

**Location**                      **Golders Green Delivery Office St Georges Road London NW11 0LS**

**Reference:**                      **17/5013/FUL**

Received: 1st August 2017

Accepted: 3rd August 2017

Ward:                              Garden Suburb

Expiry: 2nd November 2017

Applicant:                      Godfrey London Limited

Proposal:                      Demolition of the existing vacant building (previously used as Class B8 - Storage and Distribution) and the erection of a four storey office building (Class B1(a)) comprising of basement, ground and two upper floors. Associated car and cycle parking and associated works.

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his/her absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

#### RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1.      Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2.      All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3.      Monitoring of Travel Plan (£5,000).

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

1850 (PL) 001/102 (Site Location / Proposed Block Plan)

1850 (PL) 010 P1 (Existing Ground Floor)  
1850 (PL) 011 P1 (Existing First Floor)  
1850 (PL) 012 P1 (Existing Roof Plan)  
1850 (PL) 020 P1 (Existing South Elevation)  
1850 (PL) 021 P1 (Existing West Elevation)  
1850 (PL) 022 P1 (Existing North Elevation)  
1850 (PL) 023 P1 (Existing East Elevation)  
1850 (PL) 030 P1 (Existing Section 030)  
1850 (PL) 031 P1 (Existing Section 031)

1850 (PL) 109 P1 (Proposed Basement)  
1850 (PL) 110 P1 (Proposed Ground Floor Plan)  
1850 (PL) 111 P2 (Proposed First Floor)  
1850 (PL) 112 P2 (Proposed Second Floor)  
1850 (PL) 113 P2 (Proposed Roof Plan)  
1850 (PL) 120 P1 (Proposed South Elevation)  
1850 (PL) 121 P2 (Proposed West Elevation)  
1850 (PL) 122 P2 (Proposed North Elevation)  
1850 (PL) 123 P2 (Proposed East Elevation)  
1850 (PL) 130 P2 (Proposed Section)  
1850 (PL) 131 P1 (Existing Section)  
1850 (PL) 132 P2 (Proposed Section)

Daylight/Sunlight Assessment (received 01.08.17)  
Design and Access Statement (received 03.08.17)  
Heritage Statement (received 01.08.17)  
Planning Statement (received 01.08.17)  
Sustainability Appraisal (received 01.08.17)  
Transport Assessment (received 01.08.17)  
Travel Plan (received 01.08.17)  
Utilities Statement (received 03.08.17)

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) Prior to the construction of the relevant part of the development, 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 2016.

- 4 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. Staff travel arrangement;
  - ix. details of contractors compound and car parking arrangements;
  - x. Details of interim car parking management arrangements for the duration of construction;
  - xi. Provision of a banksman;
  - xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 5 No development other than demolition works shall take place until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the

Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 6 a) Prior to the installation of any ventilation/extraction plant, a report shall be submitted to the Local Planning Authority, 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.

Condition 6 is amended as follows:

- 7 a) No development other than demolition works 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 proposed B1(a) use; 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, and 7.15 of the London Plan 2015.

- 8 A Disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and made available for the use of disabled persons and their vehicles prior to the first occupation of the development and shall thereafter be kept available/ maintained for such use at all times.

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.

- 9 Prior to occupation of the development parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 10 Prior to occupation of the development the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. 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.

- 11 a) Prior to occupation of the development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

- 12 Within 3 months of occupation a Travel Plan statement that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and is ATTrBuTE compliant shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART

targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

- 13 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 14 The level of noise emitted from any plant installed 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.

- 15 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 35.41% 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.

- 16 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.

- 17 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).

- 18 The flat roofs permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 a) The non-residential development is required to meet the BREEAM 'Very Good' level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

- 20 Before the building hereby permitted is first occupied the proposed window(s) in the first floor on the 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).

- 21 The use hereby permitted shall not be used before the hours of 07:30 or after 20:00 on any day.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 22 The premises shall be used for B1(a) Class and for no other purpose (including any other purpose in Class B 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.

### RECOMMENDATION III:

- 1 That if an agreement has not been completed by 31 December 2017, that unless otherwise in writing, the Head of Development Management should REFUSE the application 17/5013/FUL under delegated powers for the following reasons:

1. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

### Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.



Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 3 The applicant is advised that the A598 - Finchley 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 Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 4 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements (ensure that deliveries do not coincide and vehicles are not kept waiting and parked up on public highway causing obstruction), means of access and security procedures including provision of Banksman where required for managing construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site where necessary on or adjacent to the site. The applicant is also advised that account needs to be taken of roads the traffic sensitive nature of any roads in the vicinity of the site and the number of schools in the vicinity of the site and needs to arrange deliveries outside the school pickup and drop off times if applicable.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 5 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 30dB(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 4142:2014 - 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).

