

**LOCATION:** 785 Finchley Road, London, NW11 8DP

**REFERENCE:** F/00492/12

**Received:** 07 February 2012

**Accepted:** 14 February 2012

**WARD(S):** Childs Hill

**Expiry:** 10 April 2012

**Final Revisions:**

**APPLICANT:** Saljem

**PROPOSAL:** Erection of a 4 storey building to provide 6 self contained flats including basement level for car parking, following demolition of the existing building.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plan No's: J 13 11 E1 r1; J 13 11 E2 r1; J 13 11 T r1a; DP100L; DP 101G, DP102H, DP103M, Unilateral Undertaking completed 4th April 2012.

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 the development hereby permitted is occupied the parking spaces/garages shown on Plan DP 101G shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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.

- 5 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.

- 6 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.

- 7 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.

- 8 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 9 Before the building hereby permitted is occupied the proposed window(s) in the north elevation facing 787 Finchley Road 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.

- 10 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.

Reason:

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

- 11 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.

- 12 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.

- 13 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.

- 14 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 15 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 16 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 17 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).

- 18 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

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

- 19 The level of noise emitted from any plant installed on site 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.

**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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, Env12, Env13, D1, D2, D3, D4, D5, D11, D13, HC1, M4, M5, M11, M12, M13, M14, H1, H16, H17, H18, H20, H21, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS3, CS4, CS5, CS10, CS11.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM13, DM14, DM17.

- ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. The proposals would not impact detrimentally on the health of protected trees. The proposals are acceptable on highways grounds.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 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 £6,895.

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](http://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](mailto:cil@barnet.gov.uk).

- 3 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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 4 The gradient for the proposed ramp leading to the underground parking area should have a gradient no steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks 3rd Edition.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

#### 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.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

#### 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: GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, Env12, Env13, D1, D2, D3, D4, D5, D11, D13, HC1, M4, M5, M11, M12, M13, M14, H1, H16, H17, H18, H20, H21, CS2, CS8, CS13, IMP1, IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a

vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of the Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the UDP and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. 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 (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS3, CS4, CS5, CS10, CS11.

#### Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM04, DM13, DM14, DM17.

#### Relevant Planning History:

Nil

#### Consultations and Views Expressed:

Neighbours Consulted:	121	Replies:	8
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

1. Out of scale and appearance with surrounding properties;
2. This should be retained as a single dwelling house;
3. Overdevelopment of the site;
4. No need for the development given the flat development opposite;
5. Proposal disproportionate compared to the site/existing footprint;
6. The surrounding area is characterised by domestic houses;
7. No similar houses have been demolished and converted into flats in this section of Finchley Road;
8. Where there are flats these have been created through the conversion of existing properties;
9. If flats are needed then the existing property should be modified and extended.



10. West Heath Place was constructed on a derelict commercial site, no residential properties were demolished;
11. Given the good public transport connections in the area the increase in parking to provide 2 spaces per flat is not necessary;
12. The proposed underground parking is out of character and is very close to Hodford Lodge which could cause nuisance to residents;
13. Concerns about structural impact on adjoining properties with the creation of a basement;
14. Development of West Heath Place caused cracks to Hodford Place due to the piling;
15. Loss of Privacy to Flats 1, 4 and 6 in Hodford Lodge;
16. Loss of light to Flats 1, 4 and 6 in Hodford Lodge.

It should be noted that 7 of the objections were received in relation to the larger original proposals. A second round of consultation was carried out following amendments to the scheme and the 8th response was received at that time.

#### Internal /Other Consultations:

Environment & Transport (Street Trees)

No objection following the submission of amended drawings.

Traffic and Development (F&GG)

The proposed development is acceptable on highway grounds subject to the comments noted in conditions and informatives.

Date of Site Notice: 23 February 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

785 Finchley Road is a large detached Edwardian/Victorian property which occupies a corner plot at the junction of Finchley Road and Hodford Road. The property fronts Finchley Road. The property has a return frontage and its main access is from Hodford Road. A single storey detached garage is located to the rear of the property which is accessed from Hodford Road via an existing crossover. A mature hedge forms the front boundary treatment. The street trees along the Hodford Road frontage are covered by a recent Tree Preservation Order.

