

Location **Land To The Rear Of 1069 Finchley Road London NW11 0PU**

Reference: **18/5296/S73** Received: 29th August 2018
Accepted: 3rd September 2018

Ward: Garden Suburb Expiry 29th October 2018

Applicant: -

Proposal: Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 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." Variation to include entering the site from Finchley Road and existing from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

- 1 This development must be begun within three years from the date of the approval of application reference 17/2723/S73.

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

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

Highways Technical Note by Paul Mew Associates dated August 2018; Covering Letter from Lichfields dated 29 August 2018; Drawing no. 1415-PL-200 Rev C; Site Location Plan; Drawing no.P1231/VAR/101; Drawing no.P1231/VAR/102; Drawing no.P1231/VAR/103 Figure 3a; Drawing no.P1231/VAR/103 Figure 3b; Drawing no.P1231/VAR/104.

Original Approved Plans:

Drawing no. 1415-PL-000; Drawing no. 1415-PL-221 Rev B; Drawing no. 1415-PL-303 Rev B; Drawing no. 1415-PL-306 Rev B; Drawing no. 1415-PL-321 Rev B; Drawing no. 1415-PL-322 Rev B; Drawing no. 1415-PL-323 Rev B; Drawing no. 1415-PL-331 Rev B; Details of 1.8m obscure balustrade; Details of 1.2m side balustrade; Drawing no.1415-PL-011; Drawing no. 1415-PL-212; Drawing no. 1415-PL-301; Drawing no. 1415-PL-302; Drawing no. 1415-PL-304; Drawing no. 1415-PL-305; Drawing no. 1415-PL-320; Drawing no. 1415-PL-330.

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).

- 3 The development shall be carried out in accordance to the levels details approved by the Local Planning Authority under reference 16/2478/CON dated 7th June 2016.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 4 The development shall be implemented in accordance with the details of materials for the external surfaces of the building(s) and hard surfaced areas as approved by the Local Planning Authority under application reference 16/2956/CON dated 16th June 2016.

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 No dwelling shall be occupied until the refuse bin store shown on plan No 1415—PL-200 Rev C has been provided in accordance with further details to be submitted to and approved in writing by the local planning authority. Thereafter, the store shall be retained and kept available for use by the occupiers of the development.

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).

- 6 Part 1

The development shall be carried out in accordance with the Remediation Method Statement as approved by the Local Planning Authority under application reference 16/3700/CON dated 15 July 2016.

Part 2

In addition:

i) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority; and

ii) If any contamination has been found to be present at any stage, either before or during construction, no part of the proposed development shall be brought into use until a verification report has been submitted to and approved by the local planning authority, showing that all such contamination has been treated, and the site rendered safe for occupation, in accordance with the original contamination scheme and any further measures subsequently agreed.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

7 a) The scheme shall be carried out in accordance with the hard and soft landscaping details approved under reference 16/2478/CON by the Local Planning Authority dated 7th June 2016.

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2015.

8 Proposed Unit 6 shall not be occupied until the proposed obscure glazing panel to the roof terrace at a height of 1.8m facing Temple Gardens, as indicated on Drawing no. 1415-PL-303 Rev B and document titled "Details of 1.8m obscure balustrade" shall be installed and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties on Temple Gardens in accordance with Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016)."

- 9 None of the dwellings hereby permitted shall be occupied until provision has been made for cycle parking and cycle storage facilities in accordance with Drawing No 1415-PL-200 Rev C. Such provision 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.

- 10 None of the dwellings hereby permitted shall be occupied until the proposed parking spaces have been provided in accordance with Drawing No 1415-PL-200 Rev C. That area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The disabled parking space shall be provided and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 The development shall be implemented in accordance with the access arrangements including the one-way access arrangement with vehicular entrance from Finchley Road and egress onto Temple Gardens and access details approved as shown on Drawing no. 1415-PL-200 Rev C. None of the dwellings hereby permitted shall be occupied until the proposed one-way operation and related signage has been implemented in accordance with these approved details. The signage shall be retained thereafter.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 12 None of the dwellings hereby permitted shall be occupied until electric vehicle charging points have been installed in accordance with details to be submitted to the local planning authority and approved in writing. The charging points shall thereafter be retained and maintained for the use of occupiers of the development.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 13 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction

Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 16 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 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. 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 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.

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a 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 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 4 The London Fire Brigade strongly recommends that sprinklers are considered for new development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of the occupier.

Officer's Assessment

1. Site Description

The site is located to the rear of the former Police Station at no.1069 Finchley Road (west) within the Garden Suburb Ward.

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

Planning permission was granted at the site for a purpose built block of 9no flats.

In addition, planning permission was recently granted for the redevelopment of the building at front fronting Finchley Road 16/7565/FUL.

