

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

Reference: **18/1947/S73**

Received: 27th March 2018

Accepted: 27th March 2018

Ward: Garden Suburb

Expiry 22nd May 2018

Applicant: Ms MOIRA McHARRIE

Proposal:

Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

Amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats), 2no additional cycle parking spaces, additional of balcony to third floor level, increase to size of flat rooflights and front rooflights and replacement of brise soleil on the rear elevation with solid brickwork

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 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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

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:

Drawing no. 000 Rev A; ; Drawing no. 213 Rev E; Drawing no. 214 Rev E; Drawing no. 215 Rev E; Drawing no. 216 Rev F; Drawing no. 217 Rev F; Drawing no. 231 Rev D; Drawing no. 233 Rev F; Drawing no. 234 Rev E; Drawing no. 235 Rev F; Drawing no. 236 Rev C;

Original Plans:

Planning Statement Ref CA/2955 By Apcar Smith Planning; Planning Noise Assessment Facade Sound Insulation by Environmental Equipment Corporation Ltd Ref SDV/EC14746-004; Technical memorandum ref EC14746-005 Rev 1 by Environmental Equipment Corporation Ltd; Sustainability Summary dated 15th June 2016 by Darren Evans; Transport Statement Ref 9214/KS/002/02 by Sanderson Associates; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 237 Rev 0; Drawing no. 238 Rev 0; Document titled "Optional requirements M4(2): Category 2- Accessible and adaptable dwellings Details of optional requirements that cannot be met given that the proposals involve the conversion of an existing building" reference ASP/2955/M4(2).

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 planning approval of application 16/7565/FUL

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

3 The development shall be implemented in accordance with the details as approved under application 17/3014/CON, detailing the retention of front façade and mitigation measures to prevent damage to the front facade. The front facade shall be retained at all times.

Reason: To safeguard the character and visual amenities of the front 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 The development shall thereafter be implemented, including the proposed brise soleil and solid spandrel panels, in accordance with the materials as approved under application reference 17/5588/CON.

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 The development shall thereafter be implemented in accordance with the levels details as approved under application 17/3014/CON, 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.

6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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 a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

7 Before the building hereby permitted is first occupied the proposed windows in the rear 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 October 2016).

8 The green roof shall be implemented in accordance with the details approved under reference 17/4772/CON 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 2016.

9 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).

10 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 217 Rev F; 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).

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

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

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 October 2016).

12 The development shall be carried out in accordance with the desktop study (Preliminary Risk Assessment) approved under reference 17/2934/CON which includes 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 has been produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model indicated no risk of harm; Should any evidence of contamination be identified in the soil, then further advice should be sought from an appropriately qualified consultant.

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 October 2016) and 5.21 of the London Plan 2015.

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

14 The development must be carried out in accordance with the noise assessment details approved under reference 17/3408/CON. This report assessed the likely impacts of noise on the development and measures to be implemented to address its findings. 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 October 2016) and 7.15 of the London Plan 2016.

15 The approved air pollution mitigation scheme as detailed in application reference 17/3408/CON, 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 2016.

16 The noise mitigation measures, including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road, detailed under application reference 17/3408/CON 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 the amenities of occupiers are not prejudiced by noise from traffic and adjacent residential use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (October 2016) and 7.15 of the London Plan 2016.

17 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

18 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (October 2016).

19 The development shall be implemented in full accordance with the details provided under application 17/2924/CON which relates to a Demolition and Construction Management and Logistics Plan.

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.

20 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.

21 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 213 Rev E shall be implemented and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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 Prior to the first occupation of the development hereby approved, an energy statement shall be submitted to and approved in writing by the Local Planning Authority detailing the carbon dioxide emission reduction measures which can be achieved in accordance with the GLA's "Guidance on preparing energy assessments" document (March 2016) and the Council's Sustainable Design and Construction SPD (2016). The energy

strategy shall include separate assessments for the new and refurbished elements of the hereby approved development.