To the rear of the site is Hodford Lodge a pair of semi detached houses which has been converted to flats. Opposite the site is West Heath Place a new part 4/part 5 storey development of flats. Levels drop from front to rear of the site and the existing building utilises the drop in levels to reduce its height.

The site has an area of 0.07 hectares.

The site is located within an established residential area in a tight knit suburban area. The properties on Hodford Road are predominantly two storey Edwardian terraced and semi detached dwellings. The properties on Finchley Road are large

detached houses.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 5, 6 being the highest level of accessibility.

#### Proposal:

The application is for the demolition of 785 Finchley Road and its replacement with a 4 storey building to provide six, 2 bed self contained flats. A basement car park with 9 parking spaces and space for cycle parking would be constructed under the majority of the site. The parking would be accessed from Hodford Road with the vehicular access located on adjacent to the boundary with Hodford Lodge

The proposed building would be set 0.4m off the boundary with 787 Finchley Road and 0.7m off the boundary with Hodford Road. The proposed rear elevation would be 18m off the rear boundary with Hodford Lodge and between 14-15m off the front boundary with the Finchley Road. The proposed front building line would line through with that on adjoining properties fronting the Finchley Road.

The proposed building would be approx 11.7m high. The height is due to the depth of the roof (5.8m) as it would accommodate two floors of accommodation.

300sqm of communal amenity space is proposed in the form a grassed area to the front and a terraced area to the rear.

#### Planning Considerations:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The main issues are considered to be:

- i. Principle of development;
- ii. Intensification of use;
- iii. Highway safety and parking provision;
- iv. Impact on the street scene;
- v. Impact on the residential amenity of adjoining properties;
- vi. Sustainable design and construction;
- vii. Future health of street trees;
- viii. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
- ix. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;

- x. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

Principle of development:

The NPPF advocates that the government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development, therefore the principle of residential development is acceptable.

However, whilst the Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration the NPPF also advocates that new housing development of whatever scale should not be viewed in isolation.

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. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by policies contained within the adopted UDP and the emerging Local Plan.

Policy DM01 advocates that loss of houses in roads characterised by houses will not normally be appropriate. Whilst Hodford Road is characterised by family housing the Finchley Road onto which the property fronts is characterised by original properties converted to flats or purpose built blocks. It is therefore considered that the loss of the existing house and its replacement with a purpose built block is not out of character and therefore in accordance with this policy.

Intensification of Use:

The current property is a single family dwelling house. The proposal would result in the creation of 6, two bedroom flats. As a result the proposal would result in an intensification of activity at the site. However, it is considered that the majority of activity will be located at the front of the site adjacent to the Finchley Road. The access to the basement car park is located at the rear of the site. Whilst the proposal will introduce noise from vehicles entering and exiting the site into this area it is not considered given the number of vehicles proposed that this would result in noise and disturbance to adjoining properties to such a level as to warrant a refusal. The proposal is therefore considered to be in accordance with Policies Env12 and Env13 of the adopted UDP and Policies CS13 and DM04 of the emerging Local Plan.

The proposal would increase the density of the site to 257hr/ha. The London Plan advocates that in suburban areas that a density range of between 200-350hr/ha for a PTAL of 4-6 is acceptable. The proposal would be at the lower end of this scale and is therefore considered to be in accordance with London Plan Policy 3.3, Policy H21 of the adopted UDP and Policy CS3 of the emerging Local Plan. The proposal is not

considered to result in an overdevelopment of the site in accordance with Policy D4 of the adopted UDP and Policies CS5, DM01 and DM02 of the emerging Local Plan.

The proposal will provide 300sqm of amenity space in the form of communal gardens to the front and rear of the property. The provision is in accordance with current council policy requirements and the proposed layout helps to maintain the traditional front and rear garden format found in this area.

#### Highway safety and parking provision:

Nine parking spaces are proposed in a basement car park with a circular ramped access that would be accessed from Hodford Road. One of the proposed spaces would be designed for use by blue badge holders and is located in close proximity to the lift. The parking provision is in accordance with the Parking Standards set out in the adopted UDP and DM17 of the emerging Local Plan. Cycle parking is also provided within the basement.

The Council's Traffic and Transport section have raised no objections to the scheme subject to a number of conditions.