2. Site History

Relevant Planning History at the host site:

Reference: 18/2056/S73

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 29 June 2018

Description: Variation of condition 2 (Approved Plans) and removal of condition 8 (Unit 6 Obscure Glazing) of planning permission 17/2723/S73 dated 18/07/2017 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.' Variation to include installation of roof terrace and opaque glazing to Unit 6

Reference: 17/2723/S73

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18th 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'.

Variations include changes to the entrance foyer and associated small amendments to the northern elevation and internal alterations. Layout changes to flats on first to fourth floor. Changes to the window configuration on each elevation, siting of the third floor balcony on the western elevation and small extension to the fourth floor roof terrace. Alteration to the layout of the pathway between parking spaces 7 and 8

Variation of conditions 5 (Bin Stores), 9 (Cycle Parking) and 10 (parking spaces) to reword and reflect changes to drawing numbers.

Variation of condition 8 (obscure glazing to Unit 8) to reflect re-numbering of the second floor unit to the west to read Unit 6 and associated changes to drawing number

Reference: 16/3700/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 15 July 2016

Description: Submission of details of Condition 6 Part 1 (Soil Contamination) pursuant to planning permission 15/01377/FUL dated 04/04/16

Reference: 16/2956/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 16 June 2016

Description: Submission of details of Condition 4 (details of materials) pursuant to planning permission 15/01377/FUL (04/04/2016)

Reference: 16/2971/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 14 June 2016

Description: Submission of details of condition 11 (Access) pursuant to planning permission 15/01377/FUL dated 04/04/16

Reference: 15/07709/FUL

Address: 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: 15/01377/FUL

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Refused but Approved at appeal (APP/N5090/W/15/3136451)

Decision Date: Appeal approved 4th April 2016

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

Reference: 16/2478/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 07 June 2016

Description: Submission of details of condition 3 (Levels), 7 (Landscaping) pursuant to planning permission 15/01377/FUL dated 04/04/16

Relevant Planning History at adjacent site to the front:

Reference: 18/3599/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 18 September 2018

Description: Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

Reasons for refusal:

1. The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an overdevelopment of the site and would fail to provide satisfactory living conditions for future residents, contrary to policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and the Adopted Sustainable Design and Construction SPD (2016).

2. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD(2012) and the Planning Obligations SPD (2013).

Reference: 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following Legal Agreement

Decision Date: 01 October 2018

Description: 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

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

3. Proposal

The applicant seeks planning consent for the variation to condition 2 (Approved Plans) pursuant to planning permission 18/2056/S73 dated 29/06/2018 for:

"Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 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."

The proposed application seeks to vary the entrance into the site from Finchley Road and existing from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11.

The approved arrangement included one-way access entering the site via Temple Gardens and exiting via Finchley Road. The proposed variation would reverse this and would also require changes to the parking layout to allow cars access into the parking bays in the same direction as the flow of traffic. The parking provision on the site would remain as approved.

Associated signs would be erected within the site to indicate the flow of traffic.

4. Public Consultation

Consultation letters were sent to 251 neighbouring properties.
9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- The Transport Statement lists that there is no legal restriction on the direction of vehicular traffic. This is true, but what it does not state is that in reality virtually all traffic on Temple Gardens goes one way, towards St. George's Road/Finchley road, ie to the left of the rear exit;
- Traffic exiting to the right will face a blind spot and therefore this would be unsafe/ Highways safety;

- Cars parked either side and this would create a blindspot;
- Temple Gardens is mostly a one way road;
- Increase in noise levels with congestion problems;
- Exiting in this way will cause roadblocks;
- Its debatable whether the access as proposed has been established;
- The number of vehicles using the access to Temple Gardens has been hugely underestimated, as the vehicles will not only include future residents of the rear, but deliveries, taxis, visitors etc. for residents of both developments as well as the office space at the front;
- Will encourage parking on Temple Gardens rather than on Finchley Road;
- No valid reason to propose the change;
- Safety for children in neighbourhood.

The Council's Environmental Health officers were consulted and had no comment as it was considered that the amendments were Highways issues.

Highways officers were consulted and considered that the proposal was acceptable on highways grounds; this is discussed in the content of the report.

TFL objected to the scheme, however acknowledge that this assessment is for the Council's Highways officers.

A site notice was erected on the 13th September 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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". 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, 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;
- Highways.

5.3 Assessment of proposals

Background

Planning permission was previously refused on the site for the following development under reference 15/01377/FUL:

"Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings"

The application was recommended for approval by planning officers but overturned and refused by the Finchley and Golders Green Area Planning Committee for the following reason:

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

The decision was appealed and permission allowed (appeal reference APP/N5090/W/15/3136451); the following paragraphs (para. 6-10) from the Inspector's decision are considered to be of relevance:

"It is proposed to use the existing access between 16 and 18 Temple Gardens, and concern has been raised regarding the effect on the living conditions of residents at Nos 16 and 18. There is some evidence that the use of the access may have been limited voluntarily whilst the police station was in operation. Nonetheless, there is currently no formal planning restriction on the vehicular use of the access.