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 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- 7 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
- 8 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.
- 9 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](http://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 £34,825 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 £0 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](mailto: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](http://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](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](http://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**

The application is being referred back to committee for re-consideration due to a recent letter of objection being received (dated 08.11.2017) from the owners of the adjacent development at Land to the rear of 1069 Finchley Road. This letter stated that as adjacent neighbours, they were not formally consulted on the proposals as part of the consultation process. The Council confirms that they were not directly notified. As such, the Council considers it necessary to refer the application back to committee in order to consider this letter of objection and the material planning issues raised. This would bring the overall number of responses to 8, of which 7 are objecting and 1 in support. The objections are addressed in the report below.

### **1. Site Description**

The application site is located on the northern side of St George's Road within the ward of Garden Suburb. The site also lies within the Temple Fortune Town Centre designation.

The site consists of a two-storey building of brick construction at the front of the site and a large pitch roofed single storey warehouse building to the rear. The site was previously in use as a Royal Mail sorting and distribution office, classified as Class B8 - Storage and Distribution. It is stated within the submission documents that the site has been vacant since September 2016. The site is not statutory listed or located within a conservation area.

The site is situated on the western edge of the town centre, in an area which transfers from commercial and retail properties to the east and residential terraces to the west. To the north and rear of the site, is land to the rear of the former Golders Green Police Station which has planning consent (reference 15/01377/FUL) for the construction of a new building up to five storeys containing 9no. self-contained flats. The site fronts on to St George's Road to the south, where there is a single storey MOT garage opposite. To the east and west, the rear elevations and gardens of Temple Gardens and Finchley Road face onto the application site.

### **2. Site History**

Reference: 15/01377/FUL

Address: Land To The Rear of Former Golders Green Police Station, 1069 Finchley Road, London,

Decision: Refused

Decision Date: 30 June 2015

Description: 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

Appeal Reference: APP/N5090/W/15/3136451

Decision: Allowed

Decision Date: 04 April 2016

Reference: F/00076/10/LIC

Address: Golders Green Delivery Office, St Georges Road, London, NW11 0LS

Decision: Exempt

Decision Date: 10 November 2010

Description: Installation of a new green metal equipment cabinet. LICENCE NOTIFICATION

Reference: C02977F/01

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Unlawful

Decision Date: 07/01/2002

Description: Replacement windows.

Reference: C02977E

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Approved subject to conditions

Decision Date: 02/04/1975

Description: External staircase and doors for use as fire escape.

Reference: C02977D

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Unlawful

Decision Date: 02/12/1974

Description: A new door at first floor level and metal stairways and walkways to provide new means of escape

Reference: C02977C

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Approved subject to conditions

Decision Date: 29/04/1974

Description: The erection of first floor extension for use as kitchen and dining-room

Reference: C02977B

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Approve subject to conditions

Decision Date: 31/05/1972

Description: Erection of first floor extension for use as kitchen and dining-room

Reference: C02977A

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Refused

Decision Date: 28/07/1971

Description: Erection of first floor extension for use as games room.

### **3. Proposal**

The application seeks consent for the demolition of the existing buildings on site (Class B8) and the redevelopment of the site to provide an office building (Class B1(a)) over four storeys including basement. The proposal also comprises of the provision of two car parking spaces, cycle parking and refuse storage. The proposal would provide 1,704sq.m (GIA) of office accommodation.

Amendments have been made to the application, which include:

- Reduction of 1st and 2nd floor levels at the rear of the site by 1m and 2m respectively.

## **4. Public Consultation**

**The most recent letter of objection received raised the following material considerations:**

- **Outlook from the residential development to the north will be impacted;**
- **Proposed building would appear unduly dominant from the ground floor residential units and will result in loss of outlook;**
- **Shortfall of parking spaces.**

Consultation letters were sent to 289 neighbouring properties.

8 responses have been received, comprising 7 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Alternative roof material would be more appropriate for the character of the area
- Increase in height to the rear portion of the development will have a significant and negative impact on the quality of outdoor space and light to gardens;
- Proposal will result in additional parking strain within the surrounding street;

The letter of support can be summarised as follows:

- Developer undertook a very professional consultation with local residents and impressed that our comments have been taken into account.
- Proposal is a high quality development which is sensitive to its surroundings.

## **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 2016

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, CS6, CS8, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM11, DM14, DM17

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- 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;
- Highways;
- Other material considerations.