#### Impact on the streetscene:

The current property is a large domestic house constructed of white painted render; red brick and clay tiles. It is of a late Victorian/Early Edwardian design and includes traditional features such as chimneys; dormer features and cat slide roofs. The original windows have been replaced. The rear of the site is dominated by a large single storey flat roofed garage. The current property has been poorly maintained.

The proposal would result in the demolition of all of the existing buildings at the site and their replacement with a four storey structure that would extend across the full width of the site. The proposal would retain the existing front building line but extend the rear building line to give a return frontage to Hodford Road.

A crown roof of a depth of 11m is proposed in order to be able to accommodate two floors of accommodation and to reduce the bulk and mass of the proposed building. The height of the proposed building would be 0.4m lower than the current highest point of the existing building. The current proposal has re-interpreted traditional features and materials such as dormers; projecting bays; chimneys; clay tiles and brick in order to reflect and respect the existing streetscene.

The Hodford Road frontage has been redesigned in order to enable the retention of a number of protected street trees thereby helping to maintaining the existing suburban character of the area.

The proposal is therefore considered to be in accordance with Policies D1, D2, D3, D6 and H16 of the adopted UDP and Policies CS1, CS5, DM01, DM02 and DM15 of the Local Plan.

#### Impact on the residential amenity of adjoining properties:

The main impact of the proposal will be on the adjoining properties No. 787 Finchley Road which is located to the north of the site and Hodford Lodge which is located to the rear (west) of the site.

The current property is located close to the boundary with 787 Finchley Road. The current proposal would retain this set off. A number of small windows are proposed in this elevation. However, they serve non-habitable rooms (bathrooms and the stair core). Accordingly, subject to a condition requiring these windows to be obscure glazed the proposal is not considered to result in overlooking/loss of privacy to this property.

Hodford Lodge has a side to back relationship with the site. There are a number of windows in the side elevation facing the application site, most notably a large obscure glazed window that serve the stairwell. A tree screen of mature trees helps to screen a number of the remaining windows from the application site.

The proposal would be approx 17-18 m from the windows in the side elevation of Hodford Lodge however as there are existing windows in the rear elevation of 785 Finchley Road and it is considered that on balance the proposal would not result in unacceptable overlooking of this property. Due to its orientation, the proposed distance between the buildings and the rooms effected it is not considered that the proposal would result in a loss of light sufficient to warrant a refusal.

The issues of potential noise and disturbance have been considered earlier in this report.

Accordingly, the proposal is considered to be in accordance with policies D5, H16 and H17 of the adopted UDP and Policies DM01, DM02 of the Local Plan.

#### Sustainable design and construction:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes and this will to be enforced by a Code for Sustainable Homes condition.

#### Future health of three street trees:

A Tree Preservation Order has been served on all nearby street trees following submission of the planning application. It was considered necessary in order to ensure their protection.

The Local Planning Authority doesn't consider that the movement of the location of the ramp, the basement or the building away from the street can only relieve pressure on this tree. The LPA has requested further detailed information on site levels; a method statement to cover the demolition and removal of existing structures on the site; proposed root protection areas for the three trees; and the location and specification of protecting fence-work by means of conditions. The additional information would ensure the continuing health of the three trees.

### The Community Infrastructure Levy Regulations 2010:

The NPPF and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted.

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The NPPF sets out three policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122.

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

### Education needs generated by the development

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of The NPPF and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £4,005 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to library services

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

To accord with UDP Policy CS2; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £590 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to Health facilities

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

No information has been provided to demonstrate how the health care needs of the future occupiers of the development would be met by the submitted scheme, or how the proposal fits within NHS Barnet's long term plans to deliver primary care services on a "hub and spoke model" (para. 5.16 of the SPD).

To accord with UDP Policy CS13; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £5,088 (calculated at the time of this application) and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions were required to be secured by Unilateral Undertaking. This Unilateral Undertaking has been offered by the applicant and agreed by the Local Planning Authority in relation to the above matters, which was completed on 4 April 2012.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The majority of these have been considered. However, the following additional comments can be made that Structural damage to adjoining properties as a result of construction are a civil matter and not a material planning consideration.

### **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**

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation.



**SITE LOCATION PLAN:** 785 Finchley Road, London, NW11 8DP

**REFERENCE:** F/00492/12



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