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.

23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future), in all regards other than the sections detailed in the hereby approved document reference ASP/2955/M4(2)". 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.

24 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.

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20th September 2018 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

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 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 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 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 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 4500.

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 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.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then 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.
- 9 The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. 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.

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

Officer's Assessment

1. Site Description

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There was also a detached two storey block to the rear close to dwellings on Temple Gardens.

The host site benefits from planning permission under reference number 16/7565/FUL for the following development:

"Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels".

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. This scheme also benefits from variations to the original approval including the most recent approval under reference 17/2723/S73. These works have started on site and conditions pursuant to the development have been discharged. In addition, an application at this site has also been submitted and is subject to a separate assessment (reference 18/2056/S73).

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

2. Site History

Relevant Planning History at the host site:

Reference: 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and 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 Adopted Barnet Core Strategy 2012.

Reference: 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reference: 17/2924/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 02 August 2017

Description: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/2934/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 30 May 2017

Description: Submission of details of condition 12 (Contaminated land- Desktop Study) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/3014/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 01 June 2017

Description: Submission of details of condition 3 (Retention of Front Facade) and condition 5 (Levels) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/3408/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 5 July 017

Description: Submission of details of condition 14, (Impact of Noise), 15, (Air Quality for Small Developments) and 16, (Noise Report for Site Plant) pursuant to planning permission 16/7565/FUL dated 04/05/2017

Reference: 17/4772/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 August 2017

Description: Submission of details of condition 8 (Green Roof) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/5588/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 11 October 2017

Description: Submission of details of condition 4 (Materials) pursuant to planning permission 16/7565/FUL dated 04/05/17

Relevant Planning History at adjacent site to the rear:

Reference: 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

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

Reason for refusal:

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

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

Appeal Decision: Appeal allowed

Reference: 15/04900/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 23 December 2015

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

Reason for refusal:

1. The proposed development by reason of its pedestrian access and relationship to Temple Gardens would result in a harmful impact on neighbouring residential amenity due to associated noise, disturbance and general activity as perceived by neighbouring residential properties on Temple Gardens, being contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012)

Reference: 15/07709/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 28 January 2016

Description: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

Reference: 17/2723/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18 July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings".

Reference: 17/6552/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Withdrawn

Decision Date: 11 December 2017

Description: Variation of condition 2 (Approved Plans) and 13 (Demolition and Construction Management and Logistics Plan) and Removal of condition 8 (Obscure Glazing of Unit 6) of planning permission 17/2723/S73 dated 18/07/2017 which varied planning permission 15/01377/FUL for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings". Variation to include addition of a roof terrace and associated changes to fenestration

3. Proposal

The applicant seeks planning consent for the variation to condition 1 (Approved Plans) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for:

'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels. Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

The amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats). The proposed flats would be comprised of:

- 4 x 2 bed (4p) flats
- 2 x 2 bed (3p) flats.

This would result in an increase of 2 additional residents on the site.

The proposed number of cycle spaces would be increased by 2 (12no in total). The amendments also seek the addition of balcony to third floor level, increase to size of flat rooflights and front rooflights by 100mm and replacement of brise soleil on the rear elevation with solid brickwork.

It must be noted that a similar application which also sought to remove the requirements to amend the Traffic Order preventing occupiers from purchasing permits (17/7490/FUL) was refused by the Area Planning Committee. There was no objection to the physical changes to the building when compared to the extant consent or the increase in the number of occupiers, but the application was refused for failure to provide a legal agreement only.

4. Public Consultation

Consultation letters were sent to 164 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Development already exceeds the perimeter of the previous/ loss of privacy;
- Object to balconies at rear overlooking neighbours;
- Balcony will result in noise and disturbance;

- Overcrowding/ increase in density;
- Development is owned at front and rear by same person and requires affordable housing;
- Windows to the flats are too close and overlook Temple Gardens;
- Associated parking impacts/ increased parking stress;
- Development higher than original;
- Removing the opaque glass is a bad idea;
- Reduction in amenity space for future occupiers;
- Developer has not provided a party wall agreement/ damage during construction;
- Compromising structure of neighbouring properties.