## **5.3 Assessment of proposals**

### Principle of development

The existing site comprises of 709sqm (GIA) of Class B8 floorspace and the proposal would provide 1,704sq.m (GIA) of Class B1(a) office accommodation.

Barnet policy DM14 states that new office space should be located in the town centres before edge of centre or other sites as these are more accessible by public transport and will help contribute to the continued vitality of the rest of the town centres. In respect of the loss of B8 use, the site is not located within an area of protected industrial or business area. The site falls within the boundary of the Temple Fortune Town Centre and therefore the principle of new employment space is considered to be acceptable and a sequential test would not be required in this instance.

Overall, the proposal would redevelop an existing vacant employment site, increasing the floorspace by 995sq.m and would generate approximately 114 full time equivalent (FTE) jobs. For these reasons, it is considered that the principle of B1 office accommodation is appropriate and there would be no detrimental loss of employment of the site.



### Impact on the character and appearance of the site, streetscene and surrounding area

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The Planning Authority considers that the existing building is a good example of an Edwardian sorting office and makes a positive contribution to the streetscene. As such, the Local Authority considers that the building should be considered as a non-designated heritage asset. Paragraph 135 of the NPPF identifies that the effect on the significance of a non-designated asset should be taken into account when determining a planning application. A balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset. With the demolition of the non-designated asset, it is considered that there is a resultant level of harm occurred through its demolition and complete loss.

In terms of layout and footprint, the existing building occupies the majority of the site. As such, it is considered that the proposed development which replicates this footprint is acceptable. The submitted Design and Access Statement makes comment that the proposed replacement building references the existing building on the site and the former Police Station around the corner on Finchley Road. In terms of massing and height, the overall height of the building will not exceed the existing ridge of the main building and will still remain subservient to the main buildings to the east along Finchley Road. The proposal can be sub-divided into 2 elements - front and rear. The front element will have a more traditional appearance, replicating the existing building. It will be constructed of red brick and slate to match the existing, with brick detailing around the fenestration. The scale and proportion of the new dormer windows are considered to be appropriate and appear visually subservient to the main building. Overall the front building is considered to be of a high quality design which references the design and detail of the existing building. With regards the rear element, this will still be constructed of red brick with the second floor being finished with metal cladding in order to visually break out the massing of this building. The overall height of this element sits lower than the front building ridge height and is set back at first and second floors to give separation to the neighbouring properties. This is considered to help break up and the overall massing across the site. The inclusion of two green roofs at first floor level along the boundary of Temple Gardens is considered to provide some visual improvement.

In terms of its impact on the character and appearance, the proposed development is considered to be a high quality and its design references the existing non-designated asset. In balancing its loss under paragraph 135 of the NPPF, the Planning Authority considers that the replacement building will still make a positive contribution to the character and appearance of the site and streetscene and therefore outweighs the harm caused through the loss of the non-designated asset.

### Impact on amenity of neighbouring residents

In terms of potential impacts, there are existing properties to the east and west, and a new residential development has been approved to the north.

To the east, the rear elevations of the Finchley Road are located approximately 14m from the eastern elevation of the proposed development. It is considered that the impact towards these properties is likely to be limited in terms of loss of light or outlook due to the separation distance and the scale of development being of a similar scale. A proposed B1

(office) use is not considered to introduce significant overlooking issues due to the temporary use throughout the day of the building. In between the buildings on Finchley Road and the application site, there is a two storey residential building. The proposed development would propose to increase the overall height and bulk of the development along the whole length of the site. In terms of overbearing, there is some separation between the sites and it is considered that the inclusion of a setback along this elevation helps to reduce this impact. The applicant has also undertaken a daylight/sunlight assessment which concludes that there will be a full adherence to the BRE guidelines.

To the west, there is a row of terrace properties along Temple Gardens. It is proposed to replicate the single storey element along the boundary and therefore it is considered that would be no additional impact through this element. The first and second floor elements have been set away from the boundary and is considered unlikely to have any detrimental impacts. The sunlight/daylight survey states that the results show that there will be full adherence to the BRE guidelines. The first floor windows which face these properties will be installed with obscure glazing and as such, any overlooking impact will be removed. A number of representations received raised concerns over the loss of light to the rear gardens of these properties. In response, the Planning Authority considers that with the first and second floors being set away, any impact would be limited. In addition considering that the proposal is located to the east, any potential impact would only be restricted to the morning.

