

LOCATION: 238 High Road, London, N2 9AH
REFERENCE: F/02114/12 **Received:** 28 May 2012
Accepted: 13 June 2012
WARD: East Finchley **Expiry:** 08 August 2012

Final Revisions:

APPLICANT: Guardian Realty Ltd.

PROPOSAL: Variation of conditions 1(Plan Numbers) and 18 (Plan Numbers) of planning permission F/01624/11 dated 13 June 2011 for Erection of a 3-storey building to accommodate 8 no self-contained flats and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8 no. car parking spaces, cycle storage and associated hard and soft landscape.'

Approve subject to a Legal Agreement/Deed of Variation

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 **Education Facilities (excl. libraries) £26,412.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,112.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £9,970.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,874.70**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/02114/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: DWD/8210/001,1239-30-100; 1239-30-101; 239-30-102; 1239-30-104; 1239-30-200; 1239-30-201; 1239-30-202; 1239-30-203; 1239-30-103, AP187/P100, AP187/P101, AP187/P102, AP187/P103, AP187/P104, 1239-30-200, 1239-30-201, 1239-30-202, 1239-30-203 and a letter dated 25th May 2012 from Dalton Warner Davis.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

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

3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

6. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

7. Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

8. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

9. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

10. 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.

Reason:

To ensure a satisfactory appearance to the development.

11. 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.

12. 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.

13. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been

submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

14. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

15. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

17. Before the ground floor units hereby permitted are occupied, details of a scheme to separate their rear terrace from the communal garden shall be

submitted to and approved by the Local Planning Authority. The scheme shall be implemented before occupation and retained thereafter.

Reason:

To prevent inwards overlooking within the development.

18. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing No. AP187/P100 and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

19. Before development starts on site, a Construction Management Plan must be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

20. The ground floor premises shall be used as offices and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

21. The second floor area shown as a terrace on the hereby approved drawings 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not overlook the playground of Martin school.

22. No windows shall be installed in the side wall facing Martin school.

Reason:

To ensure that the development does not overlook the playground.

23. The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (office use) as measured within habitable

rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

24. Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

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.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GEMP1, EMP2, L11, GCS1, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Adoption version) 2012: CS NPPF, CS1, CS5, CS10, CS15.

Development Management Policies (Adoption version)2012: DM01, DM02, DM03, DM08, DM14 and DM17.

The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents;
 - 2) Planning Policy Statement 23 (PPS 23) - England (2004);
 - 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

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

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

4. 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 Council of 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 email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

5. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

6. Highways informatives:

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

The applicant is advised that in case where any modifications are proposed to the existing access off the public highway or a new access is proposed then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. This may result in alterations to the existing on-street controlled parking bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot pre-empt the outcome of the consultation process. Any modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

In case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be pre-empted. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team in Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

8. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £29,256.50.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31st August 2012 the Acting Assistant Director of Planning and Development Management, unless otherwise agreed in writing, REFUSE the application ref: F/02114/12 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

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 2031. It forms part of the development plan for Greater London.

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.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, GEMP1, EMP2, L11, GCS1, CS2, CS8, CS13, IMP1 and IMP2.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5, CS10, CS15.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM08, DM14 and DM17.

Relevant Planning History:

Application:	Planning	Number:	F/00841/12
Validated:	07/03/2012	Type:	S73
Status:	WDN	Date:	01/05/2012
Summary:	WIT	Case Officer:	David Campbell
Description:	Variation of condition 1 (Approved Plans) of planning permission F/01624/11 dated 13/06/11 for 'Erection of a 3-storey building to accommodate 8no self-contained flats		

and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8no car parking spaces, cycle storage and associated hard and soft landscape.'

Amendments to include rearrangement of flats and associated alterations to all elevations; amendments to proposed fenestration; repositioning of balconies.

Application:	Planning	Number:	F/01624/11
Validated:	26/04/2011	Type:	APF
Status:	DEC	Date:	15/07/2011
Summary:	APL	Case Officer:	Fabien Gaudin
Description:	Erection of a 3-storey building to accommodate 8no self-contained flats and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8no car parking spaces, cycle storage and associated hard and soft landscape.		

Consultations and Views Expressed:

Neighbours Consulted: 68 Replies: 1
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Ill considered internal arrangements
- Over shadowing
- Overlooking of neighbouring properties
- Inaccurate and unclear drawings

Internal /Other Consultations:

- Transport for London - No comments.

Date of Site Notice: 05 July 2012

The application is brought to committee at the request of Cllr Rogers for the following reason:

2. PLANNING APPRAISAL

Site Description and Surroundings: The site was previously used as a masonry and consists of a variety of small single storey buildings. The site is almost entirely covered by hardstanding and is sur-elevated on a plinth. The immediate surroundings are relatively open in character and this makes the site prominent in the streetscene.

The surrounding area has a mixture of different buildings including residential semi-detached houses on Chandos Road and purpose built blocks of flats of varying designs along High Road. Most buildings along high Road have significant landscaped areas separating them from the road.

There are a number of council-owned street trees around the site.

The site is located north of the Secondary Retail Frontage of East Finchley town centre as defined in the UDP.

Proposal: The application seeks the variation of conditions 1(Plan Numbers) and 18 (Plan Numbers) of planning permission F/01624/11 dated 13 June 2011 for Erection of a 3-storey building to accommodate 8 no self-contained flats and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8 no. car parking spaces, cycle storage and associated hard and soft landscape.'

The amendments include:

- First Floor Unit 3 - change from 3 bed unit to 2 bed unit
- Second Floor Unit 6 - change from 3 bed unit to 2 bed unit
- Second Floor Unit 8 - flank wall extended 2.02m
- Second Floor Unit 8 - widened bedroom widened to allow in more natural light
- Second Floor Unit 8 - living room window facing High Road widened and rooflight added to allow in more natural light
- Units 2, 5 and 8 - floor levels reduced by 0.75m to allow level access with the rest of the building and lifts resulting in a reduction of window and parapet heights to elevations A, B and C.
- First Floor and Second Floor flank wall facing Martin School - all windows have been removed to eliminate direct overlooking to the playground.

Planning Considerations:

The NPPF has been adopted since the grant of the previous consent. The relevant sections are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- a social role – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states "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".

It is considered that the application complies with the above sections of the NPPF.

The Core Strategy and Development Management Policies are now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found them sound and legally compliant. Therefore very significant weight should be given to both documents. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications. The proposals are considered to be fully compliant with both these documents and therefore it is not considered that the applications could be refused on their basis.

There are no objections to the change in number of bedrooms in units 3 or 6 or to the alterations to the fenestration as these are not considered to compromise the proposed scheme. There are also no objections to the reduction in floor levels, windows or parapets as these are also considered to be acceptable alterations. The extension to the flank wall by 2.02m is not considered to give rise to any loss of amenity to any neighbouring property, the surrounding area or the school. It is also considered to be acceptable on design grounds. The proposed building would not come closer to the street trees than previously approved and suitable conditions would be sufficient to control the impact of the proposals on trees. There are therefore no objections to the application.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection have been addressed below:

- The internal arrangements are not considered to be a reason to refuse the application.
- It is not considered that the application will lead to any over shadowing or overlooking of neighbouring properties.
- The drawings are considered to be acceptable and a decision can be made on their basis.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives. **APPROVAL** is recommended.

SITE LOCATION PLAN: 238 High Road, London, N2 9AH

REFERENCE: F/02114/12



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