A Site notice was erected on the 12th April 2018.

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures.

5.3 Assessment of proposals

Context

A material consideration in the determination of the application is the extant application on the site, approved under reference 16/7565/FUL. As mentioned, the proposal is similar to the approval in terms of the use, bulk and massing. The changes from the previous extant permission are as follows:

- Change in the size of the flats from the previously approved 2 x 1 bed for 2 occupiers to 2 x 2 bed for 3 occupiers. This would result in an increase of 2 additional residents on the site;
- Alteration to the rear balconies to the north including introduction of balcony at rear of third floor;
- Increase in the cycle parking provision to account for the increase number of occupiers (from 10 to 12 cycles);
- Increase in the height of the front rooflights by 100mm;
- Enlarging the flat roof lights;
- Replacement of previous brise soleil on rear elevation with solid brickwork.

It must also be noted that these changes were submitted as part of a full planning application which was submitted to the planning authority under reference 17/7490/FUL. This proposal also included a removal of the requirement to enter into a section 106 agreement to amend the Traffic Order and prevent future occupiers from purchasing parking permits. The reason for refusal solely related to the absence of a legal agreement and was detailed as following:

"The proposals, in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and 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 Adopted Barnet Core Strategy 2012."

Considering both applications, in particularly the extant permission, the assessment below will therefore assess the differences between the approved and proposed schemes.

Impact on the character of the area

The principle of development has already been established by the approved scheme.

With regards the density mix, the site is located within a Town Centre location. The change from two 1 bed units, to two 2bed units is considered to be acceptable and would accord with the Council's Development Management Plan. Officers do not raise any objection to the increase in density given that this would result in two additional occupiers on the site and as mentioned the site is located within the Town Centre where higher densities are encouraged.

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would seek to retain the front building, particularly the street frontage. Therefore paragraph 135 of the NPPF would apply. The applicant proposes to retain the front elevation as part of the redevelopment.

The proposed rooflights at the front would retain a level of hierarchy to the building. These rooflights would be increased by 100mm compared to those previously approved. Overall however, due to the pitch and form of the roof, the increase in the size of the rooflights would not be visible from the streetscene and it is not considered that this warrants grounds to refuse the application. The rooflights would still be considered to read as subordinate additions on the main roofslope and would be centrally located, retaining a level of hierarchy in the fenestration of the building.

Details of the modern components of the building and materials at the rear, would be provided as part of a condition, including the "solid spandrel panel" and the "brise soleil". The changes to the current application include reconfiguration for and replacement of brise soleil with solid brickwork at the rear. The design approach however is similar to the approved scheme and officers raise no objection in this regard. The alteration to the balconies at the rear and addition of a balcony at third floor are considered to be acceptable and would reflect the general form and design approach of the building at the rear.

The increase in the size of the flat rooflights would not be visible from the streetscene and would not be harmful to the character of the building.

The changes including the minor increase in the size of the flats to add two additional occupiers are considered to be minor amendments.

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area. It must be noted that no objection was raised on character grounds to the latest application.

Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance. Furthermore, there is an approved development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL). The plans for the development at the host site indicate the layout of the approved scheme. The limited windows of the new approval at the rear of the site serve non-habitable rooms. The windows on the host site facing the rear of this development have been designed to prevent direct mutual overlooking between habitable rooms. The plans indicate obscure glazing up to 1.8m in height from finished floor level, with clear glazing above this height.

Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking. The impact of the development to the nearest neighbouring occupiers at the rear of 1069 Finchley Road has been previously assessed.