In terms of the potential impact to the north upon the approved residential development, the virtue of no proposed windows on the rear elevation of the proposed scheme would remove any overlooking concerns. However, the introduction of a part three storey building along and in close proximity to the northern boundary and southern elevation would likely have potential to impact in terms of loss of light, overbearing appearance and loss of outlook. During the process of the application, the northern elevation of the first and second floors was further reduced by 1m on the first and 2m on the second floor. The Planning Authority is satisfied that this reduction is sufficient to address the concerns regarding overbearing. Officers have had regard in their assessment to the floorplans of the adjacent development and taking into the account the revised setbacks and that the proposed rear element only runs along a portion of the shared boundary, the impact on the outlook of the residential occupiers is not considered to be so detrimental to warrant refusal of the application. The results of the sunlight/daylight assessment show that in the proposed condition the majority of the rooms within the consented development will continue to receive adequate daylight levels in accordance with the target values set out in the BRE guidelines. Three of the rooms tested fall below the guidelines in the proposed condition. However, it is stated that two of these three rooms would not meet the guidelines in the existing condition which is in part of the design of the consented development which contains single aspect rooms. As such, as it has been demonstrated that the proposed development would not have any further significant harm over and above the existing conditions, there is not considered to be a significant harm caused through loss of lights to these properties.

#### Highways and parking provision

In terms of parking provision, Barnet policy DM17 expects developments to provide parking in accordance with the London Plan. Policy 6.13 (Parking) states that maximum standards are set out in Table 6.2 in the Parking Addendum which for Outer London requires 1 space per 100-600sq.m. The Council's Traffic and Development service has reviewed the submitted highways documents and comments that for the creation of 1850sq.m and with a PTAL of 2, there would be a requirement of one space per 200sq.m.

There would therefore be a shortfall of 7 spaces but taking into consideration that the current site has a parking demand but supplies no parking, the shortfall is considered to be acceptable. In addition, there is a CPZ in operation in vicinity of the site so the occupiers of the building will not have the ability to park on the highway or obtain parking permits. There are no business permit zones within the surrounding area. There should be no highways impacts associated with the development.

Although a Travel Plan has been included with the planning submission this is in the form of a Framework Travel Plan rather than the required Travel Plan Statement. The submitted TP does not include targets. The TP Mode Share Targets should be displayed in a table breaking the % targets down by each year (Baseline and 1 to 5) and each mode and split into staff and visitor travel. The Action Plan is required to include short, medium and long term measures and actions that will cover the lifespan of the Travel Plan (at least 5 years). This should include when an action will be established as well as how often that action will be repeated/re-promoted. Each action should have clear ownership. As it is anticipated that the development will be occupied by a number of organisations a steering group should be setup which includes a Representative from each employer within the proposed development, the members of the steering group will work together to deliver the TP with the TP Champion (TPC). A condition will be attached requiring the submission of a new travel plan which should contain the above requirements.

#### Other material conditions

##### *Refuse and Recycling*

Refuse associated with the existing / previous use is stored within the building and along the east facing elevation. Refuse is collected with the existing uses from St George's Road.

Within the proposed development refuse would be stored along the east facing elevation of the building as per the existing situation. It would be accessible via an alleyway that abuts the eastern boundary of the site that leads from St George's Road. Servicing would be undertaken on-street in a similar manner to the existing situation.

##### *Sustainability*

London Plan policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Strategy that states that the proposal will achieve BREEAM 'very good'. The application documents also advise that the proposed development will receive an overall on-site reduction of 35.41% in regulated emissions which meets the London Plan target.

## **5.4 Response to Public Consultation**

**Alternative roof material would be more appropriate for the character of the area** - The rear of the site has very limited open views and the use of metal cladding on the rear building element is not considered to have an adverse impact on the character of the area.

**Increase in height to the rear portion of the development will have a significant and negative impact on the quality of outdoor space and light to gardens** - The separation and setback of the first and second floors from the boundary with Temple Gardens is considered to be acceptable and taking in addition the orientation of the site, is not considered to have a significant and negative impact on the gardens of the neighbouring properties.

**Proposal will result in additional parking strain within the surrounding street** - Due to the presence of a CPZ within the surrounding area, occupiers of the building will not be able to park within these streets and will not be able to obtain parking permits.

**Outlook from the residential development to the north will be impacted** - Officers have considered the floorplans of the adjacent development and considered that the proposed setback of the first and second floors and the fact that the rear element only runs along part of the site, the impact on outlook is not considered to be detrimental.

**Shortfall of parking spaces** - It is noted within the Council's Highways response that there is a shortfall of 7 spaces. However, in their assessment, the existing site provides no parking and taking into account its potential use, the shortfall is considered to be acceptable.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would result in the creation of a high quality development, have an acceptable and positive impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and there is no adverse highways impact. This application is therefore recommended for approval.