The planning application was accompanied by a noise report by Syntegra Consulting which assessed the potential impact of vehicle movements. The report concluded that resultant noise levels would be below the existing background levels. I note the Council's reservations about the use of BS4142 for this assessment, but no alternative method has been suggested, and no other technical evidence is before me. Notwithstanding this, I note that no objection to the scheme was raised by environmental health officers in respect of noise and disturbance.

A Transport Statement (TS) was also submitted with the planning application, which predicted that the proposed nine residential units would generate a total of 24 two-way vehicle trips during a typical weekday, ie, 12 arrivals and 12 departures. The fact that a one-way system would be in operation would effectively half the number of vehicle movements through the Temple Gardens access, in other words, only the 12 arrivals per day would be experienced by Nos 16 and 18.

No comparative assessment is available of the levels of noise and disturbance that would have been generated whilst the police station was in use. However, the facility was in use 24 hours a day, and I consider it likely that vehicle movements would have been relatively high. It is highly unlikely that a relatively small development of nine flats would produce significantly more noise and disturbance than a police station, even taking into account the potential intensification of the Temple Gardens access.

On the basis of the likely number of vehicle movements, I find that the impact on the living conditions at Nos 16 and 18 Temple Gardens would not be so harmful as to warrant the withholding of planning permission."

It is considered that this decision is a material consideration in the assessment of the current application.

Introduction

The proposal seeks to vary condition 2 (plans) of the approved scheme to reverse the vehicular entrance into the site compared to the approved scheme. In conjunction with this, it is also proposed to vary the wording of condition 11 which relates to the access.

As no other changes are proposed, the assessment below will assess the differences between the approved and proposed schemes.

Impact on Character and Amenity of Neighbouring Occupiers

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Furthermore, the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and protect the amenities of neighbouring occupiers; the scheme would be expected to comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The proposed amendments would not have a material impact on the character of the area or appearance of the proposed building or associated curtilage of the site. Similarly, the changes in the rearrangement of parking spaces are not considered to result in additional noise levels or disturbance to neighbouring occupiers. This is discussed in more detail in the Highways section below, however the proposal includes signage to direct vehicles into entering the site the correct way.

In conclusion it is not considered that the access rearrangement would have an unacceptable impact on the character of the area or the visual amenities of neighbouring occupiers.

Impact on Highways

The Council's Highways officers have reviewed the information provided and have commented on the scheme.

In terms of vehicular visibility, the amendments would represent an improvement from the approved scheme, entering from Finchley Road rather than exiting onto this road. Drivers would have a good view of the footway and those using it and could negotiate their entry to the development better than the other way around. In terms of altering the access from entering through Finchley Road (rather than exiting), there is no greater highways impact.

No objection was raised by the Council's Highways team to the amendment to exit onto Temple Gardens. It was not considered that there would be a material change to highways (vehicular or pedestrian safety) in this regard.

The alterations to the parking layout are considered to be acceptable.

TfL provided the following comments with regard to this application:

"1. TfL's oversight view is that the current access point means vehicles are transitioning from one low traffic environment (the site) into another low traffic environment (Temple Gardens) and this should not be changed unless there is material consideration.

2. TfL feel the introduction of an access point off Finchley Road will greatly increase collision risks for vehicles, cyclists and pedestrians either on Finchley Road or on the proposed site. The applicant has proposed measures to mitigate these potential risks by implementing signage informing car drivers there is a one-way system in place. These signs will be situated within the sites boundaries, however TfL believe the applicant has nothing in place to enforce a one-way policy meaning drivers could choose to exit onto Finchley Road should they wish to."

TfL objected to the scheme however the Council are the highway authority for this development and therefore limited weight has been given to the objection. It must be noted that the use of the Finchley Road access as an exit was approved under application reference 15/07709/FUL (this was entrance and exit).

The application seeks to amend the wording of condition 11 to read as follows:

"The development shall be implemented in accordance with the access arrangements including the one-way access arrangement with vehicular entrance from Finchley Road and egress onto Temple Gardens and access details approved as shown on Drawing no. 1415-PL-200 Rev C. None of the dwellings hereby permitted shall be occupied until the proposed one-way operation has been implemented in accordance with these approved details.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016."

Given the comments above, it is considered that the amendments to the wording of the condition is acceptable.

Highways officers have recommended that subject to the attached conditions and informative, there is no objection to the scheme 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.

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in detail in the report above. Given that the number of units would remain the same, it is not considered that the development would result in further parking pressures than previously considered acceptable and established by the consent.

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. The amendments hereby proposed are considered to be minor material alterations to the approved scheme.