The changes relating to the replacement of brise soleil on the rear elevation with solid brickwork is not considered to have an overbearing impact or result in loss of light to the nearest neighbours at the development to the rear (currently known as rear of 1069 Finchley Road). The proposed alterations to the rear balconies and inclusion of an identical one at third floor is not considered to cause harmful overlooking into neighbouring occupiers.

There would be no impact to amenity by the proposed increase of the flat rooflights or the front rooflights.

Officers are therefore satisfied that the visual amenities of neighbouring occupiers would not be compromised in this regard and consideration has been given to the existing structure.

In light of the considerations above, the proposal is recommended for approval. It is not considered that the changes from the approved scheme would have a detrimental impact on the visual amenities of neighbouring occupiers. It is also noted that these amendments were previously not objected to as part of the recently refused application.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposed flats would all comply with the minimum space standards as stipulated in the London Plan, including the proposed increase in flats at third floor; in this regard the development is acceptable.

The additional bedrooms to the flats at roof level would benefit from suitable light and outlook and in this regard, the scheme is acceptable.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. Whilst previously there was already an under provision of amenity space on the approved scheme, the proposed balcony would increase the provision to Flat 5 on the third floor marginally. Notwithstanding this, the site is located in an area identified as a Town Centre with the associated amenities and the units all exceed the minimum space standards, therefore the shortfall in this case is considered to be acceptable.

It is therefore considered that the amendments to the scheme do not materially alter the assessment previously made and the proposal would provide suitable amenity for future occupiers.

Highways

Officers consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The site has an access road that was originally used for the police station, however will now be used for the approved residential development currently being built to the rear (approved under reference 15/07709/FUL). The site lies in a Town Centre location and associated local amenities, however has a low PTAL score of 2. The site has various traffic restrictions to the front, which include payment parking and no waiting areas. The site is located within a one hour Controlled Parking Zone (CPZ).

Pedestrian access is proposed both from the existing access road to the side of the development that serves the property to the rear of the proposed development and the front of the site. This is considered to be acceptable in terms of pedestrian safety.

As with the previous application, in accordance with Policy DM17, the scheme would require the provision of between 5 and 8 parking spaces based on the number and size of the units proposed; however the proposal does not have any off-street parking provision due to the restrictions on the site.

The applicant previously provided a Transport Assessment which included a parking survey. The conclusions of this report indicated that the parking pressure on both the unrestricted parking area and the roads in close proximity to the site are high although there are parking spaces available further away from the site which can possibly accommodate any overspill parking from the development. Considering that the number of flats has not been amended and there is an extant consent, it is not considered that the proposal would result in a greater increase in parking pressures than previously considered to be acceptable.

Highways Officers therefore consider that given that the immediate roads in the close proximity of the site are close to capacity, by allowing car free development in this location is likely to result in unnecessary circular vehicular trips by the new occupiers of the development seeking parking spaces initially on roads in the close proximity of the site, and then venturing further out when not able to find parking on roads in the close vicinity of the site. This could result in detrimental impact on the free flow of traffic. For this reason it is necessary to mitigate the impact of the car free development by exempting the occupiers of the new development from purchasing parking permits. The applicant has therefore agreed to enter into a legal agreement to restrict the issue of parking permits for the future occupiers

of this development. Subject to the legal agreement and conditions, the proposal would be acceptable on Highways grounds.

Accessibility and Sustainability

In respect of the sustainability and accessibility measures, these will remain the same as the previously approved application.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal would be liable for both Mayor's CIL and Barnet CIL.

5.4 Response to Public Consultation

It is considered that the planning related comments raised by objectors have generally been addressed in the report above.

In regards to the affordable housing comments, the development due to the scale would be considered as a minor application and would not require affordable housing contributions. The Local Planning Authority is obliged to assess the application as submitted.

It would appear that some of the objections (relating to proximity to Temple Gardens and removal of opaque glass for balconies) relate to the development at the rear of the site under reference 18/2056/S73, which was approved by the committee in June.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

