not form basis for withholding planning permission.

Highways Issues:

Addressed in main report

Infrastructure Issues:

A contribution would be provided towards the Community infrastructure Levy.

9. Conclusion

Officers consider that the amended plans and clarifications within this report further illustrate that the proposals would on balance be acceptable.

The proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

